

Thank you to Chair Michlewitz, Chair Cronin, and the Massachusetts House of Representatives for accepting and considering my testimony pertaining to S.2820 “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.” My name is Jonathan Corey and I am the President of AFSCME Local 419 at the Suffolk County Sheriff’s Department. The goal of my testimony is to assist you in analyzing this proposed Bill and outline the portions that are beneficial and critical to protecting the rights and lives of the citizens and employees of the Commonwealth of Massachusetts. In this testimony I will first narrate and analyze valuable language within this Bill that we, as employees of the Suffolk County Sheriff’s Department, currently adopt in our policy and effectively ensures a safe and placatory environment for the population within our custody. I will follow by explaining some concerns I have and cite specific examples of where pieces of this Bill could not reasonably be applied, and in some cases conflict with current laws and rights that we as public employees are protected by. I will attempt to present my testimony in a list form which should be more practical to follow:

Sections to Support:

Section 1 (72)- I like the insight of this committee; however, I would like to include Law enforcement officers who are Black and Latino on the committee to bridge the gap between citizens who sit on this committee.

Section 4 and Section 66- Currently, at the Suffolk County Sheriff’s Department, our officers participate in extensive training (40+ hours) in Crisis Intervention Training (CIT). This training, which is similar to what is outlined in these sections, helps de-escalate most situations before force is utilized. In addition, our facility proactively utilizes mental health clinicians to de-escalate situations where force could be utilized when feasible; especially when there is prior information that the inmate or detainee has a known mental health diagnosis. The director of CIT training, state wide, is in fact a Sergeant at the Suffolk County Sheriff’s Department. By studying these types of techniques, I believe that departments across the Commonwealth can minimize unnecessary force situations.

Section 5- Develop additional training for all officers to differentiate approach techniques for adolescent adults compared to actual adults. We as correctional professionals would not be opposed to including us in such training for we have interactions, primarily in the transportation of juveniles to Juvenile Courts throughout the commonwealth.

Section 16- These health officials can pose a tremendous help to enacting policies and procedures regarding the interaction between law enforcement officials and citizens with mental health diagnosis.

Section 37 Section 21111- The funding for these programs to support mental health inmates within our custody to seek the help and treatment could become a reintegration benefit and a means of lowering recidivism.

Section 55 (Section 3)- this is by far the most important and applicable piece of language within this legislation. Our duty to intervene when someone is acting outside the realm of their duty is the moral and obligatory basis of what we do as sworn in law enforcement officials. I can proudly say that at the Suffolk County Sheriff's Department, this policy has been in effect for decades and is an integral piece of language that holds people accountable. I am glad that this WILL BE state law and criminally punishable when ignored.

Section 57- It is undeniable and concerning that this piece of legislation has to be added to state law. There should be a zero tolerance by the state within this profession and like in Section 55, I am glad to see that the individuals charged for these crimes will be criminally prosecuted for such malicious behavior.

Section 67- I am proud that our legislatures are attempting to study, specifically in this section, the social indicators of health in both department staff and incarcerated persons within prison and jail facilities. Additionally, providing educational opportunities for officers and incarcerated persons. My only request is that county corrections, not only state corrections, are represented in this study group.

Section 78- As stated above, I believe that stress management and peer support resources outlined in this section provide a level of assistants that will be as described as "collaborative" which will promote the use of resources outside one's facility. The ability to talk to strangers and have the security that an officer's personal issues or status are not given to their peers will promote seeking support rather than deflecting it.

Sections to Alter or Eliminate

Section 6 (Specifically pertaining to Section 221)- The independent police officer standards and accreditation committee specifically cites "deputy sheriffs" in defining a "law enforcement officer;" however, there are no Sheriff's Departments at the county level represented on the committee. This makes us the only individuals that are not appointed to represent on the committee, but are held accountable by the committee. Also as a requirement, all members of the committee should have to attend a law enforcement training academy such as the State Police training Academy, NERPI, or other accredited academy. The purpose is that the individuals can properly assess or determine if the officer or officers under review or investigation acted within the scope of their duties based on their training. If the committee is needed, then rank and file officers and supervisors are the ones who can make an educated analysis of officers' actions.

Section 222- The accreditation committee's power to revoke, renew, certify or otherwise modify the certification of any law enforcement officer without the right to appeal federally violates the National Labor Relations Act in addition to the Collective Bargaining Agreements established state wide by Unions. To eliminate due process and the grievance arbitration procedure you are effectively eliminating the checks and balance ideologies that this country is founded on. Also,

there is not a statute of limitations on how far the committee can go back to examine an officer or instance in question.

Section 224 (b)- I question that it is possible to subpoena information without the whole committee deciding. By only requiring 3 members to act it is eliminating the checks created by establishing a balanced committee.

Section 225- The committee clearly has too many powers on how it can restrict officers for certain non job related implications. The enforcement of revocation for non job related items (as outlined in sections a and b) are intrusive in nature and if an officer has served for years, should not retroactively be enforced. Additionally, the requirement should be changed from “preponderance of the evidence” to “beyond a reasonable doubt” in section (f).

Section (h)- This section deems that a revocation of a law enforcement officer (deputy sheriff) would also result that “an officer shall not be eligible for appointment as a correction officer.” This specific subsection would restrict any current officer to return as a correction officer if there is an incident outside our facility. It again includes correction officers in the impact of the police officer standards and accreditation committee’s decision making without representation in the said committee.

Section 10- Qualified immunity for all public workers- Qualified immunity protects all public employees who act within the scope of their duty defined by the rules and regulations outlined by their employers. This essential protection, in no way protects employees who act outside the realm of their duties, contrary to popular belief. Our employers, by the current standard, can separate from protection if they are deemed to act in a manner contrary to their obligations or policies. The main concern, in law enforcement specifically, is that the individuals in our custody have nothing but time to pursue frivolous lawsuits in attempts to inflict financial instability on our staff and for their own possible gain. I personally have even been sued for actions on a date that I was not even present at work! Although I would have ultimately won the lawsuit and been cleared, the cost to obtain legal representation and file motions to dismiss would have been detrimental to myself and my family. As politicians, my hope is that if you do intend to remove qualified immunity, you do so by leading by example and not exclude yourselves. Please join the law enforcement officers, teachers, nurses, firefighters, public works officials, first responders, and countless other employees and families who will become financially and emotionally burdened by this section. Much like Section 55 is so important to include, I believe Section 10 is so important to remove.

Section 2jjjjj- The effects of the reallocation of these funds could have a huge negative impact on the population we have custody of. As a correctional officer I believe that if funds are pulled from our facility’s programs that the state is essentially “giving up” on our inmate population and moving programs from within our walls further restricting them to non-offenders. This will cause detrimental statistics on recidivism.

Section 58- I cannot see where serving “no-knock” would put the public at risk in any way. By ending such warrants, the state is only putting law enforcement officers at risk by allowing

alleged suspects the opportunity to prepare themselves to harm officers or to discard possible evidence.

Section 63- I believe that the civilians sitting on the Corrections Review Committee outlined in this section should have to partake in a formal academy process to fully understand the training and policies outlined by each county corrections facility within the state. Paralleling my analysis of the POSA Committee, I believe it is unrealistic for a civilian without formal training to analyze the actions taken by my officers in situations they have neither encountered nor comprehended.

Section containing Both Positive and Negative Aspects

Section 55 (Chapter 147A)- A majority of the language and definitions used within this section are currently adopted in the Suffolk County Sheriff's Department Use of Force Policy and are a good groundwork for Departments who are not as progressive. The only concerning piece is section (d) where "choke holds" would be banned in any force situation. While we are not trained in choke holds, by stating that they can never be utilized, particularly in a deadly force situation is worrisome. My fear is that an individual who is physically overcome by a suspect that may have the ability to restrict an airway and put themselves at a position of advantage, will instead utilize a more lethal deadly force option in their firearm. As someone trained in the use of force continuum, taking away force options lead to the most dangerous force option, which is the discharge of one's firearm. Additionally, by limiting the use of chemical agent and canine tools we are only limiting the amount of less lethal force options law enforcement officers can utilize. This will again, in my opinion, result in more discharges of firearms and ultimately lead to more unnecessary uses of deadly force.

In conclusion, I thank you for taking the time to read my testimony and consider the modification of S.2820. Every sensible law enforcement and corrections officer must see the need for changes in policies and laws within our field. It is just my hopes that you, as the leaders of the Commonwealth, do so in an educated and responsible manner. The decisions you will make today will affect the citizens of this great state and the individuals you entrust to protect it. I am proud to serve this state, and the members of my Local. Please be proud in the final product you create to effectively reform legislation.

In Solidarity,

Jonathan Corey
President Local 419