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By email

TO: House Committee on Ways and Means  
Judiciary Committee

ATT: Representative Aaron Michlewitz, Chair House Committee  
Representative Claire Cronin, Chair Judiciary Committee

RE: Police Reform Bill/ Senate Bill No. S.2820

FM: Christine Carey, Esq.

DATE: July 16, 2020

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As a resident of Revere Massachusetts, a constituent, and an attorney, I write to you today to express my strong opposition to the recently filed and passed police reform bill in the Senate (S.2820). As everyone know this bill was passed without public hearings, input from the police departments, or meaningful debate. The way it was passed is undemocratic and non-transparent. The Senate's rush to pass this reform bill is nothing more than a knee-jerk reaction to the current climate of anti-police sentiment that this running rampant through this state and the country. I have many family members on the force and serve the community well every day. It is maddening and disturbing that the Senate made the police more of a target by pushing this bill through instead of taking the necessary time to make changes **meaningful** with input from the general public, police departments and debate.

I ask that you vote to amend major portions of this bill do ensure that the police who put their lives on the line every day in the Commonwealth of Massachusetts get due process and allowed input into the reform bill which, as written, will adversely affect them and their families.

As an attorney, I find the current bill rife with issues which will result in lengthy and multiple court cases and would not afford the police officers due process as currently written.

Below are just a few areas, among many others, of this bill that concern me and warrant your amendment of this bill:

1. The removal of qualified immunity protections is inappropriate. This removes important liability protections essential for the police officers we send out on patrol in our communities and who often deal with some of the most dangerous of circumstances with little or no back-up. Qualified immunity protects good officers from civil lawsuits, not the bad officers. Removing qualified immunity protections in this way will open officers up to personal liabilities so they cannot purchase a home, a car, obtain a credit card, or other things for the benefit of them and their families. **This would have a deleterious and chilling effect on recruitment and opens up the City and the State to the same lawsuits. Every potential litigant will sue not only the police officer but its employer who has a deeper pocket and insurance.** If the Senate bill is passed in its current form the costs to municipalities and the State will skyrocket from frivolous lawsuits and potentially having a devastating impact on budgets statewide. Changes to qualified immunity would be unnecessary if the legislature adopted a uniform statewide standard and bans unlawful use of force techniques which all police personnel agree.. **This section needs to be revised so that this matter can be studied with public hearings, police department input and debate and should not pass in its current form.**
2. This bill grants the POSAC Committee broad powers, including the power of subpoena, in active investigations- even when the original law enforcement agency has conducted its' own investigation. **The current language sets the groundwork for unconstitutional violations of a police officer's 5th amendment rights against self-incrimination (see Carney vs Springfield) and constitutional protections against "double-jeopardy".** The Senate version of a regulatory board is unacceptable as does away with protections currently set forth in collective bargaining agreements and civil service law. The Senate created a board that is dominated by anti-police groups who have a long-detailed record of biases against law enforcement and preconceived punitive motives toward police and cannot be fair and impartial. **This section**

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As your constituent I ask that you vote to amend this bill for the reasons stated above, and others. For the Senate to jam this through without the proper process is beyond inappropriate and paints all police as bad officers instead of the great dedicated professional people that I know them to be along with many others who they serve admirably on a daily basis. **Massachusetts police officers are among the highest educated and trained in the country. The Senate version of this bill as written will seriously undermine public safety by limiting police officer's ability to do their jobs while simultaneously allowing provisions to protect criminals.**

Thank you.