

Dear Chairpersons Michlewitz and Cronin,

Thank you for taking the time to accept public comment on bill S2820. We were disturbed at the sneaky, and underhanded manner in which the Senate introduced, and then forced through bill S2800 without allowing meaningful inclusion and discussion from community stakeholders directly impacted by this bill. In contrast, I appreciate your openness and transparency in these proceedings.

We are writing to you and your distinguished colleagues today imploring you to vote against this harmful piece of legislation. The Senate bill, as passed and delivered to the House, was built on a foundation of misguided intentions, false narratives, ignorance (willful or otherwise), and dare we say questionable motives.

While much of the Senate bill is disagreeable and distasteful, there are sections which are particularly so. Most notably the elimination of qualified immunity, a protection currently enjoyed by all public employees. This protection does not prevent legal action from being taken against those few officers who dishonor their oath and betray the public trust placed in them. Qualified immunity does protect public officials from frivolous legal action when acting in good faith, in accordance with significant legal precedent. Police Officers are often required to make difficult decisions, under the most trying of conditions, with limited information. These decisions are made daily, with varying end results. Sometimes these decisions need to be made in fractions of a second, and can have permanent ramifications. Qualified immunity provides the protection and peace of mind that when acting in good faith, a public employee will not face frivolous civil action against them after their decision, made under duress, is repeatedly dissected and analyzed over a period of time after the event. In contrast, if a public employee is found to have acted in a manner that goes against the many long standing legal precedents then qualified immunity does not provide any protection. The notion, that somehow qualified immunity insulates a few bad officers from being held responsible for their actions is simply wrong. To promote any other narrative is irresponsible. The elimination of this protection is a slap in the face to the good men and women who serve their communities.

Second, the Senate bill, as voted on, deprives officers of due process rights enjoyed by other public officials. Notably, the POSAC committee being the final authority on an individual's certification and status as a police officer, eliminating the right of appeal, particularly to the Civil Service Commission, in disciplinary actions.

The makeup of the POSAC committee is itself troubling. No other profession is subject to review by political appointees from other professions with little or no law enforcement knowledge and experience. Doctors are reviewed by other doctors, lawyers by other lawyers. The senate proposal that law enforcement officers be reviewed by members of lobby groups, political appointees, and individuals who have no experience in the field is insulting.

The Senate bill, as passed, demonstrates a further lack of understanding of those impacted by the bill. The bill calls for training for officers in dealing with persons with mental illness. One glance at the recruit curriculum, as well as the annual police in-service curriculum for the last several years demonstrates that this training already occurs. The same holds true regarding the standards for the use of force. This is not to imply that there is no longer a need for continued training, it simply demonstrates the rushed and ill-conceived nature of the Senate bill.

Additionally, on the subject of training and certification, police officers have long supported the idea of a POST certification in Massachusetts. Many other states have POST certification for their police officers, which would provide a framework for Massachusetts to build on using these best practices. Repeatedly, these requests have not been funded by the Commonwealth.

The Senate bill contains many other troubling proposals. For example, a curb on the use of crowd control tactics such as tear gas, rubber projectiles, and other means. The senate implies that these tactics are used against peaceful demonstrators exercising their First Amendment rights. Yet as we have seen in our state, this is not the case. These tools and tactics provide means to quell riotous disturbances and to protect lives and property. Recently, we have witnessed peaceful protests in Massachusetts where these tools were not employed. We also witnessed their effectiveness at dispersing crowds who were not engaged in peaceful protest, but gathered with the intent to cause harm to people and property.

The Senate bill proposes an outright ban on so called choke holds. Massachusetts police officers are not trained in choke holds, and do not employ them as a tactic during incidents which require the use of physical force. The only exception to this is would be in a situation where an officer is engaged in a physical fight for their lives and the use of deadly force is warranted. Yet the Senate bill, as passed, bans even this.

The Senate bill proposes a curb on the use of police canines, and implies that the dogs are used regularly to indiscriminately bite people for even the most minor offenses. This again demonstrates the lack of understanding and thought that went into this hastily written bill. Police canines *save lives*. They save the lives of police officers and of offenders. There are regularly documented incidents where the use of a police canine to apprehend felons has prevented the use of deadly force or has saved the life a police officer. Police canines are incredibly valuable tools that *save lives*. The Senate's attempt to portray them negatively again demonstrates the flaws in the Senate's bill.

These examples are just some of the many failures with the bill S2820 before the House. We urge you to take the time to do your due diligence in evaluating the ramifications of this bill, as well as the secondary and tertiary effects passing it will have. Do not act in haste, like the members of the Senate, to be perceived as 'taking action' for the sake of taking action. The social ills confronting us today will not be solved by pushing through a hastily written and ill-conceived bill. S2820 will not lead to the desired end state as it is written. It will place members of law enforcement, public service, and the citizens in your communities at greater risk. We respectfully request you vote against this proposed bill and its many flaws.

Respectfully,

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