



*President George McNeil
Vice President Gary Sullivan
Treasurer Ronald Sellon
Secretary Brian Clark*

Representative Aaron Michlewitz
Chair, House Committee on Ways and Means
Representative Claire D. Cronin
Chair, Joint Committee on the Judiciary
Massachusetts House of Representatives
State House
Boston, MA 02133

Dear Representatives Michlewitz and Cronin,

Comprehensive criminal justice reform is a complex challenge. Complex issues take time to examine and discuss and should not be rushed, particularly when the proposed changes affect so many lives and careers. What has been drafted in Senate Bill 2820 is far reaching and has received little or no input from stakeholders. From all appearances Senators took it upon themselves to propose sweeping changes to law enforcement in Massachusetts without the full engagement of all parties, including, but not limited to, police, prosecutors, the judiciary, prison and probation officials, the health care community, mental health providers, the private sector, and community leaders. The Senate Bill is what it appears to be; a knee jerk reaction.

Senate Bill 2820 creates separation of the police from their communities, places Officers in danger, and opens them up to frivolous law suits. Many police departments in this state have been working years to create partnerships, break down barriers, be transparent, assist those in need, while at the same time protecting and serving their constituents. We have consistently adopted, met or exceeded the Six Pillars of 21st Century Policing established in 2015 by a task force created by President Obama. Most departments also contribute to the FBI National Use of Force Data Collection project and have completed the One Mind Campaign. The One Mind Campaign ensures successful interactions between police officers and persons affected by mental illness. If the Senators had taken the time to speak to us and learn what we have done and what we do then maybe we wouldn't be seeing such drastic measures being introduced.

Currently there are 93 accredited police departments in Massachusetts and 14 certified agencies. When a police department in Massachusetts becomes accredited by the

Massachusetts Police Accreditation Commission (MPAC) they have achieved the gold standard of the law enforcement profession. Much of what is written in the Senate Bill talks about oversight, certification and accreditation but many departments already have that and have policies/directives that address use of force, deadly force, less lethal force, and early warning systems for problem officers. Every department has in place a set of rules and regulations. They also have internal affairs officers and those that keep records regarding complaints, pursuits, and excessive force accusations. We suggest that the House consider including a section on their bill that requires all agencies become accredited by MPAC within a certain period of time. This would address numerous sections of the Senate Bill which are unnecessary.

As you know we are all very concerned about the issue of Qualified Immunity (QI). QI does not serve to protect illegal actions by police officers rather it safeguards all public officials in situations where the law is unclear or does not give them adequate guidance. Nearly every interaction an officer has with the public could be considered discretionary but most times the officer acts in good faith because they are not doing anything illegal. QI has never protected officers where there was wrongful conduct.

There are four potential consequences if a law is enacted that changes QI. First, state courts could be flooded with frivolous lawsuits. Second, municipalities could be impacted financially because they will be burdened with the cost of defending the officer and in most cases indemnifying them. Third, state courts will need to interpret the changes made which will lead to a great deal of uncertainty. Fourth, changes in QI will affect all public officials, not just police. It is imperative that the legislature take time to look at QI and not rush to make changes.

We strongly urge you to take the time to listen to all of us regarding these important issues and these proposed changes to our careers, our lives, and the people that we lead.

Respectfully,

**George M. McNeil
President
Bristol County Chiefs of Police Association
Chief of Police
Somerset Police Department**