

Special Commission on Qualified Immunity Meeting Minutes
Friday, June 4, 2021 at 1:00 PM
(virtual meeting)

Chair Eldridge opened the meeting, welcomed members, and made introductory remarks.

Chair Eldridge recognized Chair Day who gave introductory remarks and introduced his staff.

Chair Eldridge directed that a roll call of the Commission be taken.

Commissioners Present

- Chairman James B. Eldridge
- Chairman Michael S. Day
- Commissioner Sarah Peake
- Commissioner William Straus
- Commissioner Julian Cyr
- Commissioner Cynthia Creem
- Commissioner Steven Xiarhos
- Commissioner Matthew Reddy
- Commissioner Christopher Ryan
- Commissioner Matthew R. Segal
- Commissioner Paul DeRensis
- Commissioner Richard J. Sweeney

Commissioners Absent:

- Commissioner Tarr (Hirak Shah appeared on his behalf)
- Commissioner Iván Espinoza-Madrigal, Esq

Professor Erwin Chemerinsky of UC Berkeley provided a presentation on the history of qualified immunity and fielded questions from members.

Professor Karen Blum of Suffolk University gave a presentation on the history of qualified immunity in Massachusetts and fielded questions from members.

Chair Eldridge asked Commissioners to review the minutes from the April 30, 2021 meeting and offer edits or comments. Chair Eldridge entertained a motion to approve the minutes.

Commissioner DeRensis moved, Commissioner Peake seconded. Commissioners unanimously approved.

The commission reviewed the statutory charge.

Chair Eldridge then opened the commission up to a discussion on potential topics for future meetings.

Commissioner Creem advised that her office shared some information with the Chair's office and that she has been working with NCSL on what changes made in other states.

Commissioner Straus requested a review of changes made to qualified immunity in the police reform law passed by the Legislature last year and a comprehensive summary of what other states have done.

Commissioner Segal offered his resources to help conduct the summary proposed by Commissioner Straus.

Chair Eldridge announced that a date had not yet been set for the next Commission meeting and that members would receive an email.

Commissioner Ryan said it is very important that the Commission hear from Attorney Lenny Keston to get his perspective as someone who has litigated many cases in Massachusetts courts. He encouraged the legislators on the commission to reach out to local civil service and police departments to hear that applications to become police officers are drastically down. He then offered further comment on the police reform law.

Commissioner Peake asked that prior to the next meeting that information be sent out to give the members an opportunity to digest the material. She said that information on what other states are doing would be helpful.

Commissioner Xiarhos said he would like the Commission to hear from Attorney Lenny Keston or someone else who has been in the courtrooms and seen it firsthand, how it works, and doesn't work.

Commissioner DeRensis suggested items for future meetings, including municipal insurance, liability, and indemnity.

Commissioner Reddy noted as a firefighter he felt the Commission needed to look at everyone involved and not just focus on police.

Chair Day offered closing remarks.

Chair Eldridge thanked everyone for their suggestions and participation, and ended the meeting.