

# INPUT on S.2820

Please accept my inputs on this bill.

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## Line 144 Chapter 4 section 7 clause 26

Line 150 – refers to the database under subsection c of section 223 of chapter 6 or disposition of a law enforcement misconduct investigation. This seems overly broad and any investigation no matter how minor the issue can expose their personnel and medical files.

## Line 210 Chapter 6 section 116 subsection (b)

Paragraph (v) requires police training on the history of slavery, lynching... Why are the police singled out, this requirement should be in the school curriculum and apply to all elected and appointed government personnel?

## Line 337 – Chapter 6 section 223

Subsection (c) I have a concern over this database being a public record (line 351). This can be mis-used by criminals and defense lawyers to attack police credibility no matter how small the infraction. My understanding is that prosecutors can generally not bring up prior criminal offenses when prosecuting criminals. This seems like a double standard. Defense attorneys should only have information relevant to their case at hand. How will this database be made available – will it be covered by the freedom of information act?

Subsection (d) takes this further by making the database openly assessable on a public website. This opens it up to abuse by individuals and organizations to search for and target specific officers. If this database is to be made public, it should be by request for a record on a specific officer and a record kept of who requested the information. I think this section is too broad in making the whole database public with no restrictions. I wish we could get such a database for convicted criminals.

Subsection (e) is also too broad. First, it is an onerous amount of information which will have to be provided by the local police. Will the state provide finances or personnel for the collection of this information? Second, there is no threshold defined for a complaint. No one likes to be arrested. What is the process for filing a complaint? If the complaint is investigated locally and deemed unfounded, it shouldn't be in this database. This is open to abuse by criminals to tie up the police department with frivolous complaints. The requirement for anonymity is inadequate. For a small department, if you know the appointing authority, race and ethnicity of the officers involved, in many cases you can easily identify the officers.

## Line 570 Chapter 12 Section 11I (c)

This new section 11I effectively negates qualified immunity for government employees. Previously Chapter 258 section 9 said employees acting within the scope of their official duties would be covered. However, the proposed section 11I (c) says it only applies if no reasonable defendant could have reason

to believe that such conduct would violate the law at the time. This is very subjective. How is a public employee supposed to know all the laws. This is very difficult for first responders who need to act quickly in times of an emergency. If they are operating within the guidelines of their training and department polices, they should be indemnified with no question. The net effect of this change will be for first responders to hesitate and not do their job if there is any risk to themselves and by extension, their family. This greatly reduces public safety. The last thing we want is first responders hesitating and having to worry about getting sued when doing their job. This would require personal malpractice insurance like a doctor, which is impossible on a police or fireman's salary.

### Chapter 71 section 37L line1098

This addition is a serious detriment to public safety. Why are we protecting gang members? Students and administrators should be encouraged to report gang membership to the school resource officer. It is also strangely worded in that a school resource officer can't disclose gang membership to a law enforcement officer or agency, yet the school resource officer is himself a law enforcement officer who reports to the local police department.

### Chapter 71 section 37P subsection (b) Line 116

I disagree with the requirement for a request from the superintendent and subject to a vote of the school committee. This changed paragraph seems to imply the SRO is only there for enforcement. I believe the SRO is a critical piece of community policing. It allows the students to get to know a police officer in non-threatening environment and see them in a positive light. It also provides safety for the schools as there is an officer on site who can respond to violence and quickly summon help in an emergency. I believe this can help the mental state of students and give them some sense of security. This is a far better solution than arming teachers as some would have us do. Our SRO has an excellent relationship with the students and several of them have joined in intern programs with the police department. The requirements of this paragraph have the effect of discouraging the role of SRO when I believe it should be encouraged.

### Chapter 71 section 37P subsection (c) Line 1132

This change in paragraph (c) removes the requirement of the school superintendent to opt out of the SRO assignment. Combined with the change in paragraph (b) this reverses the SRO to an opt in versus an opt out by the superintendent. This again has the effect of discouraging rather than encouraging the SRO assignment.

### Chapter 90 section 63 Line 1138

The new section 63 has much more requirements for data collection and reporting. This section is very unclear and conflicting. Paragraph (c) references data collected by the registry of motor vehicles off warnings or citations. Data collected by the registry will be used to develop statistical information that will be sent annually to the secretary. Paragraph (d) is new and (d)(1) seems to add more data than what would be on a citation or warning. Does the officer have to issue a citation or warning and then complete the data for paragraph (d)? It appears to require data on all occupants in the vehicle, more about the nature of the stop and includes the officers name and badge number.

Paragraph (d)(7) mentions an electronic system to record and transmit the required data. Will the state provide such a system? Such a system will require a printer to meet the requirement of paragraph (d)(3) which requires a receipt at the end of the stop. This seems logistically challenging to keep paper and ink/toner in a police cruiser.

Paragraph (e) says data collected in this section shall be used only for statistical purposes and won't identify individuals stopped or any law enforcement officer. However, data in section 63 includes the data from (d)(1) which clearly does identify the officer. Paragraph (d)(4) requires the local enforcement agency to use the data to monitor individual officers. Clearly this violates paragraph (e). Paragraphs (e) and (d) are incompatible.

Paragraph (f) this section is redundant with (d)(2) and they should be merged.

Paragraph (h) says the data collected is stored in an encrypted form and only available via a confidentiality agreement. However, paragraph (g) says the data from both paragraph (c) and (d) will be sent to a loosely defined outside organization and there doesn't appear to be any requirement on how they treat the data, which includes the officers name and badge number. This is inconsistent.

My objection to the new paragraph (d) is the amount of data that must be collected and appears to be significantly more than what is required for a citation or warning. In addition, if the officer doesn't issue a warning they have to give a receipt with their name and badge number and an invitation to issue a complaint. This is an unreasonable requirement. Traffic stops are already dangerous as officers are often attacked or shot. When you add the data requirements of paragraph (d) and the reduced qualified indemnity, the officer is now risking reprimand or being sued, jeopardizing the financial security of them and their family. The net result will be few if any traffic stops, why would an officer take the risk? Traffic stops often uncover contraband and illegal weapons and remove drunk drivers. The lack of traffic stops jeopardizes community safety.