

From: "Hawkins, James - Rep. (HOU)" <James.Hawkins@mahouse.gov>
Date: July 17, 2020 at 10:17:27 AM EDT
Cc: "Major, Tara (HOU)" <Tara.Major@mahouse.gov>
Subject: S2820

Dear Chair Cronin,

I want to share my concerns about S2820.

I am proud of the forward thinking police department in Attleboro which is my district. They have the "POP" team that has officers without guns help people suffering from addiction and other mental health concerns locate treatment and, if necessary, even drive them to treatment. They co-organized with Fuller Hospital a monthly drop in center with local non-profits including addiction and domestic violence. And when there was a BLM protest in Attleboro there was no uniformed presence. When they marched to the police station the chief came out and listened and in the end took pictures with protesters arms around him.

Like most of us, they welcomed the Black And Latino Caucus goals. Training has always been a priority even if limited by budget constraints. Every one of them is just as sickened as all of us by the George Floyd death. Certification would only label them as one of the 99% of police who have never punched someone in the face. And added training would help them be more aware of racial bias and racial injustice. Most saw this as a way to make policing better, more effective, and more sensitive to the community.

However, the changes to QI in the Senate bill sent a chilling message to them. Now they are scared. Suddenly senior police are filling out retirement papers. Younger officers are talking about divorce so their assets can be in the wife's name. And many are thinking about previous careers and maybe there is a safer way to earn a living. I've been to the local police roll calls and all of them feel betrayed. They worked through COVID. Daily they deal with the craziest and most confrontational people in our community. And they would like to know that we have their back.

As a current union member I am troubled by parts of this bill that limit disciplinary appeals and takes away bargaining rights. These are hard won rights that generations of teachers, carpenters, steelworkers, and firefighters count on. As a teacher I feel that unless you have been in a classroom last period on a hot Friday afternoon with 30 fifteen year olds trying to convince them that Pythagorean theorem is way cool you don't know my job and I should have a voice. Much the same policing is a very different job and they deserve a voice. We should not ever be diminishing these rights for anyone. Even the groups that represent minority police do not support these changes. They do little to advance racial justice but take a lot away from a small group of workers.

I think my biggest concern is the changes to Qualified Immunity. I've listened to lengthy explanations of the historical context and the legal cases and maybe there is reason to change it. But this is way, way too hasty. ACLU claims it only affects police but MMA lawyers claim it affects every public employee including teachers nurses and others. I know that when I was a teacher lawsuits were always a threat that we dealt with.

Also the changes in this bill around QI clearly negate the role of civil service. The police chief in Attleboro has complained that civil service procedures have made it difficult to hire and we are presently short staffed. And it's possible that by changing civil service we could change hiring and promotion procedures to help balance racial injustice. Maybe we should tackle this but not with a week's notice.

And ACLU may claim that indemnity clauses will protect police officers from financial harm but that is not true. I listened to a detective yesterday who was sued and exonerated but, while the case was pending for two and a half years all his assets were frozen. This was a young, married officer with children. He may not have had the threat of paying any possible judgement but he certainly suffered financially during the process. And I can't confirm but I'm hearing that not every community has this indemnity insurance.

I really, really appreciate all the hard work you are doing on this legislation. It would be very wrong to ignore the George Floyd incident and the very real issues of the BLM movement. But I cannot support hastily decided changes to QI that would have such a detrimental effect on all public employees. There are so many unintended consequences to that and we really need a more deliberative and comprehensive review. Please advance this legislation without QI.

Thank you,

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