

- Many MCRA complaints in the Commonwealth are brought against non-law enforcement personnel and do NOT involve allegations of police misconduct.
- The Senate bill and specifically its language on qualified immunity is a **direct threat** to the thousands of hard-working and dedicated municipal officials, commission appointees and employees in all 351 cities and towns across Massachusetts.
- The consequences of the Senate bill would be damaging and disruptive to the Commonwealth.
  - State courts would be flooded with civil actions – as plaintiffs who would otherwise pursue civil actions in federal court seek an advantage in state courts.
  - Cities and towns across Massachusetts would be forced to absorb massive legal costs in defense of the municipality’s role in the action – and almost certainly indemnify public employees against damages.
  - Municipalities will almost certainly incur burdensome legal costs – including plaintiff attorney fees – from litigation and settlement of meritless claims that would have been weeded out by Qi.
  - The massive new financial burdens would come at the worst time possible: as cities and towns are bracing for devastating budget impacts from the COVID-19 pandemic and related economic shutdowns
  - Federal courts have a large body of case law on which to base interpretations and analysis of new Qi cases. Under the proposed Senate bill changes, the state courts will have to develop a whole new body of case law to interpret the new language. This will lead to uncertainty for municipalities, public employees and plaintiffs for years to come.