



# Town of Kingston

## POLICE DEPARTMENT

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Chief of Police

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July 17, 2020

Re: Concerns to Senate 2820 as Amended

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”*.

In the interest of brevity, I would like to submit a succinct list of bulleted comments providing insight, concerns, and potential impacts from the perspective of a law enforcement executive.

- I support the establishment of a POST (Police Officer Standards and Training) Program. This is a program that exists in many other states. POST should be charged with the certification and decertification of police officers. It should be anticipated that decertified officers may appeal the determination. There are local CBA (Collective Bargaining Agreement) rights/implications that will need to be addressed with the unions. Civil Service and Arbitrators may rule to reinstate a decertified officer. How will this all work?
- I do not support the reduction, modification, or elimination of qualified immunity. Qualified immunity does not serve to protect illegal actions committed by police officers. Rather it protects all public officials in matters where the law is unclear and does not give them adequate guidance. This doctrine allows lawsuits to proceed if a government official knew their actions were unlawful, but acted anyways. Modifying qualified immunity will have many negative unintended consequences for all Massachusetts citizens, courts, and all public employees, not just police officers. All public employees are protected by qualified immunity, not just police officers. Municipal legal defense budgets will skyrocket. Frivolous suits claiming civil rights or constitutional violations will now be financially settled and not litigated in the federal courts. Cases will be decided simply on a financial business matrix. Is it cheaper to write a check to the accuser and their attorneys or to argue the merits of the case? Moreover, municipal employees will be hesitant to act in fear that they will be subjected to personal lawsuits based upon actions made in their official municipal capacity. Nobody will be pursuing careers in public service.

- The provision that prevents school department personnel and SRO's (School Resource Officers) from sharing information with law enforcement officers – including their own agency – when there are ongoing specific unlawful incidents involving violence or otherwise. This quite frankly defies commonsense. Why do we want to make our schools less safe? School districts and local police have had professional relationships for many years. Safety has always been the goal. The overall safety of the entire school population should be the primary objective of the community.
- To be clear, the Kingston Police Department does 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, I respect the discussion and concern pertaining to what is now a national issue based on the tragedy in Minneapolis. 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.

In conclusion, meaningful police reform should not be rushed. All stakeholders should be heard. Police reform should be laser focused on the issue at hand and not an all-encompassing bill to address political agendas that go well beyond police reform efforts. I appreciate the opportunity to submit written documentation pertaining to Senate 2820 as amended.

Respectfully submitted,

/s/ Maurice J. Splaine

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