



**CITY OF PITTSFIELD
POLICE DEPARTMENT**

POLICE HEADQUARTERS, 39 ALLEN STREET, PITTSFIELD, MASSACHUSETTS 01201 (413) 448-9700, FAX (413) 448-9733

OFFICE OF THE CHIEF OF POLICE

(413) 448-9717

PROFESSIONALISM • ETHICS • INTEGRITY • SENSITIVITY • ACCOUNTABILITY

July 17, 2020

Via e-mail to: Testimony.HWMJudiciary@mahouse.gov

Re: Concerns to Senate 2820 as Amended

Dear Chairwoman Cronin and Chairman Michlewitz:

Please accept the following testimony with regard to SB2820 - An Act to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color.

As a professional police leader, I and my colleagues will continue to embrace the challenges that lay ahead, instill strong values into our respective agencies at all ranks, hold ourselves completely accountable for all our actions, and work through these difficult and turbulent times to build a more cohesive future for our communities. With that, I and we would very much like to be part of this continuing conversation as it pertains to any contemplated police reform, fully realizing that time is of the essence as the legislative formal 2019-2020 session begins to wind down rather quickly.

The list that follows corresponds to the Section Numbers in Senate 2820 with the applicable line numbers:

- SECTION 4 (line 230): Under (iv), the provision states that there shall be training in the area of the “history of slavery, lynching, racist institutions and racism in the United States.” While I appreciate and support training on these topics, if mandated, this training should be required for all government employees and special employees.
- SECTION 6 (line 272): The language suggested in the written testimony submitted by the Massachusetts Chiefs of Police Association (MCOA) regarding the use of the phrase POST (Peace Officer Standards and Training) should be implemented to avoid confusion.
- SECTION 6 (line 321) : It appears from the language of the POSAC provision that the committee shall have the power to conduct what is referred to as “independent investigations and adjudications of complaints of officer misconduct” without any qualifying language as to how that would be implemented in terms of what type of alleged misconduct (law violations, use of force, injury, rude complaints, etc.) and when

and under what circumstances will adjudications be subject to review resulting in a proposed oversight system that could go down the slippery slope of becoming arbitrary and capricious at some point and subject to a high level of scrutiny and criticism.

- SECTION 10(c) (line 570): Section 10 of “An Act to Reform Police Standards and Shift Resources to Build a more Equitable, Fair and Just Commonwealth that Values Black Lives and Communities of Color” (the Act) is problematic, not only for law enforcement in the Commonwealth, but all public employees. The written testimony submitted by MCOPA details several issues created by the proposed language, including recent United States Supreme Court decisions that have reversed attempts to undermine these long established protections.
- SECTION 39 (line 1025): The provision to inform both the appointing authority and the local legislative body of the acquisition of any equipment and/or property that serves to enhance public safety makes perfect sense. However, informing the general public as to the specific equipment possessed and available to police departments will place communities at increased risk, by informing those with ill intent what resources they may be confronted with.
- SECTION 49 (line 1101-1115): This provision prevents school department personnel and school resource officers (who actually work for police departments), from sharing information with law enforcement officers – including their own agency – when there are ongoing specific unlawful incidents involving violence or otherwise. This quite frankly defies commonsense. School shootings have been on the rise since 2017. Did the Senate quickly forget about what occurred in Parkland, Florida on February 14, 2018? The learning environment in our schools must continue to be safe and secure as possible and information sharing is critical to ensuring that this takes place. Public Safety 101.
- SECTION 50 (line 1116): The only reason why officers are assigned to the schools are because they have been “requested” to be there by the school superintendents. The 2018 Criminal Justice Reform Act has very specific language that outlines the qualifications of an SRO, the joint performance evaluations that are to be conducted each year, the training that they shall have and the language specific MOUs that must exist between the Schools and the Police Department.
- SECTION 52 (lines 1138-1251): The Hands Free/Data Collection Law was signed into law only a few months ago before the onset of the pandemic. The new law contains a comprehensive system of data collection, benchmarking, review, analyses and potential consequences. This language appears to be what did not make its way into the Hands-Free Law which as you know was heavily debated for several months based strictly on the data collection component.
- SECTION 55 (line 1272): To be clear, the Municipal Police Training Committee (MPTC) does not teach, train, authorize, advocate or condone in any way that choke holds or any type of neck restraint that impedes an individual’s ability to breathe be used during the course of an arrest or physical restraint situation. That said, we respect the discussion and concern pertaining to what is now a national issue based on the

tragedy in Minneapolis. Under part (d) the language states that “[a] law enforcement officer shall not use a choke hold. [...]” What should also be included is a commonsensical, reasonable and rational provision that states, “unless the officer reasonably believes that his/her or another’s life is in immediate jeopardy of imminent death or serious bodily injury.” There needs to be a deadly force exception to eliminate any possible confusion that this could cause for an officer who is in the midst of struggling for their life or protecting someone else’s and needs to avail themselves of any and all means that may exist to survive and to control the subject. This is a reasonable and fairly straightforward recommendation.

I appreciate the opportunity to weigh in with Massachusetts Police Chiefs’ concerns and recommendations and hope that you would give due consideration to what has been outlined above. Should you have any follow up questions and/or concerns please do not hesitate to contact me in the days or hours that lay ahead.

Massachusetts Police Officers will continue to be bound by our duty to public service, our commitment to the preservation of life, and our responsibility for ensuring our communities are safe. We will not waver. Thanks again for your diligent efforts in drafting this comprehensive legislation for the House and in continuing to add credibility and transparency to our valued partnership in serving our respective communities.

Respectfully Submitted,

A handwritten signature in black ink that reads "Michael J. Wynn". The signature is written in a cursive, flowing style.

Michael J. Wynn
Chief of Police