

Bill S.2820 Amendments

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1. The first two commissions provided for in the bill, the permanent commission on African Americans and the permanent commission on Latinx, should have advisory status only. It is (almost) clear that that is the case. It should be stated clearly. It is my understanding of the text that relates to these two commissions ends at line 143. Line 144 and on to 281 appears to be out of place and is actually part of the tasks performed by the third committee, the independent police officers standards and accreditation committee(IPOSAC). This committee is mentioned later in the report at line 281. I think there has to be some major restructuring here since reading casually from line 143 to 144 makes it appear that the African ... and Latinx ... have the power to set policy and maintain databases, which can't be true.
(Note): Being a conglomeration of special interested groups, the two commissions should be treated as a tax-payer funded lobby.
2. Line 281 (+) describes the selection for IPOSAC should exclude anyone serving on the other two committees concurrently.
3. Line 359 provides for public access of police officer's information. Shielding the address and their children is not sufficient to keep them safe. Just a few recent headlines will prove that point. The information should be available to the public with the officer identified by a code and a procedure installed to "unmask" the name for virtuous purposes. The unmasking is actually backwards since the party has the name and is seeking the code which can be provided based on the confirmed ID of the requester and the stated purpose of the request.
4. Line 570 to 573 should be deleted. The removal of qualified immunity, even with this meager exception easily defeated by any trial lawyer, is the most likely feature to put law enforcement into a tailspin and clog the court system. We will have less police, more timid police, and the citizen's lives will become more dangerous. This is not hyperbole. It will go beyond "the Ferguson Effect" all the way to "Seattle Chop". Please don't temp this. Give the other aspects of this bill, the training and certification, etc. a chance to work before adapting this draconian measure.
5. Line 1185 – The form that is described for a "nothing happened" stop sounds like an invitation to complain. The form should have a warning that making false complaints is a crime and can be punished. (Just as the signed form to report a stolen vehicle has such a warning.) Litigious citizens can then use the public data base to get the officer's history, find a willing lawyer who knows about the "no qualified immunity" clause and go to court. The warning might slow them down a little.
6. Line 1318 – Replace with "The use of the vehicle itself can be regarded as a lethal weapon if it is driven at the officer in the attempt to flee." As a minimum the sentence should be deleted since it seems to indemnify the driver who attempts to hit a police officer. This has happened recently during the riots and a few years ago right here on the Cape in an attempt by a defendant to flee.
7. Line 1311 – The clause is OK, actually it is good and concise. The change I propose is to get the law that applies to attacks by defendants on police officers. To that law add a penalty enhancement if the defendant uses a choke hold on the officer and make it substantial.

