

# Hanson Police Association

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May 8, 2018

July 17<sup>th</sup>, 2020

Re: Concerns Regarding S2820

Dear Representative Cutler,

The Hanson Police Association and its 19 members are concerned. We are concerned for the future of policing in the commonwealth of Massachusetts. This bill has numerous changes that are detrimental to both our brother and sisters Officers and the communities we serve. We see the changes in the way we police our communities coming and welcome them, if they are properly vetted, reasoned, and understood.

Our largest concern is the language in regards to qualified immunity. There is a false narrative about the doctrine of qualified immunity created by those looking to remove it. It is believed that the doctrine of qualified immunity prevents people who allege that they were mistreated by the police from bringing lawsuits against those Officers. This is simply not true; Police Officers are often successfully sued for their on duty conduct. Qualified immunity is a doctrine that not only shields Police Officers, but all public and government employees, from personal liability in civil lawsuits unless they violate “clearly established” legal principals.

In cases alleging false arrest, an officer must have arguable probable cause for the arrest to escape liability and in cases claiming excessive force an Officer’s use of force must be reasonable under the Fourth Amendment in order to avoid liability. Qualified immunity prevents frivolous and unnecessary litigation for actions taken during the course of a Police Officer’s job. Simply put and explained, if an Officer performs CPR and saves an individual’s life, but in said course of action, that Officer broke the individuals rib, that Officer would now be held personally liable for the breaking of the individual’s rib.

Qualified immunity does not protect a dishonest Police Officer. Qualified immunity does protect the honest Police Officer who performs his or her duty to the best of their ability lawfully.

This bill is extremely rushed and the authors are not properly informed. We ask that the House of Representatives take the necessary time and appropriate education on the matters they wish to change and adjust.

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Thank you for your time and consideration of our concerns regarding these changes and their effects on our union members and brother and sister Officers.

Officer Daniel Godwin  
President, Hanson Police Association

Officer Derek Harrington  
Vice President, Hanson Police Association