



Town of Lancaster Police Department

Edwin H. Burgwinkel

Chief of Police

Robin Zagwyn

Administrative Assistant

July 17, 2020

Representative Aaron Michlewitz

Chair, House Committee on Ways and Means

State House, Room 243

Boston, MA 02133

Representative Claire Cronin

Chair, Joint Committee on the Judiciary

State House, Room 136

Boston, MA 02133

Dear Chairman Michlewitz and Chairwoman Cronin,

I would like to take this opportunity to thank you for your public service and for allowing us to submit written testimony on behalf of police departments across the Commonwealth relative to Senate Bill 2820.

Police Chiefs in Massachusetts have been at the forefront for years advocating for standardized police training nationally, de-escalation training, community policing and officer wellness. We believe that there are broad areas of agreement and that it is possible to build consensus on data collection, agency accreditation, expanded use of body-cameras and improved training. We believe there is a need to work for more consistent adoption of nationally accepted use of force models. We support this change, we believe that policing in Massachusetts is the best in the country and we support more training and education for our members. Unfortunately, the Bill proposed by the Senate last week had more to do with vengeance than reform. Instead of coming to a consensus and collectively making meaningful changes to avoid racial injustices in the Commonwealth, the Senate chose to attack the core

of public sector unions' rights including Due Process, Collective Bargaining Rights and Qualified Immunity.

The Senate Bill version as presently drafted will seriously undermine public Safety in the Commonwealth. The anti-police rhetoric has created a false narrative that the only way to stop police misconduct is taking away Qualified Immunity. They believe that by suing police officers they will change police misconduct and hold officers accountable. The reality is that the small amount of illegal conduct of officers around the country is hardly seen in Massachusetts. This is due to our professionalized training, community policing models and diversity in our ranks. If passed, SB 2820, will have unintended and unnecessary changes to qualified immunity for all public employees. Police officers will be hamstrung in the performance of their duties. The fact is that we will now be subjected to numerous frivolous nuisance suits for any action hidden in this expansive bill.

I am extremely concerned that the process employed by the senate of using an omnibus bill with numerous, diverse and complicated policy issues coupled with limited public and professional participation was at its very core undemocratic, flawed and lacked transparency. The bill is 70 pages long, with hundreds of changes to public safety sections of the General Laws and sound public policy sections, it was sent to the floor with no hearing and only a few days to digest and caucus before voting. The lack of public comments, in this rushed process, is one of my greatest concerns.

The Massachusetts Chiefs support uniformed standardized training statewide and policies as well as an appropriate regulatory board which is fair and unbiased. The Senate created a board that is dominated by anti-police groups who have a long-detailed record of biases against law enforcement and preconceived punitive motives toward police. The board as proposed in the Senate Bill is unlike any other of the 160 professional regulatory boards in the Commonwealth. The board as proposed in the Senate Bill would be fundamentally incapable of providing regulatory due process. Furthermore, the proposed members are completely devoid of sufficient experience in law enforcement to create training policies and standards unlike members of the other 160 professional boards.

Changes to qualified immunity would be unnecessary if the legislature adopted a uniform statewide standard and bans unlawful use of force techniques which all police personnel unequivocally support. Once we have uniformed standards and policies and the statutory banning of use of force techniques both officers and the individual citizens will know what is reasonable and have a clear picture of what conduct is a violation of a citizen's rights, thus these actions would be deemed illegal under qualified immunity and subject to civil rights suits.

On behalf of the dedicated men and women of the Lancaster Police Department we would like to thank you for your time and consideration.

Sincerely and Respectfully,



Edwin H. Burgwinkel; Police Chief, Town of Lancaster