



Chief Marc Montminy

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Thursday, July 16, 2020

Chairman Michlewitz
Chairwoman Cronin
Member of the House Committee on Ways and Means
House Members of the Joint Committee on the Judiciary
Boston, MA 02133

RE: 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

House Members,

My concerns regarding bill S.2800 are many. First and foremost, it attempts to fix a problem not in evidence in Massachusetts. While no one wants to see racial bias in policing, or unnecessary use of force, this knee-jerk reaction created in-part by the media, would have the public believe that police officers are hunting minorities, when in fact the statistics show no such thing.

No one disagrees that minorities are over represented in police contact, but this is a symptom, not the disease. The disease is the socio-economic disparity between people of color and the white majority.

Unfortunately, police officers don't have the luxury of making such distinctions in the street. This legislation attempts to second guess every decision a police officer makes and seeks to install a new entity that would have the authority to insert themselves into use of force investigations, without having any knowledge-base of such matters. It appears the legislation seeks to replace the existing legal standards with a standard of feelings instead of facts. Apparently, the states District Attorney's and Chiefs of Police should be insulted by the insinuation that they are incapable of identifying improper or illegal behavior by officers.

In addition, the legislation seeks to remove qualified immunity, a long-standing legal principal which shields police officers from harassment and distraction, but only when they don't violate a clearly established constitutional right. Why would the legislation seek to remove that? Are we to understand that every time a police officer acts under the color of law, a duty given to the officer by the state or municipality, he or she will be subject to a law suit? Is it the intent to hire only lawyers as police officers? Consider that



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every call an officer goes on, comes with the risk of losing one's livelihood and assets.
Who wants that job?

In essence, the bill has a punitive feel to it, and I hope the legislators who represent me do their due diligence before voting on this measure.

Sincerely,

Chief Marc Montminy
Uxbridge Police Department