



The Commonwealth of Massachusetts

MASSACHUSETTS SENATE

SENATOR MICHAEL D. BRADY
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Vice Chair
JOINT COMMITTEE ON TOURISM
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SENATE COMMITTEE ON WAYS & MEANS
JOINT COMMITTEE ON REVENUE
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AFFAIRS
SENATE COMMITTEE ON BILLS IN THIRD READING
JOINT COMMITTEE ON WAYS & MEANS

July 17, 2020

The Honorable Aaron Michelwitz
House Committee on Ways and Means
State House, Room 243
Boston, MA 02133

The Honorable Claire Cronin Chair,
House Chair, Joint Committee on the Judiciary
State House, Room 136
Boston, MA 02133

Dear Chair Michelwitz and Chair Cronin,

I am writing today to express my concerns with S2820, “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.”

I believe the changes to qualified immunity were rushed, not properly vetted and ultimately are detrimental to law enforcement. I am also concerned that these changes may have unintended consequences on our public workforce.

Portions of S2820 that focus on standardized procedures and protocols, the promotion of diversity, and independent certification are well intentioned and will be a benefit to our communities.

The changes made to qualified immunity in S2820 would drastically lower the standards under which a civil action could be brought against a public official. Unchanged, qualified immunity is not absolute immunity from a civil lawsuit. Current law allows for civil actions against public officials who use force, intimidation, or coercion to interfere with Constitutional or statutory rights.

The changes have far reaching consequences to all of our public safety professionals as well as professionals in the health care sector that we are more dependent on during this crisis, leaving themselves open to lawsuits that could derail their careers and endanger their families.

I respectfully ask that you seriously consider language that would create a commission of experts to study qualified immunity and make an informed and educated recommendation on how it is best used to ensure due process for everyone in Massachusetts.

Thank you for your time and please contact me with any questions or concerns that you may have.

Sincerely,

Michael D. Brady
State Senator
2nd Plymouth & Bristol District