



# *CAPE AND ISLAND POLICE CHIEFS ASSOCIATION*

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July 17, 2020

## **Statement from the Cape Cod and Islands Police Chiefs Association Massachusetts House of Representatives – Bill 2820**

Thank you for the opportunity to provide you with written testimony regarding the Senate Bill 2820. This is an extremely important bill that will shape and change not only police services in the Commonwealth, but will impact public safety in all of our communities. We understand there is a critical need to address issues pertaining to race and police accountability. In reviewing this important piece of legislation, however, we have a number of concerns. Only a few are outlined below.

**Section 6- Establishment of POST/POSAC** In regards to Police Officer Certification and Accreditation, the concept is sound. However the decertification board and investigation process lacks labor representation and is overly bureaucratic. Any board make up must be fair and unbiased. Otherwise there will be questionable objectivity, mistrust and the potential for unjust decisions.

**Section 10C Qualified Immunity** This will change qualified immunity for police officers that will be far reaching and have serious implications for both the police and the citizens of the Commonwealth. Qualified immunity, unfortunately, has been mistakenly portrayed to alleviate police and public officials of all responsibility and accountability. It has also been confused with absolute immunity. Qualified immunity is what allows officers, who are acting in good faith and have not violated any clearly established constitutional rights or statutes, to perform their challenging jobs, often working under extremely difficult situations, having only seconds to act or react and often dealing with violent individuals. Police officers do not have the luxury of looking back and being able to review over and over their response to an incident. If qualified immunity is substantially compromised, it will make hiring, retention, and promotions of police officers even more dire than it is now. For veteran officers, they will be far less willing to engage in any type of crime prevention, traffic control, or other enforcement activities because they now have to be concerned about losing their homes, their savings and their families. The overall impact will result in public safety being compromised in every community in the Commonwealth and will add inconsistency in the law since the federal standard for qualified immunity will remain unchanged, while Massachusetts will allow for state actions. The change will serve to further erode confidence in the system.

**Section 49 -School Resource Officers (SROs) Communications** – Ending communication between School Officials and SRO's will have serious ramifications for school safety. There have been nearly 400 students and teachers killed in schools over the past 10 years. This loss of life is staggering. The positive piece in this is SROs have made a huge difference. There have been very few incidents of school shootings that have had police officers assigned to the schools. And of the few cases, the loss of life was minimized greatly because of the SRO's intervention in stopping the violent act. But the positives do not end there. SROs have worked closely with school officials, through information sharing, to positively impact the lives and families of students. Students that have trouble in the school, often have troubles at home. In many cases, SROs have been able to connect with other family members and parents, outside of the school environment, to assist those students and families. Further, there have been countless instances of SROs heading off violent interactions between students, outside of school, because of information

shared by school officials with the police. What happens at school spills over into the community and vice-versa. Shutting off communication between the police and school officials will hurt all of our communities.

**Section 52 -Data Collection** This section requires a daunting amount of data collection. The data collection requirements will be extremely burdensome, especially for smaller police departments that have little or no support staff. The bill requires significant financial and technology support in order for departments to collate, prepare and report this staggering amount of data. If enacted sufficient funding must be provided by the Commonwealth. It seems like yesterday that we resolved this issue with the passing of the "Hands Free" driving bill earlier this year.

In conclusion, we were expecting reforms that will have a positive impact on policing and our communities across the Commonwealth. Instead, only a few of the measures included in this bill may have a positive impact on policing. It is imperative that whatever changes are made do not become a hindrance to public safety and damaging to our communities. Our hope is this bill will improve policing in Massachusetts and support our goal to provide the best law enforcement in the country. As it stands now, this bill needs to be scrutinized and modified so it will be a change and a reform for the good of our communities, not a quick and short-sighted response to a horrible tragedy that occurred half way across the country. We urge you to respectfully consider these and other points very carefully in your future deliberations on this extremely important matter. Thank you for your full consideration and thoughtfulness.

If there is any other information needed, please let me know. My cell is 508-294-2403 and my email is [ffrederickson@yarmouth.ma.us](mailto:ffrederickson@yarmouth.ma.us) .

Respectfully,



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