



HATFIELD POLICE DEPARTMENT

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Michael Dekoschak
Chief of Police

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Via e-mail to: Testimony.HWMJudiciary@mahouse.gov

Re: Concerns to Senate 2820 as Amended

Dear Charwoman Cronin and Chairman Michlewitz;

I am requesting the opportunity to give testimony regarding Senate Bill 2820 as amended.

“Emergency Law” **necessary for the immediate preservation of the public safety and convenience.** These are the words used by the legislature in the introduction. I fail to see the “emergency” that if enacted, would preserve public safety. as would any objective legal professional or citizen for that matter. As the mechanism for making laws in our great Commonwealth, the legislature has decided that they will not legislate on behalf of their constituents. They have instead, chose to be activists and propose an “Emergency Law” that will do nothing to better or uplift underserved communities of color or otherwise.

A great deal of elements contained in this bill are already in practice by the men and woman who police this Commonwealth and who do so with pride and a profound duty to serve the greater good. For example, a duty to intervene is already being trained and instilled in your officers. De-Escalation is already being trained and practiced by you officers in Massachusetts. Dealing with persons with mental illness or developmental issues is deeply rooted in the police culture in Massachusetts, especially on recognizing it and providing meaningful solutions and alternatives to those in need of immediate respite. The simple fact of the matter is that the Police in Massachusetts have far outpaced the legislature on issues of “Police Reform” and we have done so because it is the right thing to do for our communities. The Police in Massachusetts work extremely hard every day for their respective communities. In Fact, much of the work we do from small town to big city is finding solutions to improve the quality of life for our citizens. Why then must our legislature pretend that unless they enact an “Emergency Law” that if not passed immediately, will endanger the lives of everyone especially those of color. There is work to be done to better our Commonwealth, but that work **MUST** be inclusive having all stakeholders at the table so that truth, transparency, and

an equitable share is actually realized and not just perceived by passing a bill without discussion with those most impacted in the middle of the night.

As I have stated earlier the Police in Massachusetts already embrace and practice much of what the legislature is proposing. This begs the question then as to why they are proposing it. Is it because they simply do not know what their Police in Massachusetts actually do or what they are trained in? I hope this is why because this can be addressed. Unfortunately, I think it must more directly have to do with special interest and again, activism. To prove my point, take a look at some of the language being proposed.

Lines 1588,1589 and 1590 in the bill that would prohibit an officer from viewing body camera footage before he/she makes a statement. Why would you or anyone not want the indisputable facts relating to an incident, the undeniable truth. This has been an area of contention with the ACLU for some time. One of the reasons given is so that an officer's perception can be altered if allowed to see the footage for the purpose of giving report. This makes no sense if the truth is what we are after. Why would we **not** want the officer's report to reflect what **did** happen as opposed to what they thought happened. Is it because it makes it much harder to defend a guilty person later on? This section if not changed only serves to foster questions and doubt about an incident. Witnesses perception is an important thing. It is also highly debatable.

Lines 1634,1635,1637 and 1638 must be worded differently than how they appear now. The current wording would suggest that no police officer in Massachusetts would be able to "access" or "use" Facial Recognition of any Biometric Technology other than fingerprints. Could the current wording be used as a defense if an officer does "Access or "use" this technology. If so, this is dangerous language as it would suggest that no officer in Massachusetts could be part of an investigation such as a terror investigation that also utilizes Federal assistance that could use that technology. This language could severely hamper a jurisdiction's duty to protect its citizens.

Lastly, Qualified Immunity is not absolute immunity. Changing words in a well debated set of precedence WILL have unintended consequences. Much will be left up to interpretation if changes. For Instance, by changing the wording to "every" reasonable person suggests that if **one** person can be found and is deemed reasonable, then a claim can proceed. This means that if 100 reasonable people agree and one does not, the claim proceeds. Words have meaning, you know this, so why have so little debate and time spent on such an important subject. Qualified Immunity does not affect Police alone. Qualified Immunity affects everyone from the secretary in the personnel office to the janitor at city hall and countless others that you are trying to protect with your "Emergency Law". Yet you without regard for those you are trying to protect, the most vulnerable among us financially are trying to pass without the due process such a significant piece of law deserves. How many of your constituents would be affected by this? How many of your constituent's work for some type of government agency? Many

I presume. How could you even think of changing Qualified Immunity with such little regard for whom could be mostly impacted by it without proper debate as to potential unintended consequences.

To Conclude, I have great respect and trust in you to do the right thing based on sound thought and what is best for all of Massachusetts not just special interest. I hope you will afford me the same respect as a Law Enforcement professional and as a citizen in this great Commonwealth.

Respectfully Submitted;

Chief Michael Dekoschak

"To Protect and Serve"

