



Sudbury Police Department

Office of the Chief of Police

75 Hudson Road
Sudbury, MA 01776
Business (978) 443-1042
Fax (978) 443-1045
nixs@sudbury.ma.us

Scott Nix
Chief of Police

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Via e-mail to: Testimony.HWMJudiciary@mahouse.gov

From: Scott Nix, Chief of Police
RE: Concerns as to Senate SB2820

Dear Chairwoman Cronin and Chairman Michlewitz:

First, I want to thank you for listening to my concerns on behalf of myself as well as my officers who are dejected and feel under attack for actions that are not representative of our department. I am a big believer in treating everyone with respect with my career is based, in part, on the principle of respect. As Chief, I strive to lead a department that truly understands it is paramount to treat everyone with respect while serving our residents in a professional manner.

I hope to outline my concerns in a manner that helps you understand the importance to myself and the law enforcement profession. Hence, I humbly request you consider amending Senate SB2820. Please accept the following for your consideration:

- 1. Section 6 (line 272):** Establishing a law enforcement standards program such as POST (Peace Officer Standards and Training) is something I absolutely support. What I believe to be confusing is the current title offered by Senate Legislation, POSAC (Police Officer Standards Accreditation and Accreditation Committee). Accreditation, in my mind, is a completely separate process relative to a department's application of standards, not individual officers' certification. Amending the title to reflect POST would be most appropriate and consistent with the vast majority of other states.
- 2. Section 6 (line 282):** There appears to be some confusion in the believe relative to the number of members. If indeed there are 15 positions to be filled, I would respectfully request the Massachusetts Chiefs of Police Association (MCOPA) be allowed to appoint 2 members as voted by the MCOPA Executive Committee.
- 3. Section (line 321):** This particular section if overly broad with no specifications of what would define what alleged misconduct is; which could, as worded, be everything from violation of law to rude complaints. As well, it is unclear what would trigger such an investigation. Clear guidelines need to be drafted providing clear, concise and consistent expectations.
- 4. Section 10(c) (line 570):** Modification of Qualified Immunity is the most concerning of all sections. I absolutely believe police officers should be held accountable, especially in circumstances such as the death of George Floyd. That system is currently in place here in Massachusetts. As established in Pearson v. Callahan, 555 U.S. 223 (2009),

“Qualified immunity balances two important interests – the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably.” Daily, officers make critical, split second decisions with the best intentions. Officers need to know they are supported in making those decisions. I would respectfully request the Qualified Immunity, as currently in place, be allowed to remain intact which already promotes a process for holding an officer accountable for egregious behavior.

5. **Section 39 (line1101-1116):** We have worked extremely hard at establishing relationships with both students, parents and staff within both of our school districts. To potentially have so much progress erased by the Senate Legislation would be detrimental to established relationship; promoting a divide between our youth and police. Yes, there is a protective factor with having officers in the schools but our main effort is relationship building; not enforcement. There was a tragic murder in our high school where a student lost his life at the hands of another student. There were so many signs of the pending act that had gone unreported. Had we had a School Resource Officer assigned to the high school as we have now building those relationship, one can only speculate information may have been developed to save the young mans life. I strongly urge you to eliminate current wording surrounding School Resource Officers. If necessary, maybe it would be prudent to outline expectations of interactions that better foster a relationship building approach.
6. **Section 55 (line 1272):** Choke holds nor any type of restraint involving the neck have never been taught, trained or is a condoned use of force. The only time such a tactic would be allowed in Massachusetts would be if an officer was fighting for his/her life which I believe should remain viable in that situation. Please provide the use of such a tactic when an officer is in immediate jeopardy of imminent death or serious bodily harm.

Thank you for taking the time to review my concerns; it is very much appreciated. I wish you well as you navigate how it is best to proceed.

Respectfully,



Scott Nix
Chief of Police