



Merrimac Police Department



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Eric M. Shears
Chief of Police

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Via email to: Testimony.HWMJudiciary@mahouse.gov

Dear Chair Aaron Michlewitz and Chair Claire Cronin,

Please accept the following testimony with regard to SB2820 – “*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*”.

First, I would like to provide you with some background on our department.

Merrimac is a very close knit community. We have been fortunate to protect and serve a community comprised of dedicated families, residents and business. We, the members of the police department pride ourselves on our active involvement with our residents whether it be our schools, our family events, our senior center or the numerous birthday parades that have helped people smile though these very difficult times. Our staff is an amazing group of consummate professionals that have dedicated their lives to working in this community.

Although we are sandwiched between cities with traditionally higher crime rates, Merrimac has remained a safe town. My job, as the Chief of Police, is not only to keep our community safe but to protect the officers who have committed to serving the residents and visitors of Merrimac. Our police department is small, so small that 30% of the time, our available staff only allows for one officer to be working on the road. One person, responsible for protecting a town of 7,000 lives dispersed over 9 square miles, for an average of 10 days each month.

It is not safe for our officers to respond to certain calls without backup, and it isn't safe for our community members who may dial 911 only to be told that the only officer on duty is on another call and will get there as soon as they can – or that our residents may have to wait for mutual aid to arrive from another city or town.

All of my staff are certified and trained in accordance with Municipal Police Training Committee's standards and/or State 911 Department Guidelines. Some of my officers teach a variety of classes at various academies throughout the Commonwealth and beyond.

We seek to be the most responsive and modern police department possible. Amid the national conversation surrounding police professionalism and standards, I would also like to take this opportunity let you know that the Merrimac Police Department is beginning the challenging process of seeking State Certification and then State Accreditation. This difficult and self-reflecting process will help ensure that our policies, procedures and trainings are in line with state and national best practices for modern policing.

With an understanding of our perspective and our community, I would like to provide the following comments in hopes of providing my perspective on Senate 2820.

1. In general, I am disappointed in the Senate's rush to pass a bill without the opportunity for public hearing. With such a push for transparency in government these days, the Senate, as a legislative body, failed the people of this Commonwealth with such a hasty passage of this bill.
2. Having said the above, I am thankful the House is willing to solicit comments and have a virtual public hearing.
3. I am in agreement with the many points made by Chief Brian Kyes and Chief Jeff Farnsworth in their letter to the house on behalf of the Massachusetts Chiefs of Police regarding this proposed bill.
4. A POST should be created in Massachusetts. It is the standard across the country and has been discussed at length in the past. All Police Officers should be licensed in the Commonwealth.
5. If we take a moment to really understand the implications of Qualified Immunity, then why would we take necessary and long standing protections away from our municipal employees? Please review "A Summary of Potential Impacts to Changes of Qualified Immunity in S.2800" by Brody, Hardoon, Perkins & Kesten, LLP.
6. We do not teach, train, authorize, advocate or condone in any way that choke holds or any type of neck restraint that impedes an individual's ability to breathe be used during the course of an arrest or physical restraint situation. That said, we respect the discussion and concern pertaining to what is now a national issue based on the tragedy in Minneapolis. Under part (d) the language states that "[a] law enforcement officer shall not use a choke hold. [...]." What should also be included is a commonsensical, reasonable and rational provision that states, "Unless the officer reasonably believes that his/her life is in immediate jeopardy of imminent death or serious bodily injury." There needs to be a deadly force exception to eliminate any possible confusion that this could cause for an officer who is in the midst of struggling for their life and needs to avail themselves of any and all means that may exist to survive and to control the subject. This is a reasonable and fairly straightforward recommendation.

Please take a moment to slow this legislation down, I do not believe we are that far off. It is important to work together and come up with a solution through solid, well thought-out legislation that will work well for all those in this Commonwealth.

Thank you for the opportunity to comment.

Respectfully submitted,

Eric M. Shears
Chief of Police