From: pmholland@gmail.com
Sent: Friday, July 17, 2020 11:00 AM
To: Testimony HWM Judiciary (HOU)
Subject: Bill No. S2820 - Police Reform

Chair Aaron Michlewitz and Chair Claire Cronin,

Growing up in Quincy, I always dreamed of becoming a Police Officer. From a very young age, I watched police officers all over help people. Many of my classmates dream of being hockey players, baseball players, President of the United States, and astronauts. When I was asked, I proudly stated I want to be a police officer. I am one of the few people that I know that got to live my dream. Thousands of years ago, Confucius said "Choose a job you love and you will never have to work a day in your life."

Unfortunately, this is no longer true, as I feel I am being pushed out of the job which I love. If Bill S2820 - An Act to reform police standards - passes I may be forced to choose between my family and the job which I love. LEt me explain.

I wholeheartedly believe that the vast majority of Police Officers are good, honest people with high integrity. I took this job to help people. I have been in patrol, and am now a School Resource Officer at North Quincy High School. I have also been involved in community outreach programs for several years, including integrated programs with The DARE Program and Quincy Recreation Department Cops in Parks programs.

This reform act is being pushed through with little or no input from the police who protect the commonwealth and its citizens everyday. The specific issue I am writing about is the change in Qualified Immunity. As I am sure you are aware, Qualified Immunity does not protect illegal actions by Police Officers, but it serves to protect police officers who act in good faith and their behavior is deemed "reasonable." Police Officers can still be sued for illegal actions and violations. Limiting my protection civilly will open me and my colleagues to frivolous lawsuits for doing our jobs.

This is causing me to consider extreme measures, including changing professions. Talk among police officers includes filing for divorce, and turning homes over to ex-spouses to protect their family's financial well being. COULD YOU IMAGINE HAVING TO CHOOSE BETWEEN YOUR FAMILY'S WELL BEING AND A JOB YOU LOVE?

Even politicians pushing this bill through admit that the vast majority of police, especially in this state are "good cops." But yet they vote for the bill and push these "good cops" out the door.

Please do not vote for this bill.

Sincerely
Paul M Holland Jr
67 French Ave
Braintree, MA 02184
781-848-1809

From: elizabethirons6@gmail.com
Sent: Friday, July 17, 2020 10:59 AM
To: Testimony HWM Judiciary (HOU)

Dear Rep. Aaron Michlewitz and Rep. Claire Cronin,

My name is Elizabeth Irons and I live at 38 kimball ave Ipswich ma. As your constituent, I write to you today to express my staunch opposition to S.2820, a piece of hastily-thrown-together legislation that will hamper law enforcement efforts across the Commonwealth. It robs police officers of the same Constitutional Rights extended to citizens across the nation. It is misguided and wrong.

Like most of my neighbors, I am dismayed at the scarcity of respect and protections extended to police officers in your proposed reforms. While there is always room for improvement in policing, the proposed legislation has far too many flaws. Of the many concerns, three, in particular, stand out and demand immediate attention, modification and/or correction. Those issues are:

(1) Due Process for all police officers: Fair and equitable process under the law. The appeal processes afforded to police officers have been in place for generations. They deserve to maintain the right to appeal given to all of our public servants.

(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously unrealistic lawsuits.

(3) POSA Committee: The composition of the POSA Committee must include rank-and-file police officers. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, law enforcement should oversee law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law

enforcement officials in the nation. Let me remind you that in 2015 President Obama recognized the Boston Police Department as one of the best in the nation at community policing. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Sincerely,

Elizabeth Irons

Sent from my iPhoneFrom: john clock <johnclock1960@yahoo.com>
Sent: Friday, July 17, 2020 10:59 AM
To: Testimony HWM Judiciary (HOU)
Subject: Bill No. S2820

To Representative Michlewitz, Representative Cronin, and other concerned representatives,

Dear Representatives,

I am requesting that you seriously consider a no vote on Bill No.S2820. While I understand that there is a need for police reform across the Commonwealth of Massachusetts and the nation, the current version of the bill puts police officers at a serious disadvantage when performing their duties. The current version,if passed, will lead to a multitude of frivolous lawsuits that will only hinder law enforcement and make society a more dangerous place. Indeed, many police officers, today diligent in enforcing laws and maintaining public safety, will likely be reluctant in performing their duties if faced with the possibility of being sued for professionally conducting their duties.

The push for this reform was brought forward by numbers of people who have legitimate grievances regarding how some people, especially minorities, have been treated by various police departments. These are legitimate grievances, and need to be addressed. However, the movement to reform departments to adopt fairer and more impartial standards had been hijacked by fringe groups whose ultimate goal is now to change the current political system into some type of "Socio-Anarcho-Communist Society". I ask all of you to sincerely research the various groups such as Anifa and Workers of the World. Seattle and Portland are excellent examples of what these groups have in mind for the entire American landscape. Please research these fringe groups, who have hijacked the legitimate groups demanding reform, and understand that theses fringe groups (Antifa and related groups) have a clandestine plan that is ultimately to replace the current system with some type of "Socialist Utopia" that only exist in their minds. Please do not succumb to their reckless demands to abolish/defund the police, as this is only their first step in their ultimate goal of overthrowing the government. This will ultimately affect everyone: think Venezuela, once the most prosperous nation in South America, now a starving apocalypse.

I ask all of you take a serious, measured and thoughtful approach to police reform, and not hastily pass a destructive bill that will likely have detrimental effects for everyone. Please vote no on this bill and take your time and thoughts to draft a more reasonable bill that will benefit everyone. Thank you for your consideration.

Sincrerely, John Kelleher Boston Police Department 617 595-8521

From: Stephen Tomasia <stomasia@aol.com>
Sent: Friday, July 17, 2020 10:59 AM
To: Testimony HWM Judiciary (HOU)
Subject: Senate Bill 2820

July 17, 2020

Representative Aaron Michlewitz

Chair, House Committee on Ways and Means

State House, Room 243

Boston, MA 02133

Representative Claire Cronin

Chair, Joint Committee on the Judiciary

State House, Room 136

Boston, MA 02133

Dear Chairman Michlewitz and Chairwoman Cronin,

I would like to take this opportunity to thank you for your public service and allowing me to submit written testimony on behalf of the Police Officers in the Commonwealth with regard to Senate Bill 2820.

My name is Stephen Tomasia. I've been a New Bedford Police Officer for close to 3 years now, a career to which I love and consider a high calling. I am a first generation Portuguese American, raised in a Christian/Catholic family that emphasized sacrificial love and respect for all people. We were encouraged to serve and protect the less fortunate in our family. This heritage came down from my immigrant grandparents on both sides, who loved this country to the core and the freedom and opportunities that it extended to them. My last name may be familiar to you. My aunt is Maria Tomasia the former New Bedford Election Commissioner who served for over three decades in the City of New Bedford. My aunt is an incredible woman who had a reputation for serving the minority community in the City of New Bedford and still does. Her son Eric Tomasia works for the Bristol County Sheriff's Department and this bill will affect him negatively as well.

I have an Associates Degree from Bristol Community College and a Bachelor's Degree from Bridgewater State University in Criminal Justice. My core major was Criminal Justice and the application of it, however there was a strong emphasis on sociology, including social justice and diversity education. After college I worked for the Department of Youth Services for over 10 years, working with a very diverse population of youth and adults. I then was hired by the New Bedford Police Department.

After an intensive and thorough background check, physical and psychological screening by the New Bedford Police Department, I entered a 6 month Police Academy. I graduated from the MPTC Plymouth Police Academy, 64th ROC in 2017, which was a lifelong dream. One of the finest academies in the Commonwealth and I beg to say the country. The training was 6 months of criminal law, procedural law, PT, defensive tactics, and use of force. De-escalation techniques were taught first and foremost. We also had extensive diversity training. Along side of this curriculum, we had the constant pressure of instructor's pressing us, stressing us, in an attempt to break our patience and self-control. This was designed to prepare us for hostile agitators/aggressors that we would encounter as a result of the occupation we were in. This was the toughest 6 months of my life, however, I met some of the most caring, self-less people I have ever known from all walks of life, and with different backgrounds than me, with the same ethos to serve and protect their communities.

And because this Bill addresses racial issues, I'll point out that not once was I taught or did I see any sort of racism in the Academy. On the contrary I observed servitude, diversity, and teamwork and that was what our training encouraged. If our legislature wants to change laws governing the police, I would first suggest that you study and begin sitting in our

Police Academies and talk to our recruits. What police officers need is more training and instruction like the MPTC offers in the Commonwealth.

I've been on the New Bedford Police Department for close to 3 years now. We are a department of approximately 250-260 police officers, in a city that is known for it's diversity and multi-cultural demographic. Because this Bill addresses racial issues in policing, I will note that not once in my 3 years on the department have I witnessed any form of racism in or outside of the department. And I have worked every shift and every area of the city. I have not once seen any officer respond to color, on the contrary every response I've observed and have been a part of, has been in accordance with behavior. In fact the officers that I work with are some of the most professional, fair, giving, and compassionate people I've ever worked with. And I believe most of our officer's in the Commonwealth are similar. This bill will hurt and affect us all, the officer's that represent our neighborhoods and it will affect our families as well. Please reconsider this bill especially in regard to due process and qualified immunity. And before you pass police reform and institute a review board with individuals with no experience and training in the realities of law enforcement, please if you truly care about our communities and the way we operate, visit us and join us in ride-a-longs. Don't just pass law based on politics and perception. Observe how we respond to people, and conflict, both verbally and physically. I believe your perspective would change.

Please don't judge police policy in the Commonwealth by the few bad cops like Derek Chauvin who horrifically took the life of George Floyd. Not one officer I spoke to wasn't sickened by that video. Every good Police Officer knows when he or she takes that oath, his or her obligation is to serve and preserve life, all lives. And Chauvin was the worst of the worst and deserves to get the full measure of the law. I think most of us aspire to live by the golden rule to treat others as we would want to be treated. Unfortunately, this has not been the case for the police occupation in the last several weeks. Do I judge all politicians, because of the one corrupt one and say the whole governing body is corrupt. Do I judge the entire hospital for one bad doctor and say the whole hospital is corrupt, no. This is hypocrisy at the highest level. I guess we have soon forgotten 9/11 and Patriots Day and the hundreds of law enforcement and first responders that put themselves in harms way daily. How about the birthday parades in the last couple of months that we voluntarily gave our time to? The same politicians that applauded our parades for the kids have now disowned us. Please put yourselves in our shoes, if you can.

In closing, I want to address the reality of complaints because of the nature of our occupation. Some of our interaction with the public is not going to be pleasant, especially if that person of the public is breaking the law. It is most often than not that the violators of the law, when encountered by police do not want the police applying the law against them

and will do whatever it is possible to avoid that, whether it be a charge being brought against them or an arrest. As a result, the encounter from the violator's perspective is rarely going to be positive or a comfortable experience, and this negative experience is often correlated or manifested into fear. This is a natural human response to not wanting be held accountable, because it comes at a cost, whether monitory or an arrest. Before I was a police officer, I was stopped a couple times for speeding. That encounter was never comfortable because I was in fear of being held accountable. I have had encounters with the public as a police officer where people have threatened to file false complaints stating I was going to lose my job or claimed I was profiling etc, because of the negative interaction of not wanting be held accountable under the law. As a result because of the nature of police work these frivolous complaints are numerous. Now if there is a valid complaint of excessive force and of police misconduct it should be rightly investigated and judged. We have numerous cases across the U.S. where police are disciplined, fired, or prosecuted under the rules of law, and regulations they violated every year. However, if this Senate bill passes in its current form the costs to municipalities and the State will skyrocket from frivolous lawsuits. This will potentially have a devastating impact on budgets statewide and may not be sustainable.

You are already aware of the points of this Bill that most, if not all of the police officers in the Commonwealth are deeply concerned about so I will not get into them. My fear is if the Senate Bill 2820 becomes law as is, I and my fellow brothers and sisters who took this job to help people will walk away from a career that we love because the risk to our lives and families is just to much to bear. As a result our communities will become unsafe and you will lose good police officers.

Thank you for your time and consideration.

Respectfully,

Officer Stephen Tomasia #4055

New Bedford Police Department

(508) 642 8697

From: Bavosi, Anthony <ABavosi@bellinghamma.org>
Sent: Friday, July 17, 2020 10:59 AM
To: Testimony HWM Judiciary (HOU)
Subject: Testimony on S2820

To Whom It May Concern,
My name is Anthony Bavosi and I am a police officer in the town of Bellingham. I am also the union president for the Bellingham Police Association. I have taken the time to read the 89 page bill (S.2820) passed at the Senate and I am left with a multitude of feelings. First, I am extremely disappointed that our Senate felt the need to draft and pass a bill without even consulting with the people who put their lives on the line and actually do the job everyday. We live in a democratic state and our voices are supposed to be heard. We are supposed to have input in things that happen especially if they will impact our lives and careers. A committee of my peers should have been established and our opinions and needs should have brought to the table. A committee that consisted of Chiefs, union officials and other officers should have been formed and given a place to speak on this proposed police reform bill. We take pride in being a democratic state that believes in giving the people a voice yet you completely circumvented the democratic process. You didn't hold hearings or accept testimony and you did this behind our backs in the middle of the night and early morning hours. I want to thank the house for at least allowing testimony and open hearings on the matter. I think you'll find that we don't object to sitting down to discuss the issues and challenges facing our country and profession. You'll see that we are open to discussing things that could be done to help the overall cause. I don't feel it requires a bill to reform police but I know that things could be addressed to improve things and satisfy all involved.

Second, I am shocked and saddened by the fact that our government felt the need to pass a police reform bill in a state where our officers are known to be some of the best, most educated, well trained, diverse law enforcement officials in the country. The number of cases that come out of this state is almost non existent when it comes to excessive force and racially bias incidents. Why then did you feel the need to fix something that is not broken? Are you really that consumed with the false social narrative that you felt the need to address it by hurting those that protect you each and everyday? Are you not aware of the initial training that we have in the MPTC academy and the annual training we receive at the in-service sessions? Did you not realize that some of the things you are proposing already take place? If you sat down at the table with us I

think you would have a better idea but you bypassed that right afforded to us.

Third, I am insulted and betrayed that my government feels the need to strip some of the rights we have bargained for and earned over the past 100 years. How can you justify taking away rights and protections that have been afforded to us for decades. These rights and protections are necessary for us to be successful in our careers. I thought our democratic state was supposed to protect and encourage our collective bargaining rights and process? Why then is it being ignored and slowly dismantled? Do you not realize that by doing this you are making the job less and less appealing to people looking to make a career in law enforcement? What type of quality officer do you think you are going to get in this job when you take away protections such as qualified immunity and our right to appeal to civil service?

Fourth, I am nervous and uncertain as to what this bill will bring to my profession for many reasons. When I read certain things in the bill that include a civilians right to intercede if an officer is using unreasonable force I ask myself what type of danger this will bring to all of us. Who is judging the "unreasonable force?" Are we going to allow civilians to judge what they consider unreasonable? What if someone thinks a distraction technique, wrist lock or any other tactic used to handcuff a non compliant individual is "unreasonable"? Are they then going to intercede and cause injury to themselves, the officer or the suspect? This is a very dangerous piece to include in your reform. I certainly wouldn't blame a citizen for wanting to get involved if they saw an officer beating someone senseless but you are opening things up to different interpretations which is dangerous to us all. The state is opening itself up to lawsuits from all sides as well. When I read other articles in the bill that speak to law enforcement being subject to frivolous civil law suits I am really scared for this profession and it's people. Who is going to want to take a job where they have to worry about loosing their house or assets? Who is going to want to stay in the career when everything they have worked so hard for over the years is subject to a frivolous civil law suit. I read the piece on the qualified immunity where it states a reasonable person wouldn't have reason to believe a law had been violated. Who is judging the officers actions and wether a reasonable person should have known the actions to be unlawful? What if the attorney general or a prosecutor wants to make an example of an officer to satisfy a false narrative or feed into social influence or climate? What about our families? Do you not realize that you will be ruining our lives and more importantly the lives of our families? I agree that an officer should be held accountable for illegal/unlawful actions. From what I've seen, officers have been held accountable both criminally and civilly for criminal acts. So why are we trying to reinvent the wheel?

In closing, I have so many other feelings on this matter but in the interest of time I will summarize by saying this. I have spoken to those I represent and officers from other departments. We all feel very similar about this bill. Many question how they can be proactive officers when they are open to so much risk. They question how bad things in the community will get with the introduction of some of these programs and the changes and defunding of the police. My officers question if they will be able to do the job efficiently if they are always worried about their safety and livelihood and that of their families. They fear that they

could loose their certifications based on some false or frivolous claim and it can't be appealed. They worry that their lives are in serious danger every time they go to arrest someone for a criminal act. Do we want officers to second guess everything that they do? Do we want to see more and more officers hurt or killed because they hesitated to act? A hesitation caused by fear of what would happen to them civilly or criminaly or how they would be viewed in society. Do you not realize what will happen to our state and country when police are forced to take a "back seat" approach? Do you not see crime skyrocketing in this state and around the country? It's already happening in other states like New York. I ask that you please listen to my brothers and sisters and truly hear their voices. Sit down and come up with something that both sides can agree will help improve the profession and our relationship with those in society that look down on the profession. Let's teach people respect and to get behind our law enforcement officials. The same people that put their lives on the line each and every day to protect EVERYONE in society. Let's not encourage people to question everything police do and say. I want to stay in the profession and make a difference in my community. Not look for another job where I don't have to be subject to these dangers.

Sincerely, Officer Anthony Bavosi
From: Devon Whitney <devontwhitney@gmail.com>
Sent: Friday, July 17, 2020 10:59 AM
To: Testimony HWM Judiciary (HOU)
Subject: End qualified immunity

Good morning,

I am emailing from Westford, MA to support the end of qualified immunity. We must abolish all loopholes which allow police to avoid accountability for their actions.

Sincerely,
Devon Whitney From: Luann Silva <luannkps@gmail.com>
Sent: Friday, July 17, 2020 10:59 AM
To: Testimony HWM Judiciary (HOU)
Subject: Pass SB.2800, Reform, Shift, Build Act

Dear Chairman Aaron Michlewitz & Co-chair Rep. Claire Cronin:

My name is LuAnn Silva. I am an educator in the Boston Public Schools and a Dorchester resident (02124). I am writing this virtual testimony to urge you to pass SB.2800 the Reform, Shift, Build Act in its entirety. It is the minimum and the bill must leave the legislature in its entirety.

I have seen too many people I care about be racially profiled by law enforcement in this state, because of the poor training and lack of policy to safeguard the citizens these folks are meant to protect and serve.

For example, as an educator in BPS I have also witnessed school police officers throwing middle school students (13-14 year olds) to the ground and cuffing them for “not following directions”. This is beyond outlandish. It is criminal and it’s at the root of the school to prison pipeline.

Our law enforcement is taught to act first (often based on bias —whether subconscious or not) and then think later. This is a vicious and dangerous cycle that negatively impacts the communities that they've sworn to protect and serve.

In light of the spotlight that's been shined on the centuries of racial inequity and oppression during the COVID-19, now is the time to pass this bill to begin the difficult, but necessary, work of: changing the culture, ingrained behavior, and problematic mindsets of this institution.

This bill bans chokeholds, promotes de-escalation tactics, certifies police officers, prohibits the use of facial recognition, limits qualified immunity for police, and redirects money from policing to community investment.
I urge you to ensure that all aspects of this bill are intact. We are in a historical moment and this bill ensures that we in Massachusetts meet the demand of this movement.

Thank you for your consideration of your request to give SB.2800 a favorable report.

Sincerely,

LuAnn Silva
Minot Street Dorchester, MA

Harvard Graduate School of Education 2019—MS Education Policy and Management

Boston University 2014–MS Education

Boston College 2012 — BS Business Management

Sent from my iPhoneFrom: Julia MacMahon <julia@macmahon.org>
Sent: Friday, July 17, 2020 10:57 AM
To: Testimony HWM Judiciary (HOU)
Subject: Pass SB.2800, Reform, Shift, Build Act

Dear Chairman Aaron Michlewitz & Co-chair Rep. Claire Cronin:

My name is Julia MacMahon. I am a resident of Boston (Jamaica Plain) and a member of March like a Mother: for Black Lives. I am writing this virtual testimony to urge you to pass SB.2800 the Reform, Shift, Build Act in its entirety. It is the minimum and the bill must leave the legislature in its entirety.

I have learned a lot over the last 10 years about the ways our systems were created to uphold white supremacy and what it will take to break that down. I believe this bill is a critical step in the right direction and

shows a commitment to rethinking policing and its impact on communities of color. I worry that Massachusetts hides behind our self-perception of liberalism and misses key opportunities to actually impact change and beg of you to see this moment clearly for what it is - a chance for us to live into our values and take a stand.

This bill bans chokeholds, promotes de-escalation tactics, certifies police officers, prohibits the use of facial recognition, limits qualified immunity for police, and redirects money from policing to community investment.

I urge you to ensure that all aspects of this bill are intact. We are in a historical moment and this bill ensures that we in Massachusetts meet the demand of this movement.

Thank you for your consideration of your request to give SB.2800 a favorable report.

Sincerely,

Julia MacMahon

172 Hyde Park Ave #3

Jamaica Plain, MA 02130

March like a Mother: for Black Lives

From: Michael Reilly <reilly.michael.r@gmail.com>
Sent: Friday, July 17, 2020 10:56 AM
To: Testimony HWM Judiciary (HOU)
Subject: Bill S.2820 Concerns

Good morning,

I'm writing to express my opposition to Bill S.2820.

As has been noted elsewhere, the lack of public forum on this wide-sweeping reform bill has been particularly troublesome. Even now, with this email format, the general public has been given less than 48 hours to voice their concerns. How about those elderly citizens who may not be comfortable with this format? Or those who may not have access to the internet?

As far as the bill is concerned- I can't think of many professions where the employee (in this specific example a law enforcement officer) can be for sued for failing to act in the performance of their duties, AND for acting as outlined in their duties (all in dangerous and often split second circumstances).

In an ideal world, only officers (or any public employees) who display the most egregious conduct would be negatively impacted by the removal of QI; but that is simply not reality. This will leave public employees vulnerable even when performing their duties to the best of their abilities and with good intentions.

More likely than not, officers in MA will be required to carry personal liability insurance (similar to medical doctors) but with a fraction of the experience and training that medical doctors received and an even smaller percentage of pay. This is now the case in NYC- Officers have to have personal liability policies. Due to this, and other reform factors, The NYPD is now seeing officers retiring at unprecedented rates (in some cases up 411% over last year). The liability simply outweighs the benefits of the job.

I was extremely frustrated with the lack of understanding of Qualified Immunity many of the state senators displayed during the live sessions. Several stated that there won't be any significant changes to QI if this bill passes (which is completely false), while others stated that officers would continue to be indemnified (only marginally true). Municipalities MAY choose to indemnify officers (or teachers, or DPW workers, or firefighters etc). Not SHALL. And in the event said officer's certification is revoked by POSAC (without a right to appeal) and that officer is then sued within the 3 year timeframe allowed by the courts in civil suits, I doubt very much that the municipality will choose to indemnify its FORMER employee.

My next major concern is the lack of due process. Leaving an individual's career and livelihood in the hands of a committee, who (in some cases) don't understand the nature of the work (with regards to policing) is nonsensical. Then combine that with an inability to appeal to the Civil Service? How could this be seen in any other light except that as a move against labor unions and collective bargaining rights?

Quite frankly, this bill has been hastily put together and rushed through the Senate without any transparency or input from public stakeholders (save for this less-than-48 hour email submission window).

To completely alter the entire profession of policing, alter the landscape of public sector work, and increase the liability of these workers and their employers all within a 30-45 day window is reckless and irresponsible.

This bill is a knee jerk reaction to the sins of law enforcement officers from other parts of the country. The actions of those officers have been condemned across the board, but should not impact the labor rights of public employees in Massachusetts.

For a state that has led the way with its strong middle class, and as a progressive beacon of hope for so many, to back door the legislative process in the waning hours of a 2 year session is reprehensible.

If I understand it correctly, if this bill passes, state is on the hook for $5mil for implementation. That will be a small drop in the bucket compared to what the towns and cities of Massachusetts will have to pay. Given the budgetary shortfalls so many of these municipalities are facing after COVID, this would be a financial doomsday for many of them.

In short, thank you for this forum, however abbreviated it may be. At the end of the day, this bill is, without a doubt, an anti-labor Bill. It strips the way the rights of workers, and the checks and balances that so many have worked so hard to earn and keep. It is an attack on the middle-class, which in recent years has too often bared the brunt of politically driven policy making .

I hope the House is more thorough and detail oriented in its processing of this bill than its counterparts in the Senate.

Respectfully submitted,
Michael Reilly
12 Shanandoah Drive
Paxton, MA 01612
Phone: 508-864-2415

From: Michael Reilly <reilly.michael.r@gmail.com>
Sent: Friday, July 17, 2020 10:58 AM
To: Testimony HWM Judiciary (HOU)
Subject: Re: Bill S.2820 Concerns

On Fri, Jul 17, 2020 at 10:56 Michael Reilly <reilly.michael.r@gmail.com> wrote:

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As far as the bill is concerned- I can't think of many professions where the employee (in this specific example a law enforcement officer) can be for sued for failing to act in the performance of their duties, AND for acting as outlined in their duties (all in dangerous and often split second circumstances).

In an ideal world, only officers (or any public employees) who display the most egregious conduct would be negatively impacted by the removal of QI; but that is simply not reality. This will leave public employees vulnerable even when performing their duties to the best of their abilities and with good intentions.

More likely than not, officers in MA will be required to carry personal liability insurance (similar to medical doctors) but with a fraction of the experience and training that medical doctors received and an even smaller percentage of pay. This is now the case in NYC- Officers have to have personal liability policies. Due to this, and other reform factors, The NYPD is now seeing officers retiring at unprecedented rates (in some cases up 411% over last year). The liability simply outweighs the benefits of the job.

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In short, thank you for this forum, however abbreviated it may be. At the end of the day, this bill is, without a doubt, an anti-labor Bill. It strips the way the rights of workers, and the checks and balances that so many have worked so hard to earn and keep. It is an attack on the middle-class, which in recent years has too often bared the brunt of politically driven policy making .

I hope the House is more thorough and detail oriented in its processing of this bill than its counterparts in the Senate.

Respectfully submitted,
Michael Reilly
12 Shanandoah Drive
Paxton, MA 01612
Phone: 508-864-2415

From: Gwen Hupper-Lawson <ghupper@hotmail.com>
Sent: Friday, July 17, 2020 10:59 AM
To: Tarr, Bruce E. (SEN); Testimony HWM Judiciary (HOU)
Subject: S.2820 - DO NOT PASS

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

(1)?Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.

(2)?Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolous lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.

(3)?POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.
Gwen Lawson
Salem St.
Wilmington

Thank you,
Gwen

From: connor lamoureux <connorlam24@gmail.com>
Sent: Friday, July 17, 2020 10:58 AM
To: Testimony HWM Judiciary (HOU)
Subject: Bad Bill

I think the bill that was passed is blatantly unfair and unjust to the police/first responders. Removing due process is a clear violation of the

constitution and passing a bill such as this will not fix any social problems that exist but will instead lead to bigger problems.

From: Nancy Brusco <nancyabrusco@gmail.com>
Sent: Friday, July 17, 2020 10:58 AM
To: Testimony HWM Judiciary (HOU); Gregoire, Danielle - Rep. (HOU)
Subject: Please vote to protect our police officers ?????

Dear Ms. Gregoire, et al:

I would like to voice my concern over the Senate's bill to do away with qualified immunity for police officers. Qualified immunity is given to ALL members of state, municipal and federal employees in the course of the performance of their job for a reason. It is a protection for the employee and their families to not have worry about losing their home or life savings because someone didn't like the way they did their job. Qualified immunity as written does not protect individuals that violate the constitutional rights of others. But it does protect them and their families from frivolous lawsuits.

If you take it away from only one group - then that is discriminatory. And where does it end - EMT's, fire personal, DCF workers, city councilors, state reps?

If qualified immunity is no longer given to police officers, I believe the Commonwealth will lose a lot of qualified law enforcement officers.

While I understand the need for reform, please do not go overboard by punishing all police officers. They are not the enemy.

Thank you for your time.

Nancy and Paul Brusco
24 O'Leary Rd
Marlborough, MA 01752

From: Laura Bull Bailey <lbailey@utecinc.org>
Sent: Friday, July 17, 2020 10:58 AM
To: Testimony HWM Judiciary (HOU)
Subject: Public Testimonyon S.2800 to the House Ways and Means and Judiciary Committees

Dear Chair Cronin, Chair Michlewitz, Vice Chair Day, and Vice Chair Garlick,

I am writing to request your consideration to expand the existing expungement law (MGL Ch 276, Section 100E) as the House takes up S.2800 to address Racial Justice and Police Accountability. S.2800 includes this expansion and we hope you will consider it as it directly relates to the harm done by over-policing in communities of color and the over-representation of young people of color in the criminal legal system.

I work at UTEC in Lowell and have seen first-hand how the restrictions of the current expungement law negatively impacts otherwise bright futures of

young adults who want to turn their lives around and become successful, contributing members of society as well as good parents. The expansions proposed would allow them to succeed - which is their great desire, and they are putting in all the hard work to do so. It is unfair that the current system makes it so difficult for non-violent offenders who made mistakes when they were younger be plagued by them and put down for the rest of their lives.

Our criminal justice system is not immune to structural racism and we join you and all members in the great work needed to set things right. The unfortunate reality is that people of color are far more likely to be subjected to stop and frisk and more likely to get arrested for the same crimes committed by whites. Black youth are three times more likely to get arrested than their white peers and Black residents are six times more likely to go to jail in Massachusetts. Other systems where people of color experience racism are exacerbated, and in many ways legitimized, by the presence of a criminal record. Criminal records are meant to be a tool for public safety but they're more often used as a tool to hold communities of color back from their full economic potential. Expungement can be an important tool to rectify the documented systemic racism at every point of a young person's journey through and past our justice system.

We also know that young adults have the highest recidivism rate of any age group, but that drops as they grow older and mature. The law, however, does not allow for anyone who recidivates but eventually desists from reoffending to benefit. Young people's circumstances and cases are unique and the law aptly gives the court the discretion to approve expungement petitions on a case by case basis, yet the law also categorically disqualifies over 150 charges. We also know that anyone who is innocent of a crime should not have a record, but the current law doesn't distinguish between a dismissal and a conviction. It's for these three main reasons we write to you to champion these clarifications and now is the time to do it.

Since the overwhelming number of young people who become involved with the criminal justice system as an adolescent or young adult do so due to a variety of circumstances and since the overwhelming number of those young people grow up and move on with their lives, we are hoping to make clarifying changes to the law. We respectfully ask the law be clarified to:

· Allow for recidivism by removing the limit to a single charge or incident. Some young people may need multiple chances to exit the criminal justice system and the overwhelming majority do and pose no risk to public safety.

· Distinguish between dismissals and convictions because many young people get arrested and face charges that get dismissed. Those young people are innocent of crimes and they should not have a record to follow them forever.

· Remove certain restrictions from the 150+ list of charges and allow for the court to do the work the law charges them to do on a case by

case basis especially if the case is dismissed of the young person is otherwise found “not guilty.”

Refining the law will adequately achieve the desired outcome from 2018: to reduce recidivism, to remove barriers to employment, education, and housing; and to allow people of color who are disproportionately represented in the criminal justice system and who disproportionately experience the collateral consequences of a criminal record the opportunity to move on with their lives and contribute in powerfully positive ways to the Commonwealth and the communities they live, work and raise families in. Within a system riddled with racial disparities, the final step in the process is to allow for as many people as possible who pose no risk to public safety and who are passionate to pursue a positive future, to achieve that full potential here in Massachusetts or anywhere.

Thank you for your consideration,

Laura Bull Bailey

UTEC Inc.

617-947-1365

--
Laura Bull Bailey | Development Operations Manager

UTEC | 978-856-3902 Ext: 744 | lbailey@utecinc.org
Programs: 35 Warren St. | Café UTEC: 41 Warren St.
Mailing: P.O. Box 7066, Lowell, MA 01852

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From: Sonnabend, Matthew <sonnabendm@barnstablepolice.com>
Sent: Friday, July 17, 2020 10:58 AM
To: Testimony HWM Judiciary (HOU)
Subject: SB2820

Dear Chairs Michlewicz and Cronin,

Thank you for extending the opportunity for the public to render testimony on a subject as important as this bill (SB2820). I know you are receiving numerous emails and suggestions, so I will keep my comments brief.

1- Qualified Immunity. Many public servants are protected by the doctrine of qualified immunity because their jobs require them to make ‘in the

moment' decisions in situations that are often unclear and confusing. The doctrine has limits and is not absolute as some people are being lead to believe. I would ask that you not give in to fear and misinformation, but take the time to fully research and debate this topic before rendering a decision that would adversely impact the ability of our public safety professionals to effectively and safely do their jobs.

2- School Resource Officers. I understand the sensitive topic of protecting student information; however, I am concerned that the current language may go too far and compromise the ability of the SROs and school staff to effectively provide for the safety of the school community.

Thank you for your time.

Matthew Sonnabend
Chief of Police
Barnstable Police Department
(508) 641-0982 cell
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From: Judy Patkin <jpatkin@gmail.com>
Sent: Friday, July 17, 2020 11:01 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform

Representative Aaron Michlewitz, Chairperson, House Committee on Ways and Means

Representative Claire Cronin, Chairperson, Joint Committee on the Judiciary

Hello, my name is Sara Judith Patkin with the Greater Boston Interfaith Organization (GBIO). I live at 27 Suzanne Road, Lexington, MA 02420. I am writing to urge you and the House to pass police reform that includes:

* Implement Peace Officer Standards & Training with certification
* Civil service access reform
* Commission on structural racism
* Clear statutory limits on police use of force

* Qualified immunity reform

Thank you very much.

Sara Judith Patkin

27 Suzanne Rd, Lexington, MA 02420

781 861-8539

jpatkin@gmail.com

<https://urldefense.proofpoint.com/v2/url?u=https-3A__www.avast.com_sig-2Demail-3Futm-5Fmedium-3Demail-26utm-5Fsource-3Dlink-26utm-5Fcampaign-3Dsig-2Demail-26utm-5Fcontent-3Dwebmail-26utm-5Fterm-3Dicon&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=8w_bwpD932ji1v8MdMGz1JaPF4IYxZWMVE6h_Sm56L0&s=o6HGdG1U6q9ZdSMAmVHCXXWZQFzeVlFZQq-AQ3muMvo&e=> Virus-free. www.avast.com
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From: d ob <devenobrien@gmail.com>
Sent: Friday, July 17, 2020 10:58 AM
To: Testimony HWM Judiciary (HOU)
Subject: S2820 Tesitmony

Dear Representatives,

I am writing this email in regard to bill S2800 now known as S2820. After watching S2800 pass through the Senate with no public input or debate and with a vote at 400AM I can say at the very least I am very worried looking at S2820 as it stands now. As a proud police officer and former corrections officer whose given almost 10 years of his life to the state of Massachusetts and the communities within I must say I do not know my fate should this bill pass as it stands currently. One of the bigger concerns revolves around Qualified Immunity. Legislators point out the lack of changes in the states indemnification law C258 as reason we should not worry. Suggesting we will be defended against the massive onslaught of frivolous lawsuits that are sure to follow this bill. But there is one issue no one seems to bring up.... C258 DISCRIMINATES AGAINST MUNICIPAL

OFFICERS. Indemnifications for municipal employees (police, fire, local officials ect) is DISCRETIONARY. It is not required. BUT on the other hand people like yourself and other legislators and state executive branches enjoy MANDATORY defense and indemnification for up to $1,000,000.00 if they violate civil rights laws. Oh also I do find it quite unfair that the Massachusetts State Police have their own special statute C258 S9A that provides MANDATORY defense and indemnification for also up to $1,000,000.00 for civil rights violations so long they are not willful or malicious. Municipal officers are the only ones working (if not doing more) without a safety net.

My next worry is in regards to DUE PROCESS. Something the justice system was built on but with this bill it's seemingly wiped away...FOR POLICE OFFICERS. The idea that my along with fellow officers careers may be put in the hands of an inherently political board, mostly NON law enforcement, many with ANTI POLICE agendas, and of the law enforcement representation on this board are administrative in nature. If the board must stand here are some thoughts on what should take place. The boards should be made up of a majority of law enforcement professionals with representatives of management and labor, with appropriate and limited non law enforcement representation. JUST LIKE EVERY OTHER PROFESSIONAL BOARD IN MASSACHUSETTS. Next...the way the bill defines "sustained complaint" is that it views it as final once the city makes a decision. It does not allow for an unbiased review by an arbitrator or civil service..both rights which most have relied upon forever. This is shocking to say the least. In fact both bargaining law and civil service law acknowledge that the city level process is in fact BIASED, and more ever says that employees have no right to a disinterested or unbiased or even full hearing at this city level. The reason for this is that THE LAW PROVIDES THESE APPEALS TO ARBITRATION AND CIVIL SERVICE. So in summary with this bill officers like myself will be stuck with only three permissibly biased, final decisions of the local officials. This simply cannot stand. Just cause protects good officers - NOT BAD OFFICERS. Every good public manager and chief of police knows that if they follow the correct process they are able to remove UNFIT OFFICERS.

Third and lastly the Governors bill did not allow the board to do its own investigation of complaints and to be a place where people could make complaints directly. The senate changed this and now allows for political board members to ignore local IA findings clearing officers, to ignore arbitrators and civil service officers, to ignore DA findings of JUSTIFIED FORCE ect and simply do their own thing. This is wrong on so many levels and truly worrying. This review board should be required to use the facts and findings of UNBIASED officials, it should not be independently creating their own fact findings (which are insulated from appeal other than a legal "abuse of discretion" type appeal) This independendent function should be removed and it should be consistent with the Governors bill that the board has a review function ONLY.

The entire reason public employees need just cause prosecutions and appeals are to protect against political influence, just like what is going now ACROSS THE COUNTRY.

I find it also fitting that these decisions take place around the same time almost two years ago when Weymout Police Sgt. Michael Chesna was

violently and ruthlessly killed. Resulting in another innocent member of the public being killed shortly after. On that day did Sgt. Chesna not know what to do when confronted by a criminal holding a large rock getting ready to take his life? Sgt. Chesna an upstanding and "squared away" officer and military vetran? No. He knew he had to defend his life with lethal force, but were the worries of being legally and socially "crucified" running through his head? "Will this be justified? Will I be arrested? Will I be sued?" And as a result tragedy ensued.. Unfortunately if this bill passes as it stands now this will NOT BE the last time something like this happens. You will see officers avoid situations like this all together out of the same fears. Crime will sky rocket and the Commonwealth will suffer. Look at New York City after passing similar bills and laws, shooting and crime have taken over the city and now city officials are actually asking the police to return to doing their job with the rights and protections they stripped from them. It only took New York City weeks to see the error of their ways...how long would it take Massachusetts to see the err of their ways should this bill pass?

Respectfully,
Officer Deven O'Brien

From: carrie burke <carrierebeccaburke@gmail.com>
Sent: Friday, July 17, 2020 10:58 AM
To: Testimony HWM Judiciary (HOU)
Subject: Testimony in Support of S2820

To Rep. Aaron Michlewitz and Rep. Claire Cronin:
I am writing to you to provide testimony in support of the passage of S2820, concerning police reform in Massachusetts. Though I do not write as a representative of my employer, it is important to establish what I do professionally as it relates to my support of this bill. I am the Director of Social Services Advocacy for the Committee for Public Counsel Services Public Defender Division. I have worked for CPCS first as a Social Services Advocate in the Boston Trial Unit, then as a regional supervisor in both Central/ Western MA and Eastern MA for 10 years prior to my current position, which I began last fall. Social Services Advocates function as integral members of the defense team - we work with the attorney and with the client to secure necessary treatment services, and to give voice to our clients' life experiences in mitigation and sentencing advocacy, with the hope that they will be treated with fairness in the criminal legal system. In our role, we are privy to the most traumatic and painful moments of our clients' lives, past and present. A theme that has been consistent throughout my work with clients over my years with CPCS has been the trauma and violence experienced at the hands of police - particularly within our Black and Brown communities. While some experience direct incidences of traumatic police violence, the kind that can result in a diagnosis of PTSD, many many more experience the environmental trauma of the constant threat of police violence. Police loom in these communities - not as protectors, but as intimidators - their presence resulting in hypervigilance and distrust. This distrust, founded in very real and measurable abuses by the police towards their communities, results in exactly the opposite of what police exist for; communities who are overpoliced are much less likely to seek police intervention when it is actually needed.

This is not to say that people who live in over-policed want police to cease to exist. People who are over-policed tend to want what everyone wants - to feel safe, and to know that if they call the police due to a threat to their safety that they themselves will not be put at risk in doing so.

This bill is woefully overdue, and is a first step in the right direction to ensure that ALL residents of the commonwealth will be treated equitably by the police, and particular attention will be paid to the inequities, biases, and policies that have led to the over-policing and police violence targeting Black and Brown communities.

Police interaction and police reporting is the gateway to the criminal legal system - it sets the tone for the treatment of the individual as they move into the court system and beyond. Bringing more equity, and more attention to the treatment of Black and Brown people by police could change the course of their interfacing with the criminal legal system, which as we all know is a system that disproportionately affects Black people and People of Color and negatively impacts communities of color.

Thank you for your consideration, and thank you for voting to pass this bill.

Sincerely,

Carrie Burke, LICSW
Member, NASW-MA Criminal Justice Shared Interest Group

111 B Inman St. Cambridge, MA
From: JACQUELINE L REARDON <jr080645@comcast.net>
Sent: Friday, July 17, 2020 10:58 AM
To: Testimony HWM Judiciary (HOU)
Subject: S2820

Good morning,

As concerned citizens of the Commonwealth, we write to you today to express our STRONG opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor

and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

(1) Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.

(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.

(3) POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.

In closing, I would like to reiterate that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the RESPECT and DIGNITY they deserve.

Thank you,
Jacqueline L. Reardon, RN
4 Oakwood Cr.
South Hadley, MA
jr080645@comcast.net

From: Benjamin Chan <ben.chan2580@gmail.com>
Sent: Friday, July 17, 2020 10:55 AM

To: Testimony HWM Judiciary (HOU)
Subject: S.2820 Written Testimony

Good Morning Chair Michlewitz and Chair Cronin,

Senate Bill S.2820 must be passed immediately. Our police standards should be progressively changed amidst what is going on with the current political climate and recent events happening all throughout the county.

However, more importantly, we must shift resources to more positive community resources and initiatives that do not generate unnecessary harm and further divide our communities and our environment even further. We must divert and reinvest revenue into mental health resources and new community-based initiatives that allow Black lives and people/communities of color to be able to live freely within the Commonwealth and within our communities while also them having the same equal opportunities allowing them to grow. There must be a weaving of positive community and positive engagement with police enforcement and the community instead of increasing such already strong separation and dividing matters even further.

Please take into consideration my testimony and I appreciate the hard work of what you, Senators, and Representatives and Chairs in the Legislature are doing currently right now. Thank you.

Very Respectfully,

Benjamin

Benjamin Chan

Suffolk University

B.S. Graduate, 2019

Pronouns: He/Him/His

ben.chan2580@gmail.com

From: David Pressley <dtdnpressley@gmail.com>
Sent: Friday, July 17, 2020 10:57 AM
To: Testimony HWM Judiciary (HOU)

From: Arlene Sullivan <ansullivan105@gmail.com>
Sent: Friday, July 17, 2020 10:57 AM
To: Testimony HWM Judiciary (HOU)
Subject: Peace Officer Standards & Training

To: Representative Aaron Michlewitz, Chairperson, House Committee on Ways and Means

Representative Claire Cronin, Chairperson, Joint Committee on the Judiciary

Hello, my name is Arlene Sullivan with the Greater Boston Interfaith Organization (GBIO). I live at 302 Commonwealth Avenue, Boston . I am writing to urge you and the House to pass police reform that includes:

-Implement Peace Officer Standards & Training with certification
-Civil service access reform
-Commission on structural racism
-Clear statutory limits on police use of force
-Qualified immunity reform

Thank you very much.

Arlene Sullivan
ansullivan105@hotmail.com
5083309679
58 Candleberry Lane
Harvard, MA 01451
From: Lois Markham <loisamarkham@gmail.com>
Sent: Friday, July 17, 2020 10:58 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Accountability Legislation

I am Lois Markham, a resident and voter in Cambridge, MA, and an active and motivated volunteer organizer with the Greater Boston Interfaith Organization (GBIO). I am writing to urge you and the House to pass strong police accountability measures that include:

* Peace Officer Standards & Training with certification

* Civil service access reform

* A commission on structural racism

* Clear statutory limits on police use of force

* Qualified immunity reform

PLEASE do adopt the Senate language to reform the legal doctrine of qualified immunity. Currently applicable cases cannot be heard by a jury as they are dismissed because the particular violation of 4th Amendment rights by a public official, such as a police officer, had not been previously contemplated by a statute or a court precedent. Those cases deserve to be heard on their merits, not thrown out using a non-statutory legal doctrine. It is time to put an end to this outrageous injustice preventing those who have suffered from the egregious violations of police officers from getting their day in court.

Do not be swayed by claims that qualified immunity reform will have devastating financial impact on individual police officers as they are indemnified by the municipalities that employ them. Any such claims are not based on fact.

We are calling for real reform to bring justice to our communities.

Thank you.

Lois Markham

316 Rindge Ave., Unit 10

Cambridge, MA 02140

From: Damaris Johnson <damariscj@verizon.net>
Sent: Friday, July 17, 2020 10:57 AM
To: Testimony HWM Judiciary (HOU)
Subject: Pass Police Reform Bill

To: Representative Aaron Michlewitz, Chairperson, House Committee on Ways and Means
Representative Claire Cronin, Chairperson, Joint Committee on the Judiciary

Hello, my name is Damaris Johnson with the Greater Boston Interfaith Organization (GBIO). I live at 13 Woodville St, Roxbury, MA 02119. I am writing to urge you and the House to pass police reform that includes:

* Implement Peace Officer Standards & Training with certification
* Civil service access reform
* Commission on structural racism
* Clear statutory limits on police use of force
* Qualified immunity reform

Thank you very much,
Damaris Johnson
13 Woodville St
Roxbury, MA 02119
617-445-1678
From: emarshall84 <emarshall84@comcast.net>
Sent: Friday, July 17, 2020 10:57 AM
To: Testimony HWM Judiciary (HOU)
Subject: BILL 2830

As a resident and police officer of the the City of Newburyport I request that the Massachusetts House of Representatives do not pass Bill 2820 in it's current draft.

The Bill was so hastily put together that it has numerous flaws which will put police officers as well as the citizens of the Commonwealth at risk. A few examples of the flaws are the changes in qualified immunity, police officers right to due process, and police losing the right to defend themselves effectively in a life or death situation. These are just a few examples.

I thank you for your time and hope that the House of Representatives takes a long look at the Bill in it's current draft and sees the changes that need to be made so the bill protects ALL the citizens of the commonwealth. PLEASE VOTE NO ON BILL 2820.

Respectfully,
Eric Marshall
13R Pine Hill Road
Newburyport, MA

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone

From: Sarah Handler <sarah.l.handler@gmail.com>
Sent: Friday, July 17, 2020 10:57 AM
To: Testimony HWM Judiciary (HOU)
Subject: opposition to S.2820

Dear Rep. Aaron Michlewitz and Rep. Claire Cronin,

My name is Sarah Kelley and I live at 2 Daventry Court, Lynnfield MA. As your constituent, I write to you today to express my staunch opposition to S.2820, a piece of hastily-thrown-together legislation that will hamper law enforcement efforts across the Commonwealth. It robs police officers of the same Constitutional Rights extended to citizens across the nation. It is misguided and wrong.

Like most of my neighbors, I am dismayed at the scarcity of respect and protections extended to police officers in your proposed reforms. While there is always room for improvement in policing, the proposed legislation has far too many flaws. Of the many concerns, three, in particular, stand out and demand immediate attention, modification and/or correction. Those issues are:

(1) Due Process for all police officers: Fair and equitable process under the law. The appeal processes afforded to police officers have been in place for generations. They deserve to maintain the right to appeal given to all of our public servants.

(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously unrealistic lawsuits.

(3) POSA Committee: The composition of the POSA Committee must include rank-and-file police officers. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, law enforcement should oversee law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. Let me remind you that in 2015 President Obama recognized the Boston Police Department as one of the best in the nation at community policing. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Sincerely,
Sarah Kelley From: Lindsey Wang <lindsey8910@gmail.com>
Sent: Friday, July 17, 2020 10:57 AM
To: Testimony HWM Judiciary (HOU)
Subject: S2820

Dear Chair Michelewitz, Chair Cronin, and members of the House Ways & Means and Judiciary Committees,

I am writing in favor of S.2820 to bring badly needed reform to our criminal justice system. I urge you to work as swiftly as possible to pass the bill into law and strengthen it. I believe the final bill should eliminate qualified immunity (a loophole which prevents holding police accountable), introduce strong standards for decertifying problem officers, and completely ban tear gas, chokeholds, and no knock raids like the one that killed Breonna Taylor.

Thank you for hearing my testimony,

Lindsey Wang
Roxbury, MA
From: Carlee Taggart <carlee.a.taggart@gmail.com>
Sent: Friday, July 17, 2020 10:57 AM
To: Testimony HWM Judiciary (HOU)
Subject: Testimony for S2820

Dear members of the House of Representatives of Massachusetts,

This morning I write to you as a mother and a wife - my husband is a patrol officer in the town of Southwick, Massachusetts. We have been together since college and he started his career as a police officer immediately after he received his bachelors degree in criminal justice in 2004. Never, in all of our time as a couple (and now as a family with our two young sons) has he ever spoken of considering another line of work to provide for our family. This is a man who as a kindergarten student said he dreamed of being a police officer so that he could help people. Yet, this bill that you are entertaining, An Act to Reform Police Standards (S2820), has affected him to the extent that he has begun to consider leaving his calling. This is a man who has saved countless lives,

responded to all sorts of medical calls as a first-responder, comforted families as they experience tragedy and grave loss, deescalated violent and angry individuals, taken reports on sexual assaults, and more recently joined the public schools as their full-time School Resource Officer. This man, my husband, has done all of his work for over the last 15 years with complete professionalism and care. He is now considering doing something else because he fears for the safety and well being of his wife and children, his whole world. He fears that if this bill passes, he cannot protect our home and all that we possess and have worked so diligently to provide for from being unjustly taken from us. His family's well being is at risk... an that is a risk any good father and husband cannot take.

Please hear me when I say that you do not want to lose people like my husband from doing police work... he is the type of person you need doing the work. Passing this bill will cause good, hardworking, honest, fair, and conscientious individuals such as my husband to seek alternate employment in order to minimize the threat to their family's home and financial security.

Thank you for your time and service. Please consider my husband and our family when you decide how you will vote.

Respectfully submitted,
Carlee Taggart

--

Carlee Taggart
carlee.a.taggart@gmail.com

From: Chris McArdle <chrismcardles@yahoo.com>
Sent: Friday, July 17, 2020 10:57 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform Bill

I very much hope that the House will vote for this Senate bill. There are so many elements to this bill that would make an enormous amount of difference in the lives of many people and without adding to the state budget.

Christine McArdle
31 Weybridge Road
Brookline MA 02445

617 480 3351

chrismcardles@yahoo.com

From: Katie Owens <katie.owens626@gmail.com>
Sent: Friday, July 17, 2020 10:57 AM
To: Testimony HWM Judiciary (HOU)

Subject: Testimony on Bill S2820- Please Pass

Hello,

My name is Katie Owens and I am a resident of Roxbury, MA.

In Massachusetts, we need a police force that protects and serves, not one that terrorizes and disrupts. The Reform, Shift,Build Act is a necessary first step in ensuring that our communities are actually safe from racially charged violent policing. I have personally worked with formerly incarcerated men to get them back on their feet and into meaningful employment. When people are given a second chance, or more accurately given their first real chance to succeed in life, they do. Racial Profiling, Excessive force, ignorant police, military weapons that signal "war!", a teenagers fate being determined by misbehavior in school are all egregious things that we currently call protecting and serving. In reality they are costing this state million of dollars annually and far too many lives of valuable and worthy, black and brown residents.

Please make these reforms. Stop feeding into bad policing and mass in carve ration. Give people the chance to be better- the same chance that you are now getting.

Change now,
Katie
8053903335
From: Sean Riley <riles136@gmail.com>
Sent: Friday, July 17, 2020 10:57 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform Bill

Good morning,
My name is Sean Riley I've been a police officer for almost 25 years and a resident of Rutland MA. I wanted to voice my concerns over the recent "Police Reform Bill" recently passed in the senate. I find it disturbing at how "Anti Labor" and prejudicial this reform bill is; it removes our rights to due process. It further eliminates our right to collective bargaining & then inserts a board that has no training, experience or background in law enforcement. Please consider voting against this reform bill & thank you for your time.

Sean Riley
Worcester Police Department
IBPO Local 504
774.696.8218
From: Working Cities Lowell Initiative <shaun.mccarthy@wcclowell.com>
Sent: Friday, July 17, 2020 10:57 AM
To: Testimony HWM Judiciary (HOU)
Subject: Public Testimony on S.2800 to the House Ways and Means and Judiciary Committees

Dear Chair Cronin, Chair Michlewitz, Vice Chair Day, and Vice Chair Garlick,

I am writing to request your consideration to expand the existing expungement law (MGL Ch 276, Section 100E) as the House takes up S.2800 to address Racial Justice and Police Accountability. S.2800 includes this expansion and we hope you will consider it as it directly relates to the harm done by over-policing in communities of color and the over-representation of young people of color in the criminal legal system.

Our criminal justice system is not immune to structural racism and we join you and all members in the great work needed to set things right. The unfortunate reality is that people of color are far more likely to be subjected to stop and frisk and more likely to get arrested for the same crimes committed by whites. Black youth are three times more likely to get arrested than their white peers and Black residents are six times more likely to go to jail in Massachusetts. Other systems where people of color experience racism are exacerbated, and in many ways legitimized, by the presence of a criminal record. Criminal records are meant to be a tool for public safety but they're more often used as a tool to hold communities of color back from their full economic potential. Expungement can be an important tool to rectify the documented systemic racism at every point of a young person's journey through and past our justice system.

We also know that young adults have the highest recidivism rate of any age group, but that drops as they grow older and mature. The law, however, does not allow for anyone who recidivates but eventually desists from reoffending to benefit. Young people's circumstances and cases are unique and the law aptly gives the court the discretion to approve expungement petitions on a case by case basis, yet the law also categorically disqualifies over 150 charges. We also know that anyone who is innocent of a crime should not have a record, but the current law doesn't distinguish between a dismissal and a conviction. It's for these three main reasons we write to you to champion these clarifications and now is the time to do it.

Since the overwhelming number of young people who become involved with the criminal justice system as an adolescent or young adult do so due to a variety of circumstances and since the overwhelming number of those young people grow up and move on with their lives, we are hoping to make clarifying changes to the law. We respectfully ask the law be clarified to:

* Allow for recidivism by removing the limit to a single charge or incident. Some young people may need multiple chances to exit the criminal justice system and the overwhelming majority do and pose no risk to public safety.

* Distinguish between dismissals and convictions because many young people get arrested and face charges that get dismissed. Those young

people are innocent of crimes and they should not have a record to follow them forever.

* Remove certain restrictions from the 150+ list of charges and allow for the court to do the work the law charges them to do on a case by case basis especially if the case is dismissed of the young person is otherwise found "not guilty."

Refining the law will adequately achieve the desired outcome from 2018: to reduce recidivism, to remove barriers to employment, education, and housing; and to allow people of color who are disproportionately represented in the criminal justice system and who disproportionately experience the collateral consequences of a criminal record the opportunity to move on with their lives and contribute in powerfully positive ways to the Commonwealth and the communities they live, work and raise families in. Within a system riddled with racial disparities, the final step in the process is to allow for as many people as possible who pose no risk to public safety and who are passionate to pursue a positive future, to achieve that full potential here in Massachusetts or anywhere.

Thank you for your consideration,

Shaun McCarthy

Working Cities Lowell

978-804-5028

Shaun McCarthy
Initiative Director
Working Cities Lowell
P:978-856-6624
C:978-804-5028
shaun.mccarthy@wcclowell.com
From: Jordan Ferreira <j4ferreira@yahoo.com>
Sent: Friday, July 17, 2020 10:57 AM
To: Testimony HWM Judiciary (HOU)
Subject: Bill No. S2820

Good Morning,

As someone who has been a police officer for the past nine years, I would like to express my extreme concern with the passing of bill S2820. I

believe that the senate version of this bill as written will be detrimental to police and safety of the public alike.

This biggest problem outlined in this bill is the attack on qualified immunity and due process for police officers leaving them susceptible to be sued for any reason even when acting lawfully. The vast majority of police officers are good police officers that always do the right thing with the up most integrity and risk their lives every day. Taking qualified immunity away from good police officers acting within the parameters of the law will only create fear of being sued and losing their livelihood, doubt in their abilities to do the job and hesitation to act amongst police officers when conducting everyday police work. Unfortunately, I believe this doubt, fear and hesitation will cost some officers their lives when making split second decisions in a dangerous situation. In addition, if this bill is passed it would cost the Commonwealth as well as cities and towns within the Commonwealth a fortune in lawsuits.

I also believe The Senate version of a regulatory board described in this bill is unacceptable as it eliminates officers of the due process rights and abolishes protections currently set forth in collective bargaining agreements and civil service law. The Senate created a board that is dominated by anti-police groups who have a long-detailed record of biases against law enforcement and preconceived punitive motives toward police. As a police officer, I cannot support any bill that does not include the same procedural justice safeguards members of the communities we serve demand and enjoy.

The Senate has tried to pass a knee jerk reaction to a single, isolated incident that occurred over a thousand miles away that everyone agrees was egregious. Without a doubt, I believe that this bill is an attempt to gain political clout and legacy rather than protect the citizens and better the communities within the Commonwealth.

I ask that you take these concerns into consideration prior to voting on this bill.

Respectfully,

Jordan Ferreira

Police Officer

New Bedford Police Department

Reference:

Bill No. S2820

Title: 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

From: BRIAN COYNE <bwcoin@comcast.net>
Sent: Friday, July 17, 2020 10:56 AM
To: Testimony HWM Judiciary (HOU)
Subject: House Bill 2820

Brian W. Coyne
66 Fairmount Street
Clinton, MA 01510
Constituent of the 12 th Worcester District
July 17, 2020

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".

I have copied and pasted the Massachusetts Chiefs of Police Association's letter to you, which I fully support as a resident of the Commonwealth, a Lieutenant with the Clinton Police Department and an associate member of the Association. Please carefully consider the Chief's letter and ideas.

Thank you, Brian W. Coyne

This morning members of the Massachusetts Chiefs of Police Association Executive Board and representation from the Massachusetts Major City Police Chiefs Association had the opportunity to give a thorough reading and comprehensive review of the recently amended Senate 2820, " 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" submitted to the House on 7/15.

As we have mentioned to both the Senate President and the Speaker of the House during various conference calls over the last couple of weeks, we, as dedicated and committed police leaders, will continue to embrace the challenges that lay ahead, instill strong values into our respective agencies at all ranks, hold ourselves completely accountable for all our actions, and work through these difficult and turbulent times to build a more cohesive future for our communities. With that, we would very much like to be part of this continuing conversation as it pertains to any contemplated police reform, fully realizing that time is of the essence as the legislative formal 2019-2020 session begins to wind down rather quickly.

In the interest of expediency we would like to submit a brief list of bulleted comments in the paragraphs that follow in the hopes of providing some potential insight from our law enforcement/policing perspective that is laid out in this comprehensive 89-page Senate bill. To the extent that we do not have an issue or concern with a specific provision of Senate 2820, or we view it as beyond the scope of local law enforcement we will not mention it in this communication.

The list that follows corresponds to the Section Numbers in Senate 2820 with the applicable line numbers:

* • SECTION 4 (line 230): Under (iv), the provision states that there shall be training in the area of the "history of slavery, lynching, racist institutions and racism in the United States." While we certainly welcome any and all training that enhances the professionalism and understanding of our officers, we are somewhat perplexed as to why law enforcement will now be statutorily mandated to have such a class to the exclusion of any other government entity? One would believe that based on this particular mandate that the issue of what is inferred to as "racist institutions" is strictly limited to law enforcement agencies which aside from being incredibly inaccurate is also insulting to police officers here in the Commonwealth.
*

* • SECTION 6 (line 272): In terms of the establishment of a POST (Peace Officer Standards and Training) Program, the various police chief's organizations here in our state wholeheartedly support the general concept. That said, the acronym of POSAC (Police Officer Standards Accreditation and Accreditation Committee) is causing significant confusion both in this bill and in the Governor's Bill. POST has nothing to do with Accreditation per se but has everything to do with Certification – and by implication "De-certification". In this state, there currently exists a Massachusetts Police Accreditation Commission (MPAC) for over 20 years which is made up of members of Law Enforcement (Chiefs, Ranking Officers), Municipal Government, and Colleges/Universities (Chiefs) in which currently 93 police agencies are accredited based on the attainment of national standards modeled from the Commission on Accreditation for Law Enforcement Agencies (CALEA).

Utilizing the word “Accreditation” in the title is definitely misleading and should be eliminated. To the best of our knowledge 46 other states use the acronym POST which seems to work without any problems or a need to create a new description of the important program.
*

* • SECTION 6 (line 282): The Senate Bill states that POSAC shall be comprised of “14 members”, however as outlined there are actually 15 positions. The MCOPA is strongly advocating for two (2) seats on the POSAC to be appointed by the MCOPA Executive Committee.
*

* • SECTION 6 (line 321) : It appears from the language of the POSAC provision that the committee shall have the power to conduct what is referred to as “independent investigations and adjudications of complaints of officer misconduct” without any qualifying language as to how that would be implemented in terms of what type of alleged misconduct (law violations, use of force, injury, rude complaints, etc.) and when and under what circumstances will adjudications be subject to review resulting in a proposed oversight system that could go down the slippery slope of becoming arbitrary and capricious at some point and subject to a high level of scrutiny and criticism.
*

* • SECTION 10(c) (line 570): Section 10 of “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” (the Act) is problematic, not only for law enforcement in the Commonwealth, but all public employees. In particular, Section 10 calls for a re-write of the existing provisions in Chapter 12, section 11I, pertaining to violations of constitutional rights, commonly referred to as the Massachusetts Civil Rights Act (MCRA). The MCRA is similar to the provisions of 42 U.S.C. § 1983 (setting for a federal cause of action for a deprivation of statutory or constitutional rights by one acting under color of law), except however, that the provisions of the MCRA as it exists today, does not require that the action be taken under color of state law, as section 1983 does. See G.L. c. 12, § 11H. Most notably, Section 10 of the Act would change that, and permit a person to file suit against an individual, acting under color of law, who inter alia deprives them of the exercise or enjoyment of rights secured by the constitution or laws of the United States or the Commonwealth of Massachusetts. By
*

* doing so, the Senate is attempting to draw the parallel between the federal section 1983 claim and the state based MCRA claims. The qualified immunity principles developed under section 1983 apply equally to claims under the MCRA. See Duarte v. Healy, 405 Mass. 43, 46-48, 537 N.E.2d 1230 (1989). "The doctrine of qualified immunity shields public officials who are performing discretionary functions, not ministerial in nature, from civil liability in § 1983 [and MCRA] actions if at the time of the

performance of the discretionary act, the constitutional or statutory right allegedly infringed was not 'clearly established.'" Laubinger v. Department of Rev., 41 Mass. App. Ct. 598, 603, 672 N.E.2d 554 (1996), citing Harlow v. Fitzgerald, 457 U.S. 800, 818, 102 S.Ct. 2727, 73 L.Ed.2d 396 (1982); see Breault v. Chairman of the Bd. of Fire Commrs. of Springfield, 401 Mass. 26, 31-32, 513 N.E.2d 1277 (1987), cert. denied sub nom. Forastiere v. Breault, 485 U.S. 906, 108 S.Ct. 1078, 99 L.Ed.2d 237 (1988); Duarte v. Healy, supra at 47-48, 537 N.E.2d 1230. Section 1983 does not only implicate law enforcement personnel. The jurisprudence in this realm has also involved departments of social services, school boards and committees, fire personnel, and various other public employees. That being said, if the intent of the Senate is to bring the MCRA more in line with section 1983, anyone implicated by section 1983, will likewise be continued to be implicated by the provisions of the MCRA. Notably, the provisions of the MCRA are far broader, which should be even more cause for concern for those so implicated. "In an action under this section, qualified immunity shall not apply to claims for monetary damages except upon a finding that, at the time the conduct complained of occurred, no reasonable defendant could have had reason to believe that such conduct would violate the law" "Qualified immunity balances two important interests – the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably." Pearson v. Callahan, 555 U.S. 223 (2009). Although legal scholars and practitioners have a grasp as to the meaning of qualified immunity as it exists today, uncertainty will abound if this standard is re-written, upending nearly fifty years of jurisprudence. Uncertainty in the law can only guarantee an influx in litigation as plaintiffs seek to test the new waters as the new standard is expounded upon by the courts.

* Furthermore, although the Senate's version of "qualified immunity" would only apply to state-based claims under the MCRA, what Section 10 proposes is fairly similar to that proposed by the 9th Circuit Court of Appeals in various decisions. In those instances where the 9th Circuit sought to lower the standard applicable to qualified immunity, the U.S. Supreme Court has squarely reversed the 9th Circuit, going so far as scolding it for its attempts to do so. See Kisela v. Hughes, 138 S.Ct. 1148 (2018); City of Escondido v. Emmons, 139 S.Ct. 500 (2019).

* This definition represents a departure from the federal standard for qualified immunity, although the exact extent to which is departs from the federal standard is up for debate, at least until the SJC provides clarification on it. The federal doctrine of qualified immunity shields public officials of all types from liability under section 1983 so long as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known. Harlow v. Fitzgerald, 457 U.S. 800 (1982). Stated differently, in order to conclude that the right which the official allegedly violated is "clearly established," the contours of the right must be sufficiently clear that a reasonable official would understand that what he is doing violates that right. Anderson v. Creighton, 483 U.S. 635 (1987). It protects all but the plainly incompetent and those who knowingly violate the law. Malley v. Briggs, 475 U.S. 335 (1986). As a result, the standard sought to be created under Section 10 of the Act would provide public employees with substantially less protection than that afforded under the federal standard.

* Section 10 of the Act further sets for a new standard for the so-called defense of “qualified immunity.” Section 10(c) states that
* In enacting the Massachusetts Civil Rights Act, the Legislature intended to adopt the standard of immunity for public officials developed under section 1983, that is, public officials who exercised discretionary functions are entitled to qualified immunity from liability for damages. Howcroft v. City of Peabody, 747 N.E.2d 729, Mass. App. 2001. Public officials are not liable under the Massachusetts Civil Rights Act for their discretionary acts unless they have violated a right under federal or state constitutional or statutory law that was "clearly established" at the time. Rodriguez v. Furtado, 410 Mass. 878, 575 N.E.2d 1124 (1991); Duarte v. Healy, 405 Mass. 43, 537 N.E.2d 1230 (1989).
*

* • SECTION 39 (line 1025): The provision to inform both the appointing authority and the local legislative body of the acquisition of any equipment and/or property that serves to enhance public safety makes perfect sense. That said, to have a public hearing available for all in the general public to know exactly what equipment the police departments may or may not possess serves to put communities in jeopardy in that those with nefarious motives will be informed as to what equipment that the department has at its disposal. This is very dangerous.
*

* • SECTION 49 (line 1101-1115): This provision prevents school department personnel and school resource officers (who actually work for police departments), 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. School shootings have been on the rise since 2017. Did the Senate quickly forget about what occurred in Parkland, Florida on February 14, 2018? The learning environment in our schools must continue to be safe and secure as possible and information sharing is critical to ensuring that this takes place. Public Safety 101.
*

* • SECTION 50 (line 1116): There seems to be a slight nuance to the amended language to Section 37P of Chapter 71 replacing “in consultation with” to “at the request of.” Many police departments have had school resource officer programs in this state for 25 years or longer. The only reason why officers are assigned to the schools are because they have been “requested” to be there by the school superintendents - period. The reality is that many school districts even reimburse the police budgets for the salaries of these officers who serve as mentors for these young middle and high school students. If the Senate is being told that police chiefs are arbitrarily assigning officers to schools without first receiving a specific request from the school superintendents, they are being misled. The 2018 Criminal Justice Reform Act has very specific language that outlines the qualifications of an SRO, the joint performance evaluations that are to be conducted each year, the training that they shall have and the language specific MOUs that must exist between the

Schools and the Police Department. We are very confused as to why this provision needs to be included.
*

* • SECTION 52 (lines 1138-1251: There are several recommended changes to data collection and analysis as it pertains to motor stopped motor vehicles and pedestrians in this section. The Hands Free/Data Collection Law was signed into law only a few months ago before the onset of the pandemic. The new law contains a comprehensive system of data collection, benchmarking, review, analyses and potential consequences. While we continue to welcome data that is both accurate and reliable, the issue pertaining to the classification of an operator's race has still yet to be resolved. Before any data from calendar year 2020 has yet to be collected by the RMV and subsequently analyzed by a College/University selected by the Secretary of EOPSS, these provisions now look to complicate the matter even further before a determination has actually been made as to whether any problem of racial or gender profiling actually exists here in our state. We won't belabor the point, but this language appears to be what did not make its way into the Hands-Free Law which as you know was heavily debated for several months based strictly on the data collection component.
*

* • SECTION 55 (line 1272) To be clear, we do 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, we respect the discussion and concern pertaining to what is now a national issue based on the tragedy in Minneapolis. Under part (d) the language states that "[a] law enforcement officer shall not use a choke hold. […]." 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 and to control the subject. This is a reasonable and fairly straightforward recommendation.
*

* • [Recommended New Section] Amends GL Chapter 32 Section 91(g): In order to expand the hiring pool of trained, educated, qualified and experienced candidates with statewide institutional knowledge for the Executive Directors' positions for both the Municipal Police Training Committee as well as the newly created POSAC (or POST), the statute governing the payment of pensioners for performing certain services after retirement, shall be amended to allow members of Group 4 within the state retirement system to perform in these two (2) capacities, not to exceed a three (3) year appointment unless specifically authorized by the Governor. We appreciate the opportunity to weigh in with our concerns and recommendations and hope that you would give due consideration to what we

have outlined above. Should you have any follow up questions and/or concerns please do not hesitate to contact either of us in the days or hours that lay ahead. We respect that time is of the essence regarding this important legislation and stand ready to assist if and when called upon. Respectfully Submitted: Chief Brian A. Kyes Chief Jeff W. Farnsworth
*
* We will continue to be bound by our duty to public service, our commitment to the preservation of life, and our responsibility for ensuring our communities are safe. We will not waver. Thanks again for your diligent efforts in drafting this comprehensive legislation for the House and in continuing to add credibility and transparency to our valued partnership in serving our respective communities.
*

President, Major City Chiefs President, Mass. Chiefs of

From: PhiYen Nguyen <nguyen.ph@northeastern.edu>
Sent: Friday, July 17, 2020 10:57 AM
To: Testimony HWM Judiciary (HOU)

Hello,

My name is PhiYen, and I am a resident of Boston, MA and I unequivocally support the Reform, Shift + Build Act (S.2800).

Massachusetts has always been on the forefront of states passing legislation to support the people that live here and we've never shied away from decisions that seemed radical at the time. I have always been proud of - and bragged about - MA being the first state to legalize gay marriage, and I hope to see us continue to make the right choices ahead of the curve and set the standard for the rest of the country to follow.

It's time to eliminate qualified immunity, ban chokeholds, reallocate state funds to communities disproportionately impacted by the criminal justice system, and allow the Mass AG to file lawsuits against discriminatory police departments.

If the House does not pass this bill now, we all know that it will never get passed. And if the House does anything to this bill, they should be expanding on it, not taking away from it.

I hope to see this legislation pass so I can continue to be a proud resident.

Thank you,

PhiYen

—

PhiYen Nguyen
Candidate for BS in Biology and Political Science
Northeastern University, Class of 2020
Boston, MA | nguyen.ph@northeastern.edu
From: Maureen Murphy <mm495@comcast.net>
Sent: Friday, July 17, 2020 10:57 AM
To: Testimony HWM Judiciary (HOU)
Subject: Fwd: Bill s2820

---------- Original Message ----------
From: Maureen Murphy <mm495@comcast.net>
To: "HWMJudiciary@mahouse.gov" <HWMJudiciary@mahouse.gov>
Cc: "John.Rogers@mahouse.gov" <John.Rogers@mahouse.gov>, "Shawn.Dooley@mahouse.gov" <Shawn.Dooley@mahouse.gov>
Date: 07/17/2020 10:51 AM
Subject: Bill s2820

Dear Committee Members,

I am a retired Norwood police officer of twenty-six plus years. I continue to serve my community performing traffic safety details.

I am concerned about the recent passing of this bill in the senate without public in-put. I think it was emotionally declared in the Emergency Preamble that without immediate reforms black lives and others of color are not valued. This is being done hastily.

There are some reforms that are met by police officers with little or no resistance. Training has always been valued at my department, and standards throughout MA benefit all officers, especially when a situation arises when you are working a scene with another jurisdiction.

One of aspect of this bill which is demoralizing to police officers is the change to qualified immunity. I believe this jeopardizes an officer's life. If an officer has to respond to a volatile situation and has to be concerned with his/her response, fearing criminal liability, they may hesitate to take the correct action.

Another aspect of the bill that I believe is demoralizing is the creation of a board/agency to conduct misconduct investigations of police officers. Why does it not make sense to have this group staffed by law enforcement officers who have done the job, know the fear, know the split-second decision making that has to be done, and know what a reasonable police officer would do in a given situation? What qualifies a civilian to judge a performance they have never had to do themselves?

I hope that more time will be taken to examine this bill more closely, and to accept in-put from law enforcement professionals.

Respectfully submitted,

Maureen Murphy-Payne

Norwood Police Department - Retired

18 Potter Ave, Unit 1

Plainville, MA 02762

508-695-0968

From: Fiona Williams McDonald <curlygirliefe@gmail.com>
Sent: Friday, July 17, 2020 10:57 AM
To: Testimony HWM Judiciary (HOU); Eldridge, James (SEN); Dykema, Carolyn - Rep. (HOU)

Subject: Testimony in support of the Senate police reform bill, S.2800

The League of Women Voters advocates against systemic racism in the justice system and supports preventing excessive force and brutality by law enforcement.

We urge you to support the inclusion of the following measures:

HD.5128, An Act Relative to Saving Black Lives and Transforming Public Safety, State Representative Liz Miranda bans choke-holds, no knock warrants, tear gas, and hiring abusive officers; creates a duty to intervene and to de-escalate and requires maintaining public records of officer misconduct.

HB.3277 An Act to Secure Civil Rights through the Courts of the Commonwealth, State Representative Michael Day which ends the practice of qualified immunity, making it possible for police officers to be personally liable if they are found to have violated a person's civil rights.

Yours sincerely,

Fiona McDonald

From: susan fortuna <sue4tuna@yahoo.com>
Sent: Friday, July 17, 2020 10:57 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform Bill

Dear Representatives,

I'm writing to express my strong opposition to the Police Reform Bill recently passed by the Massachusetts state senate. This bill undermines the ability of first responders to do their jobs and thereby jeopardizes the safety of all citizens of the Commonwealth. It will impact minority neighborhoods disproportionately and its difficult to understand how legislators could be so clueless not to see this! More importantly, are the lives and safety of our brave, professional men and women, who selflessly put on a uniform and go to work protecting and serving all of us.

The citizens of Massachusetts have elected you to represent us. Use your good judgement and common sense; stand up for what is right and vote to defeat this egregious law.

Sincerely,

Susan Fortuna
14 Shoreside Rd.
Quincy, Ma.
From: Julie Nigro <jnigro@napd.us>

Sent: Friday, July 17, 2020 10:56 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820 from Female Police Officer (NAPD)

Good Morning.

My name is Julie Nigro and I'm a police officer in North Andover, in my 11th year.

I'd like to ask that three pieces of the legislation be removed and I'll go into further details below:

(1) Qualified Immunity

(2) Due Process and

(3) Makeup of the Committee/Boards

First of all, having spoke with several senators and some representatives, it appears there is still some monumental misunderstanding surrounding qualified immunity so I'm going to try my best to explain it.

To GOOD police officers, Qualified Immunity is exactly how it sounds... one needs to "qualify" in order to receive "immunity." Being a police officer in and of itself does NOT "qualify" you for immunity. It is not a blanket immunity either. It is looked at in a case by case basis.

Simply stated, when I became a police officer, I knew that if I did certain things, I would be protected from being sued... (1) Don't break the law (2) Don't violate department policy (3) Don't violate civil rights or (4) Don't act outside the scope of my training...

So, if I do my job within those parameters, I will qualify for immunity. That makes me feel safe that I can trust my instincts, experience and training when I need to make a split second decision because I know I'm one of the good guys and my actions will show accordingly... even if there are mistakes made, as all humans err.

Egregious acts, like in the George Floyd case, would not be covered by qualified immunity. Rightly so.

However, there is also language regarding previous litigation and granting immunity on what was done in the past. I am all for the language to be revisited surrounding past practice, and perhaps maybe setting a new standard (such as leaving it to the 4 points mentioned above)... but abolishing QI completely will most likely drive good police, including me, out of this profession. It's bad enough the state already pulled the funding for the Quinn Bill to attract educated individuals to this field.

I, myself, studied and Graduated from Merrimack College in 2002 with two bachelors degrees in Psychology and Sociology. I then attended Suffolk University and graduated in 2007 with highest honors (Suma Cum Laude) with 2 Masters Degrees in Mental Health Counseling and Criminal Justice. I missed out on the Quinn Bill because it was pulled. Luckily we have a stipend in place but it's far less than what I would have received had I received Quinn Bill. Some departments lost any incentive at all to go for higher education.

I disgress, Qualified Immunity is one of the reasons I'm able to do my job to the best of my ability. I feel secure that as long as my intentions are good, I'll be protected and my family will be protected.

Let me give some examples:

Some towns, like mine, have policies that state you need to stop at every red light and stop sign when responding to emergency calls with lights and sirens activated... but if I were to be going to a call and blow through a red light without stopping and kill someone, I would not, and should not,

be covered by qualified immunity. This is what the state legislatures are failing to see.... QI is to protect those doing things in GOOD faith and that's why it NEEDS to be removed from this bill. You don't need to throw out QI in order to protect citizens and expose bad police. The language needs to be edited, such as past practice litigation being a determinant... the QI should not removed altogether.

Honestly, I'm not surprised most people do not understand it because most people are not police. What I am shocked about is how little politicians know about what we do as police in THIS state as far as our education and training, compared to other states, not to mention the lack understanding on the issue of QI.

Think of this scenario... I respond to a person trapped in a burning car. I pull them out and inadvertently cause a spinal injury. Now they decide to sue me for the injury, even though I saved their life. QI protects us from those lawsuits. With this law, anyone can sue us for anything... and guess who picks up the tab for the legal fees incurred by the plaintiff? The taxpayers. The state (YOU) will provide the attorney fees for those frivolous lawsuits. Now during the process of the suit, the officer is probably put on leave... Nevermind the stress of being under constant scrutiny and a microscope for every little decision you make with only seconds to make them in??

Another point is if we go to court for a motion to suppress and it's granted by the judge (meaning whatever they want suppress gets tossed)... the state then opens up an incident of a civil rights violation and tracks all of them. So basically ONE judge determines if the motion is granted and now we have this record of a violation? What happened to having a jury or a panel decide. Judges rulings get overturned all the time in court cases... which shows they are subject to their own human errors as well... and where is our right to appeal this if it happens?

In addition, we know that about 70% of motions get granted (a number given to us by a union lawyer who is involved in these types of proceedings) and did you know that a judge can grant a motion to suppress and still say they found the officer credible.... that it could have been something minor that caused the suppression... or possibly just bad report writing.... 70%!!!! Thats a lot of lawsuits... just saying...

Finally, making up a panel to decide on our certifications and discipline that's not made up of subject matter experts??? Lawyers have review boards made up of lawyers and judges, Doctors have review boards made up of doctors.... I feel there should be at the very LEAST 50% of police on the board... not to mentions judges, lawyers, etc.... and it does not seem racially equal. It seems to be all minorities. Sorry but every demographic needs to be represented... White, Latino, Black and Asian, equally across the board. If you truly want to be fair.

In addition, you are also taking Union rights away from everyone when you allow this civilian review board to take on a case even after its cleared by civil service. What's the point then of civil service if it's ruling does not matter?It's also allowing this board to conduct their own investigation where they won't be required to use the evidence or facts that may have already been used during arbitration or civil service... I should've even have to express how this causes issues of double jeopardy and violation of fifth amendment rights (self incrimination).

No one is saying we don't need to improve because there is ALWAYS room for improvement. Training? We all LOVE training! The more the better. MA has some of the BEST police depts in the country and I feel it's due to our higher standards and excellent education and training!

I'll draw from some personal experience... When I was a rookie, only in my 15th month working full time, I was dispatched to a stabbing. When I got there, alone, I observed a man sitting on the sidewalk all bloody with bystanders around him pressing towels and shirts against his wounds. I then asked where the suspect was and was directed to a driveway. The individual was covered in blood holding a butchers knife. I drew my weapon and ordered him to drop the knife. Another officer arrived and he drew down on the suspect as well. We ordered him to toss the knife and he eventually threw it in an open window to a parked car next to him. We then ordered him to put his hands in the air and he to get on the ground but he wouldn't comply after several attempts. He then reached into his coat and pulled out his wallet. It could have been a gun he was pulling out and I probably could have shot him justifiably to protect myself from a possible threat. But we had such restraint to wait to the absolute last second. That shows you we have excellent training, calm demeanor, and that just because we carry a gun does not mean we want to use it.

Unlike some cops, who can go their whole career without ever taking their gun out of the holster aside from training, I've had to pull mine out on several occasions. But I never pulled the trigger.

I'll give you one more personal example. We got called to a house by two teenage boys about their father who was drunk. The mom and sons wanted him to leave for the evening but he did not want to go. Went to officers arrived, they discussed bringing the gentleman to his mothers house to sleep it off. Initially he was very cooperative and understanding and was gathering his belongings. Myself and another officer had arrived outside the home because the two officers inside we're fairly new. They radioed to us that everything was all right so we stayed outside just in case.

After a few minutes, we noticed some unusual activity through the living room window where we saw the two teenage boys running towards the other end of the house. The other officer and I entered the house and found the two officers talking with the now irate father who did not want to cooperate anymore and wanted to remain in the home.

As the veteran officer in front of me entered the room, the father punched him in the face. The two new officers and the vet officer ended up on the bed with the suspect, who was lying face down and would not put his hands out from underneath him. One officer was holding one arm, the other holding the other arm, and the veteran officer was kneeling on the end of the bed. I pulled out my taser and instructed the father to put his hands out by his side because he was under arrest for assault and battery on a police officer. When the father refused to do this, I press my taser against his thigh and gave what's called a drive stun for 1 second. When he did not comply, I tased him again for what I thought was 2 seconds. When he did not comply, I tased him again for what I thought was 3 seconds. And finally, I tased him a 4th time for what I thought was for 4 seconds and we were are able to get him into handcuffs.

When I was done with my report and after a day or so when my DT instructors were able to review the recording of the tase, he told me I had been wrong in my thought on how long I tased the father. He told me I had only tased him for 1 second every time. I was so concerned about not overdoing it that I actually did less. This is attributed to my

training and education and that I'm a good police officer who keeps calm and uses the best judgment I can in tense circumstances.

So with that being said, all we ask is that you don't act in haste, especially in regards to these 3 points. You can still pass a reform bill and leave these items out for further review and more research.

That would be the intelligent, rational thing to do here, especially when no one is an expert on these matters.

I feel that if you remove these protections, then those of us with good training and higher education will find other places to work... whether it be another state LE agency or possibly outside of law enforcement altogether, both of which offer us better working conditions.

Voting on issues you don't fully understand is very troubling to me, and it should be to you. These issues need to be removed and should have never been thrown into this bill frivolously, especially when it's going to ultimately jeopardize everyone's safety.

Thank you for your time!

Officer Julie Nigro

North Andover Police

617-543-5499 <tel:617-543-5499>

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Visit us online at www.northandoverma.gov <https://urldefense.proofpoint.com/v2/url?u=http-3A__www.northandoverma.gov&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk

13zIs16rchf_GkGDD&m=JIa3L1G8Rd5jg16HmrzJplepxOjhJHDPffEv3hQx4Z4&s=woWdDh54fT3EVlemWTWIQth6G3m-rYk6oDHrSV_7Lrc&e=> .

From: Tanisha Sullivan <naacpbostonpresident@gmail.com>
Sent: Friday, July 17, 2020 10:56 AM
To: Testimony HWM Judiciary (HOU)
Cc: Juan Cofield; Gonzalez, Carlos - Rep. (HOU); DeLeo, Robert - Rep. (HOU); ron.mariano@house.gov
Subject: RE: S2820

Dear Chair Michlewitz and Chair Cronin:

On behalf of the NAACP Boston Branch, I submit the following priorities for your consideration. We believe it is an imperative that the Commonwealth moves swiftly to bring about meaningful policing reform and to address structural racism. Though not strong enough, we believe S2820 could be a meaningful start. It is our hope that the House will take steps to strengthen S2820 and that you will prioritize the following:

1. Use of force- We are engaged in this debate today because of excessive use of force on the part law enforcement. To be clear the death of George Floyd is not a unique situation and we in the Commonwealth are not immune from this type of action on the part of enforcement. If every life is valued then we must have laws in place that protect all life. The primary focus of the legislature should be on protecting life and our use of force laws must be strengthened in order for that to happen. Ban chokeholds, knee-holds, and the use of other tactics known to have deadly consequences. The language proposed by the Senate is woefully insufficient and perpetuates the loop hole used across this country to justify the murder of Black people. The current system is what has, for generations, led to the brutal and senseless murder of Black people at the hand of law enforcement. Well trained, anti-racist have nothing to fear when we have strong use of force laws.

2. Standards, Training and Licensure- Both the Governor and Senate have advanced this legislation in a meaningful way. This is one of the structural changes that has been a long time coming. As one of only six states without licensing standards, we are behind the rest of the nation. It is imperative that our standards, training and licensing process is strong and has participation from community for it to have integrity. The composition of the licensing board matters. It must not be filled with members of law enforcement. It must be inclusive of civil rights advocates, the defense bar, and victims of police violence. To have credibility, those seats must hold the majority.

3. Civil Service- Systems are facilitated by people. Currently, law enforcement across the Commonwealth is overwhelmingly white. Is this intentional? The civil service system perpetuates the lack of racial, ethnic and gender diversity in our law enforcement ranks. That lack of diversity impacts how policing is executed in cities and towns across the Commonwealth. Civil Service is a contributor to racial exclusion, and we need to find a way to continue supporting access to good jobs for our veterans while also removing the exclusionary barriers for Black, LatinX, AAPI people and women across all races.

4. Qualified Immunity- The Massachusetts Civil Rights Act contains language making it virtually impossible for a victim's family to have all options available to them when the life of a loved one has been unjustly taken away from them by law enforcement. A grieving mother is a grieving mother. Our current system does not have any meaningful support for the mothers and family members of police violence. Our current system tells those mothers that the lives of their sons did not matter- they are expendable. Eliminating the barriers for civil lawsuits would allow these mothers and family members to pursue justice. It would give them a tool to hold rogue police officers, operating outside of their training, to be held personally responsible for their actions. This action would place the life of a person over the personal property of another. Do we value life or material items?

5. Structural Racism- The work of our legislature cannot begin and end with policing reform. Law enforcement is not the only place we find systemic racism. Indeed, it is in our education system, which is why we must fund the Student Opportunity Act, our economic system, which is why the Governor's economic bond bill is so important, how we respond to environmental issues, which is why the Environmental Justice Act is so important, and as we well know our voting system. We need the legislature to remain focused on these issues long after this bill becomes law. To that end we strongly encourage your support of the African American Racial Equity Commission.

Thank you for your consideration.

Sincerely,

Tanisha Sullivan, President

--

Tanisha M. Sullivan, Esq., President
NAACP - Boston Branch
NAACPBostonPresident@gmail.com
617-433-7409

Picture
<https://plus.google.com/u/0/_/focus/photos/public/AIbEiAIAAABECNPg-M28wOK3vwEiC3ZjYXJkX3Bob3RvKigwZDVhOGEwZWRmNGMxZDgwY2ExMWQ1NmRiNTUxY2ZmMzA3MGUxNjkzMAGqQQhhzD0r47fE4vOMnY2cykB6Hg>

From: Tim O'Brien <tmo021@gmail.com>
Sent: Friday, July 17, 2020 10:56 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2800 opposition

To whom it may concern,

My name is Tim O'Brien and I live at 6 Beechtree Circle in Wakefield, Ma. I write to you today to express my staunch opposition to S.2800, a piece of hastily-thrown-together legislation that will hamper law enforcement efforts across the Commonwealth. It robs police officers of the same Constitutional Rights extended to citizens across the nation. It is misguided and wrong.

Like most of my neighbors, I am dismayed at the scarcity of respect and protections extended to police officers in your proposed reforms. While there is always room for improvement in policing, the proposed legislation has far too many flaws. Of the many concerns, three, in particular, stand out and demand immediate attention, modification and/or correction. Those issues are:

(1) Due Process for all police officers: Fair and equitable process under the law. The appeal processes afforded to police officers have been in place for generations. They deserve to maintain the right to appeal given to all of our public servants.

(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers.

Qualified Immunity protects all public employees, as well as their municipalities, from frivolously unrealistic lawsuits.

(3) POSA Committee: The composition of the POSA Committee must include rank-and-file police officers. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, law enforcement should oversee law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. Let me remind you that in 2015 President Obama recognized the Boston Police Department as one of the best in the nation at community policing. I again implore you to amend and correct S.2800 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Sincerely,

Tim O'BrienFrom: sagittarius <sagittarius_97@yahoo.com>
Sent: Friday, July 17, 2020 10:56 AM
To: Testimony HWM Judiciary (HOU)
Subject: Qualified immunity for police officers

MA House of representatives:

It came to my attention that last night the MA Senate passed the bill to end qualified immunity for police officers. I am appalled that the legislature of such importance was passed without a public hearing.

The very idea that such a thing as removing qualified immunity from police can be seriously proposed, let alone voted for 30 to 7, seemed totally absurd just a few months ago. Qualified immunity of elected officials and members of the law enforcement community is the bedrock principle of any government. Without it, no government institution would be able to function. And policemen, due to the very nature of their work, are the most vulnerable group.

This shameful legislation is unfair, immoral, and harmful to the extreme, especially to the people of color, whom it's supposedly designed to help – this group needs strong law enforcement and police protection more than anybody. By taking away qualified immunity from police the Commonwealth of Massachusetts essentially declares itself non-governable territory. Scores of policemen will retire, which is already happening. And nobody will be interested in joining the police force – the group that not only is unjustly vilified but now even deprived of any legislative protection.

A horrible death happened in Minnesota and everybody condemned it. But why the whole profession of policemen is punished for that? I talked to Brookline police and there has been not a single incident of police brutality for the years of existence of Brookline police. Massachusetts police in general is an exemplary organization. Why are you in such a hurry of changing the law? This new law will harm not only police but the whole population of Massachusetts.

In the strongest possible terms, I urge you to keep qualified immunity for MA police officers intact.

Emil Muchnik
151 Coolidge Avenue
Apt. 310
Watertown, MA 02472

From: krfrid <krfrid@yahoo.com>
Sent: Friday, July 17, 2020 10:56 AM
To: Testimony HWM Judiciary (HOU)
Subject: provisions in the Police Reform Act

Dear representatives,
We are against of the provisions in the Police Reform Act that will restrict qualified immunity for police in Massachusetts. The number of frivolous lawsuits will be increased without improving of police work. Before decide on this drastic measures you need to consider all effects of this.
Please consider changing the incoming legislation in the way that does not have these extremely negative consequences.
Thank you,
Kira Friedman,
Alex Schwartz

Newton, MA

From: bridgetirving@sbcglobal.net
Sent: Friday, July 17, 2020 10:56 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2800

I feel strongly that input from the public and key minority groups was lacking and this bill should not have proceeded through the Senate. The bill is well-thought out,, responsible or equitable. All parties need to be brought to the table in crafting a bill of this importance.

Thank you for taking and considering my comments.

Bridget Irving

From: Provost, Denise - Rep. (HOU)
Sent: Friday, July 17, 2020 10:56 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820 Reforming Police Standards Hearing Notice

Honorable Committee Chairs:

I write to you today to comment on S.2820 and express the hope of the people of my district, who wish to see profound changes in the way that policing is conducted in Massachusetts. I have had the opportunity to observe police officers and departments; my father was a police officer for part of his working life, and for the first eight years of my professional life as a lawyer, I worked in two municipal law departments, where I defended many lawsuits brought pursuant to 42 USC section 1983. I also advised police departments, and was involved in internal investigations, disciplinary matters, and other matters.

There are many examples of civic-minded and selfless conduct by police officers, but I've observed a tendency on the part of too many police officers to behave as if they were a law unto themselves. I've also learned that many ordinary, law-abiding, white people are deeply afraid of the police. In in all my years in public office, I've had many, many constituents approach me with serious, credible complaints about police misconduct; almost none wished to make official complaints, for fear of some sort of retaliation.

Such a situation is unwholesome anywhere, and I would guess that it's fairly widespread. It is painful to imagine how police are perceived in communities of color. There is widespread demand that we as legislators rebalance this power dynamic, and not just our impose more limitations and accountability on police, but embrace a more transformative approach to keeping the peace and good order of our communities.

I generally support S2820; most of the changes it makes are so innocuous that it's hard to see what the fuss is about. The police standards and accreditation process of section 4 introduces a system well overdue. The improvements to training are good, though it's not clear to me that they will be sufficient to effect cultural change.

Thank you for your time and consideration.

Denise Provost
27th Middlesex District
(617) 872-8805
From: Melaine K <mmlistervs2008@gmail.com>
Sent: Friday, July 17, 2020 10:56 AM
To: Testimony HWM Judiciary (HOU)

Subject: Public testimony: S.2820

Dear Chair Michlewitz, Chair Cronin, and members of the House Ways & Means and Judiciary Committees:

I'm writing in favor of S.2820, that will bring dire reform to the first stage in the criminal justice system. I thank you for the past work done on the recently passed Criminal Justice Reform Bill.

I urge you to work as swiftly as possible to pass this bill into law, and strengthen it in future years.

I believe the final bill should eliminate qualified immunity, (a loophole which prevents holding police accountable), introduce strong standards for decertifying problem officers, and completely ban tear gas, chokeholds, and no knock raids like the one that killed Breonna Taylor.

Thank you for your time.

Suffolk County Resident
Senate: 1st Suffolk
House: 4th Suffolk

Sent from my iPhoneFrom: Andrew Fasano <fasano@mit.edu>
Sent: Friday, July 17, 2020 10:56 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820 Testimony

Dear Char Michlewitz, Char Cronin, and members of the House Ways & Means and Judiciary Committees,

I'm writing in favor of S.2820 to bring badly needed reform to our criminal justice system. I urge you to work as swiftly as possible to pass this bill into law and strengthen it. I believe the final bill should eliminate qualified immunity (a loophole which prevents holding police accountable), introduce strong standards for decertifying problem officers, and completely ban tear gas, chokeholds, and no knock raids like the one that killed Breonna Taylor.

Thank you,
Andrew Fasano
Roxbury MA
From: Candace Marie <cmberrena@gmail.com>
Sent: Friday, July 17, 2020 10:56 AM
To: Testimony HWM Judiciary (HOU)
Subject: Objections to S.2800

Representatives Michlewitz and Cronin

Massachusetts House of Representatives

24 Beacon Street

Boston, MA 02133

Dear Chairs Michlewitz and Cronin,

My name is Candace Berrena and I live at 144 Hyde Hill Road in Goshen, Massachusetts.

I am writing to express my opposition to the current Senate bill S.2800, which was passed in the Massachusetts Senate this week and is being heard in the Massachusetts House of Representatives tomorrow for consideration.

My oppositions to this bill are very simple and straight-forward. First, this bill will change the current legal standard of the Qualified Immunity doctrine in Massachusetts state courts. The present standard allows the courts to consider past precedent and established legal authority, and the information the public official possessed at the time of their alleged illegal action when determining whether the doctrine will apply to a public official defendant before a case can go forward.

S.2800 would change the established legal standard to only allow the court to consider what every reasonable defendant would have understood as being illegal at the time of their alleged illegal action before allowing the case to go forward. This shift in legal doctrine would completely ignore the bedrock legal doctrine of stare decisis and legal precedent, and prohibit courts from benefiting from past decisions, both mandatory and persuasive, that would apply to the case at bar.

This will completely erode Qualified Immunity because it places far too much subjectivity into the decision whether to bring forward cause of action against a public employee. A finder of fact will be left to make their decisions in a vacuum, without the benefit of fairness and established legal precedents.

Secondly, I oppose S.2800 because of the changes it makes to the Massachusetts Civil Rights Act or "MCRA." Currently, under the MCRA, a plaintiff's case may only go forward against a public employee for acts that interfere with the exercise and enjoyment of [a citizen's] constitutional rights, as well as rights secured by the constitution or laws of the Commonwealth, where such interference of constitutional or statutory rights were achieved or attempted through threats, intimidation or coercion.

The proposed changes in § 10(b) of S.2800 completely delete the requirements of threats, intimidation and coercion be present in a public employee's alleged violation of the plaintiffs constitutional rights. This will, in effect, open the flood-gates for causes of action to be brought in Massachusetts state courts under the MCRA under this weakened standard. As you are aware, causes of action that lie under the MCRA are eligible for consideration of awarding attorney's fees if there is a favorable verdict for the plaintiff. What will stop unscrupulous plaintiffs and

their attorneys from filing suit under this weakened standard in an attempt to exact a quick settlement that includes attorney's fees? The gatekeeper will be asleep at the wheel, as the finders of fact will have no way to dismiss these frivolous claims before they make their way into court.

Finally, please consider the families, children, spouses and public employees themselves when making your decisions regarding this piece of flawed legislation. Qualified Immunity was established to shield public employees who act in good faith from frivolous and exhortative lawsuits. The erosions of S.2800 will place hardworking and dedicated public employees in a position where personal liability could apply in situations where it never should. Are their homes, college savings accounts, retirement accounts and personal assets so un-valuable that they should be forfeited to settle damages in these cases? Our public employees, especially our police officers, deserve better.

I implore you to take more time and truly consider the far reaching implications of this bill. There is no doubt that there are things that need to change in law enforcement, but this is not how they should change. A bill that is filed as a knee-jerk reaction in an attempt to solve a real problem will only create more problems. Discussion, conversation, debate, opposition and objection, are all cornerstones to our democratic process. We must use them, even embrace them, in order to find a solution to police reform that is both meaningful and pragmatic.

Very truly yours,

Candace Berrena

Candace Berrena

144 Hyde Hill Road

Goshen, MA 01032

From: Nicholas Morganelli <Nicholas.Morganelli@cityofwestfield.org>
Sent: Friday, July 17, 2020 10:56 AM
To: Testimony HWM Judiciary (HOU)
Subject: Bill S2820 Testimony

To Whom it may concern:

Many have been outspoken in protest to police brutality through the black lives matter marches across the nation. This has obviously been a catalyst in drafting legislation like this bill and other similar bills. As a city councilor for 4 terms over the last 12 years, I have come to appreciate our local law enforcement personnel
And have had conversations with commissioners, chiefs, captains, sargeants, and officers. I fully rely on their expertise to manage the police department. They live here and know the community and the management and commissioners know the department well. Well enough to train and operate effectively and without bigotry towards any group.
This bill, although having good intentions to reform our law enforcement, is managing local police on a state level. This is once again state government overreach and micromanaging. I implore you to let the local police departments continue to train and manage their teams. I encourage you to perhaps form a task force consisting of a mix of local police and experts in law enforcement that will take the next year or so to improve our system. This will bring real change if needed in the departments across the commonwealth instead of creating more legislation that is redundant and frankly a disrespect to the hard work that each local law enforcement entity carries out on a daily, weekly, and monthly basis. They know how to enforce the law effectively and fairly, train the team, discipline, watch for injustice, promote their staff, etc.
Let’s not allow a few incompetent cops amongst nearly 700,000 across the nation to drive overreaching legislation. Stop reinventing the wheel that is driving our law enforcement system very well in our commonwealth and instead give local departments a platform on how to improve on an already successful system.
I oppose this bill wholeheartedly and speak for several residents and other elected officials who have spoken to me.

Respectfully Yours,

Nicholas J. Morganelli Jr.
City Councilor

From: erin bouthiller <bouthillererin@yahoo.com>
Sent: Friday, July 17, 2020 10:56 AM
To: Testimony HWM Judiciary (HOU)
Subject: S2820

I am writing in lack of support for this bill. While there are ongoing issues in the country, Massachusetts remains ahead of the curve when it comes to policing and training. I stand with our police and reject this proposed bill. Further demonizing our police force is going to result in no honorable men and women serving.
Respectfully, Erin Bouthiller

Sent from my iPhone
From: Stacey DeNino <tanyazetes@hotmail.com>

Sent: Friday, July 17, 2020 10:54 AM
To: Testimony HWM Judiciary (HOU)

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

(1)?Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.

(2)?Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.

(3)?POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you’re going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Stacey DeNino
96 Franklin Street
Lynn

Sent from my iPhoneFrom: Nate <nate0306@msn.com>

Sent: Friday, July 17, 2020 10:42 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police reform

To whom it may concern,
I have been a police officer for over 14 years now and I must say that resent developments are very troubling! Qualified immunity does not just effect us, but all social servants that choose to help people in need. This immunity protects our personal property while we perform the duties of first responders. Please protect this! It will only hurt the people that you are attempting to help with this bill.

As for eliminating due process that has been fought for through collective bargaining, it's shameful. I beg you to please slow this process down and take the time to get input from people that are in the know. Get this right! Civilization as you know it depends on it! Please allow us as police officers help you restore order and attempt to move forward in the right direction. A knee jerk reaction to loud and small group should not be cause to change laws that have been I acted through collective bargaining.

Thank you for hearing this on my behalf and all my other brother and sister officers that stand on the front lines to keep you and everyone else safe!!!

Nathan Lafleche

508 330-3169
Sent from my iPhoneFrom: Karen Mahoney <gizmoka@verizon.net>
Sent: Friday, July 17, 2020 10:42 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820

>
> ?Dear legislators,
>
> I am asking you to take a hard look at bill S.2820 before you. This bill was rushed, without public hearings and without understanding the ramifications of it's implementation. I am not saying there shouldn't be reform, but shouldn't we do it right? Listen to the public, work with law enforcement to understand both sides. If the goal is to protect all, shouldn't we be able to hear from all?
>
> This email has been extremely difficult for me to write. There are so many emotions regarding this issue. I am trying to keep those emotions out it. I am a proud wife, sister and friend of so many great law enforcement officers. These officers do the right thing day in and day out. However, they have now been vilified as a whole due to the appalling actions of a few bad officers.
>
> This bill limits their protections (qualified immunity), and could put so many children at risk (schools not providing information regarding students affiliated with gangs). Who are you truly trying to protect, the criminals?

>
> I ask that you take the appropriate actions and not approve this bill. Let’s take a step back and do this right. Rushing through for the sake of getting “something” done is never a good idea.
>
> Thank you for your time. I hope you will do the right thing for ALL.
>
> Sincerely,
> Karen Mahoney
> Reading, MA
>
>

From: Erin Callahan <ecal1993@gmail.com>
Sent: Friday, July 17, 2020 10:42 AM
To: Testimony HWM Judiciary (HOU)
Subject: Vote NO

To the Ways and Means Committee of the Massachusetts House of Representatives:

My name is Erin Callahan and I live in Milton, MA. I am writing this letter to voice my concern that again no public hearing was held on this matter and it lacks transparency.

The people I know who are police officers are the most compassionate and caring people I know. I trust them to protect my family and community. The police departments in Massachusetts are some of the best in the country and represent what policing should look like around the country. This bill is a slap in the face to the hard working and professional police officers and their families. This bill is not reform. It is a rushed bill to pander to the few who believe what happened across the country applies to Massachusetts. It is disheartening and shows the lack of respect the politicians of Massachusetts have for their constituents.

I am submitting this letter as my written testimony. I write to you today to express my strong opposition to the hastily-thrown-together legislation that will hamper law enforcement efforts across the Commonwealth and encourage you to vote AGAINST Senate bill 2800 submitted to the House of Representatives. It deprives police officers of Massachusetts any basic protections afforded to all other public employees in Massachusetts. It is a rush to judgment being developed behind closed doors. Issues of policing, health and human services, and race are too important to be rushed. Of the many concerns, the following in particular, stand out and demand immediate attention, modification and/or correction. Those issues are:

1. The senate version will seriously undermine public safetybecause police officers may become more concerned about personal liability than public safety.
The proposed changes to QI will have a serious impact on critical public safety issues. Unintended and unnecessary changes to QI will hamstring

police officers in the course of their duties because they will be subjected to numerous frivolous nuisance suits for any of their actions. Officers may second guess doing what is necessary for public safety and protecting the community because of concerns about legal exposure.

2. The process employed by the senate of using an omnibus bill with numerous, diverse, and complicated policy issues coupled with limited public and policy participation was undemocratic, flawed and totally nontransparent.

The original version of the bill was over 70 pages and had multiple changes to public safety sections of the general laws. It was sent to the floor with no hearing and less than a couple of days for Senators to digest/caucus and receive public comment.This process was a sham.

3. Police support uniform statewide training standards and policies as well as an appropriate regulatory board which is fair and unbiased.

The Governor and support of the bill promised to use the 160 or so professional regulatory agencies as a guide for police certification. The senate instead created a board without precedent. The 15-member board proposed to oversee, and judge police officers includes no more than six police officers and four of those police officers will be management/Chief representatives. The remainder of the committee will be dominated by groups critical of law enforcement, if not parties that regularly sue police and law enforcement. The civilian members on the board will lack any familiarity with the basic training, education or standards that apply to police officers. All the other 160 boards include a strong majority of workers from the profession supplemented by a few individuals to represent the general public. Imagine if police officers were appointed to a board to oversee teachers licenses!

4. The removal or any change to Qualified Immunity is unnecessary if the Legislature adopts uniform statewide standards and bans unlawful use of force techniques that all police personnel unequivocally support.

All police organizations support major parts of the bill: strengthening standards and training; having a state body that certifies police officers; banning excessive force techniques and enhancing the diversity process. Once we have uniform standards and policies and a statutory ban of certain use-of-force techniques then officers and the public will know the standards that apply to police officers and conduct that is unaccepted and unprotected by QI.

This will also limit the potential explosion of civil suits against other public employee groups Thus reducing costs that would otherwise go through the roof and potentially have a devastating impact on municipal and agency budgets.

5. Police Officers Deserve the same Due Process Afforded to all Other Public Employees

Public employees and their unions have a right for discipline to be reviewed by a neutral, independent expert in laborrelations – whether an arbitrator or the Civil Service Commission. This bill makes the Commissioner’s decisions or the new Committee’s decisions the final authority on certain offenses.

We should affirm the right of all employees to seek independent review of employer discipline at arbitration or civil service.

Thank you for your attention to this important matter.

Sincerely,

Erin CallahanFrom: Jaclyn Rambarran <jaclynr61@gmail.com>
Sent: Friday, July 17, 2020 10:42 AM
To: Testimony HWM Judiciary (HOU)
Subject: testimony for Bill S.2800

Testimony in support of:

Bill S.2800- 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

Submitted by:

Jaclyn Rambarran

109 N. Sturbridge Rd.

Charlton, MA 01507

Rep. Aaron Michlewitz, Rep. Claire D. Cronin, and members of the House Committee on Ways and Means and the Joint Committee on the Judiciary for the police reform bill above:

My name is Jaclyn Rambarran and I am a resident of Charlton, MA. I am writing to voice my strong support for Bill S.2800.

Bill S.2800 is important because it holds police in this state more accountable for their actions, shifts necessary resources into communities of color, and begins the difficult work of reducing institutionalized violence. This nation’s policing system, which includes the police force of the Commonwealth, was born of the Night Patrol of early America, which had the goal of returning escaped slaves back to their owners. The modern policing system is flooded with racism and oppression of society, inundated with unchecked implicit bias, inadequate training, lack of accountability, racist quotas, cultural insensitivity, and a lack of diversity. While the bill is not comprehensive in reforming the state’s policing, it is a necessary step in the right direction.

Black Americans, which comprise 13% of the U.S. population, are victims in 26% of police shootings. Law enforcement kills black Americans at 2.8 times the rate of white non-Latinos, and 4.3 times the rate of Asian Americans. Despite the increased attention in recent years, only about 1% of police officers involved with these deaths are charged with a crime, and even less are convicted. I've witnessed this lack of accountability for police officers in my hometown.

Earlier this year, ex-trooper David Wilson, former police lieutenant from my hometown of Charlton, was involved in an overtime scandal resulting in his unlawful gain of $31,000. He will serve NO jail time for this heinous crime. While this particular case does not involve overt violence towards

communities of color, it speaks great volumes to the biases in our justice system, the fact that many officers work unchecked, and the needs to both hold police accountable for their actions and reallocate financial resources (that currently end up, unlawfully, in the pockets of cops) into communities of color, which grapple with underfunded and underdeveloped community assistance programs. I think this is abhorrent. I am disappointed to see this Commonwealth historically not hold our police officers to a higher standard, and Bill S.2800 will begin the long process of reforming the system such that this higher standard is instituted.

I respectfully urge you, Reps Michlewitz and Cronin, and the members of the joint committees to support this very important legislation.

Thanks.

Jaclyn Rambarran

508-615-8182

From: samanthagunn11@gmail.com
Sent: Friday, July 17, 2020 10:42 AM
To: Testimony HWM Judiciary (HOU)
Cc: Crighton, Brendan (SEN); Jones, Bradley - Rep. (HOU)
Subject: S.2820 Opposition

As a concerned wife, mother, nurse in Massachusetts fighting the COVID-19 pandemic and as your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

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immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.
(3)?POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat our men and women, mothers and fathers, husbands and wives, sisters and brothers in law enforcement with the respect and dignity they deserve.

Thank you,
Samantha J. Soldani
7 Dunstan Road
Lynnfield, MA 01940From: Domb, Mindy - Rep. (HOU)
Sent: Friday, July 17, 2020 10:41 AM
To: Testimony HWM Judiciary (HOU)
Subject: FW: [External]: Please pass a strong omnibus bill to increase police accountability

Attached from my constituent.

Mindy Domb, State Representative 3rd Hampshire District

Proudly representing the residents of Amherst, Pelham, precinct 1 in Granby

Phone/Amherst: 413-461-2060

Information on COVID-19: the state's website <http://www.mass.gov/covid19> CDC <https://www.cdc.gov/coronavirus/2019-nCoV/index.html> World Health Organization <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979>

Information on Unemployment Benefits: How To Apply For Unemployment <https://www.mass.gov/applying-for-unemployment-benefits?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979> COVID-19 Unemployment Information <https://www.mass.gov/info-details/massachusetts-covid-19-unemployment-

information?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979>

Information for Pandemic Unemployment Assistance for self-employed, gig workers, freelancers, independent contractors & others.
<http://www.mass.gov/pua>

_____

From: carol.anne.kaminsky=gmail.com@mg.gospringboard.io [carol.anne.kaminsky=gmail.com@mg.gospringboard.io] on behalf of Carol Kaminsky [carol.anne.kaminsky@gmail.com]
Sent: Thursday, July 16, 2020 12:36 PM
To: Domb, Mindy - Rep. (HOU)
Subject: [External]: Please pass a strong omnibus bill to increase police accountability

Dear Rep. Domb

As your constituent, I'm writing to ask you include three essential measures in any legislation on police accountability and racial justice. Please prohibit violent police tactics, impose meaningful restrictions on qualified immunity, and ban the use of discriminatory face surveillance.

Massachusetts is not immune to systemic racism in policing. It's long been clear that Black people in the Commonwealth are over-policed and under-served. Meanwhile, police are rarely held accountable for corruption or serious misconduct. This moment presents a significant opportunity for racial justice, and we should seize it.

First, please implement strong use of force standards as set out in Rep. Miranda's bill, An Act to Save Black Lives, including complete bans on the most violent police tactics.

Second, impose strict limits on qualified immunity to ensure that police can be held accountable when they violate people's rights. Banning violent police tactics is meaningless if there is no way for people to hold the police accountable when they break the rules. Victims of police brutality deserve justice.

Finally, please support an unequivocal ban on the use of dangerous facial recognition technology that would supercharge racist policing. The dangers of face surveillance and systemic racism in policing will not evaporate in mere months. The moratorium on the use of this technology should not be lifted until the legislature enacts meaningful regulation to guard against racial bias, invasions of privacy, and violations of due process

Massachusetts has an opportunity to be a leader in this nationwide movement—and as your constituent I implore you to take that opportunity to do the right thing. We need to deliver racial justice to Black and Brown

people in our state, and that starts with baseline police accountability through robust legislation.

Please work to include the above provisions in the final version of this bill.

Sincerely,

Carol Kaminsky
101 Middle St
Amherst MA, 01002-3011
From: David Mackey <dhmackey@gmail.com>
Sent: Friday, July 17, 2020 10:42 AM
To: Testimony HWM Judiciary (HOU)
Subject: Support for limits on qualified immunity

I strongly support the Senate's police reform bill and it is imperative that the House include these provisions in their version of the bill:

- The same limits to qualified immunity that the Senate included. This is vitally important to protect the constitutional rights of Massachusetts residents.

- Amendment 108, which prevents schools from sharing personal information about students into local, state, and federal databases.

- Amendment 65, which bans tear gas, a chemical weapon banned in warfare.

- Amendment 80, which gives superintendents and school committees the ability to authorize a school resource officer, rather than the current unfunded mandate for every district to have SROs. Districts should have local control over their own budgets and policies.

Sincerely,
David Mackey
Concord, MA

(917) 304-8155

From: Ryan Sceviour <ryansceviour7@gmail.com>
Sent: Friday, July 17, 2020 10:42 AM
To: Testimony HWM Judiciary (HOU)
Subject: SAVE QUALIFIED IMMUNITY AND DUE PROCESS

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of merit and

restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

(1)?Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.

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(3)?POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Thank you,

Ryan Sceviour

Brant Rock, Marshfield

RyanSceviour7@gmail.com

From: Paulette Marino <pamarino3@gmail.com>
Sent: Friday, July 17, 2020 10:41 AM
To: Testimony HWM Judiciary (HOU)
Subject: Reforming Police Standards

Good Morning

Thank you for reading my email statement. I would also like to thank all of our police men and woman for keeping our country, state and communities safe.

I am writing today to ask for changes in police standards with respect to restraints, actions taken for minor infractions of the law and profiling based on race.

I work in the public schools as a School Adjustment Counselor and we are trained in restraints. We first try de-escalation when a student is dysregulated. We try to put the student at ease, listen, acknowledge feelings and try to calm the individual down. If this does not work we try the least invasive restraint and only escalate to a four point restraint, where four people are involved (which officers could have easily done with George Floyd, Eric Garner for example) only if the student becomes a danger to themsleves or others. During any restraint we must let go of the student after a certain amount of time (typically 2 minutes or less) to see if the student continues to be unsafe to himself or others. Any restraints over two minutes need to be reported. At no time do we put a knee or choke hold on a student. If a student seems to be in need of medical care during the restraint we immediately get the nurse involved and get her/his recommendations. I would like to see our police use the same protocols and reporting system. Any restraints that may kill someone should be eliminated and considered illegal.

I would also like to mention that a suspect for a minor infraction (selling cigarettes, fell asleep in line at a drive through, potentially using counterfeit money, etc.) and they run away, let them run. The police can pick them up at another time. The police have access to everyone's home address. I doubt someone would leave the state for selling lose cigarettes. I do not understand why the police would shoot those indivduals or hold them for 8+ minutes watching the suspect die.

I am also advocating for a more diverse police force . In addtion, anti-racist training for all police department members - which should include black history and white priviledge allowing for open discussion about race to acknowledge and break down any implicit biases to prevent further profiling and unnessary police tactics.

Thank you for reading.

Sincerely,
Paulette Marino
2 Hillside Road
Hull, MA 02045

From: Laura Blanton <lvanaren@gmail.com>
Sent: Friday, July 17, 2020 10:41 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform for Massachusetts

Dear Representative Aaron Michlewitz, Chairperson, House Committee on Ways and Means

Representative Claire Cronin, Chairperson, Joint Committee on the Judiciary

Hello, my name is Laura Blanton with the Greater Boston Interfaith Organization (GBIO). I live at 39 Roseway, Apt 1, Boston MA. I am writing to urge you and the House to pass police reform that includes:

-Implement Peace Officer Standards & Training with certification

-Civil service access reform

-Commission on structural racism

-Clear statutory limits on police use of force

-Qualified immunity reform

Thank you very much.

Sincerely,

Laura Blanton

lvanaren@gmail.com

269-569-2890

39 Roseway, Apt 1, Boston MA

From: Sue Sonia <suesonia@comcast.net>
Sent: Friday, July 17, 2020 10:41 AM
To: Testimony HWM Judiciary (HOU)

Subject: S.2800

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

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In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Sue Sonia
267 Old Common Rd.
Lancaster, MA. 01523

From: Sam Libkind <libkind@icloud.com>
Sent: Friday, July 17, 2020 10:41 AM
To: Testimony HWM Judiciary (HOU)
Cc: Mayor Ruthanne Fuller
Subject: PLEASE HELP POLICE!!!

It came to my attention that last night the MA Senate passed the bill to end qualified immunity for police officers. I am appalled that the legislature of such importance was passed without a public hearing.

The very idea that such a thing as removing qualified immunity from police can be seriously proposed, let alone voted for 30 to 7, seemed totally absurd just a few months ago. Qualified immunity of elected officials and members of the law enforcement community is the bedrock principle of any government. Without it, no government institution would be able to function. And policemen, due to the very nature of their work, are the most vulnerable group.

This shameful legislation is unfair, immoral, and harmful to the extreme, especially to the people of color, whom it's supposedly designed to help – this group needs strong law enforcement and police protection more than anybody. By taking away qualified immunity from police the Commonwealth of Massachusetts essentially declares itself non-governable territory. Scores of policemen will retire, which is already happening. And nobody will be interested in joining the police force – the group that not only is unjustly vilified but now even deprived of any legislative protection.

A horrible death happened in Minnesota and everybody condemned it. But why the whole profession of policemen is punished for that? I talked to Brookline police and there has been not a single incident of police brutality for the years of existence of Brookline police. Massachusetts police in general is an exemplary organization. Why are you in such a hurry of changing the law? This new law will harm not only police but the whole population of Massachusetts.

In the strongest possible terms, I urge you to keep qualified immunity for MA police officers intact.

Vladimir Foygelman,

58 Rosewood Dr.

Stoughton, MA

--

Sam Libkind. Newton, ma

Avast logo <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.avast.com_antivirus&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=O3sk656VjqaY8Wea_Ri6B2RWR2n4aKVcOzZCqTVPOWA&s=Xw760aVvb50FDsY0_jX9itkJhMnKowG7epgBm1ipR6w&e=> This email has been checked for viruses by Avast antivirus software.
www.avast.com <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.avast.com_antivirus&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=O3sk656VjqaY8Wea_Ri6B2RWR2n4aKVcOzZCqTVPOWA&s=Xw760aVvb50FDsY0_jX9itkJhMnKowG7epgBm1ipR6w&e=>

From: Crouse, Michael (POL) <Michael.V.Crouse@pol.state.ma.us>
Sent: Friday, July 17, 2020 10:41 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820 Written Testimony

Senator Collins,

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

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(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their

municipalities, from frivolously lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.

(3) POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Thank you,

Michael Crouse
10 Rangeley Street, Dorchester
Michael.V.Crouse@pol.state.ma.us

Respectfully,

Trooper Michael Crouse #4274
Massachusetts State Police
SP Boston, H-4
(t): 617-727-6780
(f): 617-742-8097

From: Domb, Mindy - Rep. (HOU)
Sent: Friday, July 17, 2020 10:40 AM
To: Testimony HWM Judiciary (HOU)
Subject: FW: [External]: Please pass a strong omnibus bill to increase police accountability

Attached from my constituent.

Mindy Domb, State Representative 3rd Hampshire District

Proudly representing the residents of Amherst, Pelham, precinct 1 in Granby

Phone/Amherst: 413-461-2060

Information on COVID-19: the state's website <http://www.mass.gov/covid19> CDC <https://www.cdc.gov/coronavirus/2019-nCoV/index.html> World Health Organization <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979>

Information on Unemployment Benefits: How To Apply For Unemployment <https://www.mass.gov/applying-for-unemployment-benefits?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979> COVID-19 Unemployment Information <https://www.mass.gov/info-details/massachusetts-covid-19-unemployment-information?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979>

Information for Pandemic Unemployment Assistance for self-employed, gig workers, freelancers, independent contractors & others. <http://www.mass.gov/pua>

From: rregozin=gmail.com@mg.gospringboard.io [rregozin=gmail.com@mg.gospringboard.io] on behalf of Roy Regozin [rregozin@gmail.com]
Sent: Thursday, July 16, 2020 3:47 PM
To: Domb, Mindy - Rep. (HOU)
Subject: [External]: Please pass a strong omnibus bill to increase police accountability

Dear Rep. Domb

As your constituent, I'm writing to ask you include three essential measures in any legislation on police accountability and racial justice. Please prohibit violent police tactics, impose meaningful restrictions on qualified immunity, and ban the use of discriminatory face surveillance.

Massachusetts is not immune to systemic racism in policing. It's long been clear that Black people in the Commonwealth are over-policed and under-served. Meanwhile, police are rarely held accountable for corruption or serious misconduct. This moment presents a significant opportunity for racial justice, and we should seize it.

First, please implement strong use of force standards as set out in Rep. Miranda's bill, An Act to Save Black Lives, including complete bans on the most violent police tactics.

Second, impose strict limits on qualified immunity to ensure that police can be held accountable when they violate people's rights. Banning violent police tactics is meaningless if there is no way for people to hold the

police accountable when they break the rules. Victims of police brutality deserve justice.

Finally, please support an unequivocal ban on the use of dangerous facial recognition technology that would supercharge racist policing. The dangers of face surveillance and systemic racism in policing will not evaporate in mere months. The moratorium on the use of this technology should not be lifted until the legislature enacts meaningful regulation to guard against racial bias, invasions of privacy, and violations of due process

Massachusetts has an opportunity to be a leader in this nationwide movement—and as your constituent I implore you to take that opportunity to do the right thing. We need to deliver racial justice to Black and Brown people in our state, and that starts with baseline police accountability through robust legislation.

Please work to include the above provisions in the final version of this bill.

Sincerely,

Roy Regozin
116 Harkness Road
Pelham MA, 01002-9776
From: Emily Klump <eklump@wellesley.edu>
Sent: Friday, July 17, 2020 10:41 AM
To: Testimony HWM Judiciary (HOU)
Subject: Bill s.2800

Testimony in support of:

Bill S.2800- 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

Submitted by:

Emily Klump

9 Kenwood Street

Brookline, MA 02446

Rep. Aaron Michlewitz, Rep. Claire D. Cronin, and members of the House Committee on Ways and Means and the Joint Committee on the Judiciary for the police reform bill above:

My name is Emily and I am a resident of Brookline, MA. I am writing to voice my strong support for Bill S.2800.

Bill S.2800 is important because it includes more accountability for cops and reallocates resources for communities of color, something that I think we have all seen is absolutely essential. Communities of color have disproportionately suffered the impacts of aggressive policing, and with little money invested back into their community programs, it perpetuates a harmful cycle and disenfranchises massive amounts of our community. I have been paying close attention to legislation that attempts to redress these wrongs, and I will continue to do so now that my eyes have been opened to this injustice. I know I am not alone in this.

I respectfully urge you, Reps Michlewitz and Cronin, and the members of the joint committees to support this very important legislation.

Thank you.

Emily Klump

763-226-1182

Sent from my iPhone
From: Kim Weeter <kweeter@sover.net>
Sent: Friday, July 17, 2020 10:40 AM
To: Testimony HWM Judiciary (HOU)
Subject: Testimony re S.2820

Dear Rep. Cronin and Rep. Michlewitz,

First, thank you for your time and attention to these matters.

I am writing to express support for S.2820, the Senate's police reform bill. I urge the House to enact a similar bill as soon as possible, and get it through a conference committee and signed by Governor Baker by the end of July.

I particularly support the Senate bill's approach to the creation of a state-wide certification board and state-wide training standards, limits on use of force, the duty to intervene if an officer witnesses misconduct by another officer, banning racial profiling and mandating the collection of racial data for police stops, civilian approval required for the purchase of military equipment, the prohibition of nondisclosure agreements in police misconduct cases, and allowing the Governor to select

a colonel from outside the state police force, as well as all of the provisions requested by the Black and Latino Legislative Caucus.

I support allowing local Superintendents of Schools, not a state mandate, to decide whether police officers (school resource officers) are helpful in their own schools. Municipalities should be able to make this decision for themselves.

I also support the Senate bill's small modifications to qualified immunity for police officers. Under this bill, police officers would continue to have qualified immunity if they act in a reasonable way, and they would continue to be financially indemnified by the tax-payers in their municipalities. Police officers should not, however, be immune to prosecution if they engage in egregious misconduct, even if case law has not previously established that this particular form of misconduct is egregious.

Most importantly, I hope a good police reform bill will be enacted by the end of July. Thank you, again, for giving attention to this important priority, along with all the other important issues the House is addressing.

Earnestly,
Kim Weeter

Kim Weeter, MA
Hudson / Middlesex County
email: kweeter@sover.net
tel: 802.579.5999

From: Roxane Wilber <roxanewilber@icloud.com>
Sent: Friday, July 17, 2020 10:40 AM
To: Testimony HWM Judiciary (HOU)
Subject: testimony re: S.2820

I'm writing in support of the Senate's police reform bill — S.2820. The House should make it a priority to pass a similar bill soon, so that it can get through conference committee and be signed into law as soon as possible.

We urgently need: limits on the use of force, a ban on racial profiling, and the end to nondisclosure agreements in police misconduct cases; a state-wide certification board and training standards; mandates for the collection of racial data for police stops and the duty to intervene when officers witness officer misconduct; a requirement for civilian approval of military equipment purchases; and an allowance for the governor to choose a colonel from outside the state police. Local school superintendents must be allowed to determine wether police or school resource officers are more helpful in their own area. Unlimited qualified immunity for police officers must end. If police officers engage in misconduct that has not previously been established as egregious in case law, they should not be immune to prosecution. I support the bill's approach to these matters and all provisions requested by the Black and

Latino Legislative Caucus and believe that it is a matter of extremely urgent concern.

Roxane Wilber
617.335.0210
Somerville From: Solomon Steen <sols@gwmail.gwu.edu>
Sent: Friday, July 17, 2020 10:40 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2800 Testimony

Hello:

I am writing to urge the House to follow the leadership of overpoliced communities, victims of police & corrections abuse, and formerly and currently incarcerated people, and should modify S.2800 to achieve the following goals:

* Abolish Qualified Immunity

* Ban Chokeholds (no exceptions for intent) [Senate amendment 58], require decertification, termination of officers

* Ban Tear Gas [original draft of Senate amendment 65], destroy existing supply

* Include corrections officers in the definition of law enforcement, and subject them to the same standards of licensure and all restrictions on use of force

* Remove the position of Sheriff from the "community policing and behavioral health advisory council" [Remove Senate Amendment 40]

* Prevent law enforcement from unilaterally suspending the decertification process for up to 1 year and restore the standard determining a loss of license to the "preponderance of the evidence" [Remove Senate Amendment 54]

* Require data transparency in juvenile justice [Include Senate Amendment 3]

* Decriminalize homelessness [Include Senate Amendment 10] [incorporate text of SB.2735, S.2717, S.2576, +$50M to line item 7004-9316]

* Raise the Age of Juvenile Jurisdiction and stop automatic prosecution of teenagers as adults [Include Amendment 17]

* End pretextual stops [Include Senate Amendment 31]

* Compensate wrongly convicted individuals [Include Senate Amendment 37]

* Permanently ban face surveillance [Include Senate Amendment 64] and bar RMV from using the technology

* Remove the $10M cap from the justice reinvestment fund and expand participation from community organizations [Include Senate Amendments 81, 84, 95]

* Limit long-term suspension and expulsion [Include Senate Amendment 93]

* Ban No-Knock Warrants [Include Senate Amendment 119] with no exceptions

* Require decertification result in ineligibility for rehires, transfers, or pensions

* Abolish the gang database

* Expungement of all juvenile records and cannabis offenses

* No new police funding

* Incorporate the text of H. 4652 (the Decarceration Bill)

* Incorporate the text of S.1372 (No Cost Phone Calls)

* Incorporate the text of S.1379/H.2047 (Strengthen Visitation)

* Incorporate the text of H.4607 (An Act Relative to Parole)

* Incorporate the text of S.2641 (Driver's Licenses for All)

* Incorporate the text of HD.5166 (Emergency Housing Stability Bill)

* All Four State-Level Points of MA BLLC Plan

* Resolve to provide for a "Special Commission on Peace Officer Standards and Training" to study and make recommendations concerning the implementation of a Peace Officers Standards and Training (POST) system. (H2146 written by Reps Holmes and Vieira was hyper boosted from a Commission to an actual POST bill, initially filed by the Governor and passed by the Senate. The original Senate bill has some better language, for example around NOT paying police bonuses for taking trainings. However, the amendment 54 was EXTREMELY PROBLEMATIC in that it raises the bar for the standard determining a loss of licence from "preponderance of the evidence" to "clear and convincing.")

* Civil Service Exam Review and Oversight: An Act to Reform Civil Service Exams, H2292 Rep Holmes bill, sent to study, should be converted to a Commission.

* Commission on Structural Racism: An Act establishing a special commission on structural racism, H1440, Holmes; Collaboratively redrafted

by Nika Elugardo in conjunction with incarcerated family, advocate, and administration representatives. Passed as Amendment #16 in S.2028

* Adopt clear statutory limits on police use of force, including choke-holds and other tactics known to have deadly consequences. Require independent investigation of officer-related deaths. Require data collection and reporting on race, regarding all arrests and police use of force by every department. Rep Miranda's bill.

(I note that the text of withdrawn Senate amendments is available on request, though it does not live on the public site.)

As a Black resident of the Commonwealht, I note the context of this bill: amidst the Coronavirus pandemic, there is a pandemic of racial injustice. Before the pandemic, according to a Boston Globe survey of a number of cities in the Greater Boston region, the household median net worth was $247,500 for whites and $8 for US Blacks. According to the Prison Policy Initiative, Black people make up 10% of the Commonwealth's population but 26% of its prison population. Combined, Black and Latino people make up 17% of the population but 50% of the Commonwealth's incarcerated population! We are also disproportionately impacted by COVID-19. Communities have asked for the speedy release of those held in prisons, with little success. People who should have their input on this legislation are locked in cages because the legislature failed to release enough people from prisons and jails to allow for social distancing; some have died. Those who are surviving, thus far, are in an economically precarious state due to inadequate federal, state, and local assistance and cannot keep informed on rapid legislative developments that involve no proactive community outreach. This legislation is being undermined by compounding governance failures.

I further note that the Legislature failed to center organizations led by or serving impacted people - including Families for Justice As Healing and Black & Pink Boston - so as to have a policy-making process driven and informed by those residents closest to the pain of our current criminal legal system. I would like to quote the People Not Prisons Coalition's remarks on the Senate bill:

If the Massachusetts legislature were serious about protecting Black lives and addressing systemic racism, this bill would eliminate cornerstones of racist policing including implementing a ban without exceptions on pretextual traffic stops and street stops and frisks. The legislature should decriminalize driving offenses which are a major gateway into the criminal legal system for Black and Brown people and poor and working class people. Rather than limiting legislation to moderate reforms and data collection, the legislature should shut down fusion centers, erase gang databases, and permanently ban facial surveillance by all state agencies including the RMV. [We] also support student-led efforts to remove police from schools.

S.2820 will cause more harm than good by increasing spending on law enforcement through training and training commissions, expanding the power of law enforcement officials to oversee law enforcement agencies, and making no fundamental changes to the function and operation of policing in the Commonwealth. Real change requires that we shrink the power and responsibilities of law enforcement and shift resources from policing into most-impacted communities.

The way forward is to shrink the role and powers of police, fund Black and Brown communities, and defund the systems of harm and punishment which have failed to bring people of color safety and wellbeing. S.2820 does not help us get there.

Please do not let this session end without passing legislation that addresses the harm caused by incarceration and separating families who are disproportionately Black and Brown.

We need to release people from jails and prisons who are most vulnerable to COVID-19 by passing H.4652;

provide no cost calls to incarcerated people by passing S.1372;

strengthen visitation to our incarcerated community by passing S.1379/H.2047;

and make sure the parole board has members with social work and mental health backgrounds by passing S.4607.

[We] also support a harm reduction approach to substance use rather than more criminalization and punishment. Please pass S.2717 to establish safe consumption sites in the Commonwealth.

We also need to increase access to driver’s licenses in Massachusetts to prevent people from coming into contact with law enforcement, so please pass S.2641.

Black and Brown communities in the Commonwealth have been hit hardest by COVID19 and we need real protections to keep people in their homes. Please pass HD.5166 to prevent mass evictions.

In the coming budget negotiations, please focus on shifting resources away from policing and incarceration and into Black and Brown communities.

I thank you for your consideration and encourage you to be deliberate in your proactive outreach to incarcerated people, formerly incarcerated

people, and those in overpoliced communities as you draft this and subsequent legislation.

--

Solomon Steen
415-818-3565

From: Timothy Groves <twgroves@comcast.net>
Sent: Friday, July 17, 2020 10:40 AM
To: Testimony HWM Judiciary (HOU)
Subject: I urge House passage of Policing Reform bill

Dear Chairpersons Michlewitz and Cronin,

My name is Tim Groves with the Greater Boston Interfaith Organization (GBIO). I live at 59 Rice St., Cambridge, MA. I am writing to urge you and the House to pass police reform that includes:

-Implement Peace Officer Standards & Training with certification
-Civil service access reform
-Commission on structural racism
-Clear statutory limits on police use of force
-Qualified immunity reform

Thank you very much,

Timothy W. Groves
twgroves@comcast.net
617-354-5415
59 Rice St., Cambridge 02140

From: Edward Rose <rockspringwatered2@comcast.net>
Sent: Friday, July 17, 2020 10:40 AM
To: Testimony HWM Judiciary (HOU)
Subject: Reject Senate Policing bill SB 2820

Dear Members of the Massachusetts House of Representatives: I am writing to ask you to reject the Policing Bill, SB 2820. It endangers public safety, removes important protections for police, and creates a commission to study and make recommendations regarding policing with a lopsided membership. Section 49 alters our education laws to prohibit school officials from reporting immigration or citizenship status to any law enforcement authority or GANG MEMBERSHIP. To think that school authorities would be prohibited from telling the police that a student might be a member of MS-13 or any other dangerous gang is extremely dangerous. Section 49 should be eliminated. SB 2820 endangers our police by dramatically watering down "qualified immunity" in Section 10. This provision should be eliminated. Section 52 should also be eliminated as it hinders an officer's ability to protect our roadways as well as him- or herself by not allowing them to ask someone who they have stopped about their immigration or citizenship status. Section 63 creates a fifteen-member commission to make recommendations on policing. But, only 3 of the

15 are associated with policing. It should have more equal representation of law enforcement officers. I oppose SB 2820, and at a minimum, it should specifically eliminate any provisions similar to sections 10, 49, 52, and amend Section 63 to have more police representation. Sincerely,
From: Cheryl Burns <cburns145@gmail.com>
Sent: Friday, July 17, 2020 10:40 AM
To: Testimony HWM Judiciary (HOU)
Subject: S2800

To whom it may concern,
I am writing to ask you to vote NO on the Police Reform Bill.
Parts of it are great but the area of concern for me is the paragraph where the Police can be sued.
These are hardworking Men and Women who truly keep us safe every day so we can live our lives knowing someone is watching over us. I can assure you the officer will think twice before he acts against a criminal for fear of losing everything he has worked so hard to attain for his family.
Thanking you in advance
Cheryl Burns
Abington, MA

Sent from my iPhoneFrom: Paula Mahoney <pmah12@icloud.com>
Sent: Friday, July 17, 2020 10:40 AM
To: Testimony HWM Judiciary (HOU)
Subject: House bill s2820

I am writing as a resident of Massachusetts and the city of Boston that I DO NOT SUPPORT HOUSE BILL S2820.

This bill would allow the great men and women of out civil service departments to be personally sued because they are doing their job.

Thank you
Paula Mahoney
West Roxbury

Sent from my iPhoneFrom: Karen Chen <kyzchen@gmail.com>
Sent: Friday, July 17, 2020 10:38 AM
To: Testimony HWM Judiciary (HOU)
Subject: Pass a Strong Police Accountability Bill with Key Provisions from S.2820

Dear Chairs HWM & Judiciary,

I urge you to pass legislation that establishes real oversight and accountability for police.

Our law enforcement system is rife with systemic racism that manifests in poignant police murders of unarmed black people, brutality and excessive use of force, unlawful arrests, and unnecessary police contact. The House of Representatives and Senate should ultimately pass a bill that ends qualified immunity in most instances, reduces and oversees police use of

force, removes police from schools, expands juvenile expungement, and establishes funds to improve re-entry from incarceration.

The shielding of law enforcement from accountability for violating people's rights through qualified immunity is unacceptable and irresponsible. Police should be held to professionalism standards that limit misconduct similar to doctors or lawyers, who cannot commit malpractice with impunity. Additionally, we need to stop surveilling juveniles with police in schools, collect data, and let young people expunge records related to mistakes they made as a child. If we invest in communities of color and hold police accountable for their misuse of power, then we will have safer communities, less crime, and more respect for the justice system.

This is an urgent matter. Please pass a bill that includes at a minimum the provisions of the senate bill.

Sincerely,

Karen Chen
1 Earhart St Unit 718
Cambridge, MA 02141
kyzchen@gmail.com

From: Domb, Mindy - Rep. (HOU)
Sent: Friday, July 17, 2020 10:39 AM
To: Testimony HWM Judiciary (HOU)
Subject: FW: [External]: Please pass a strong omnibus bill to increase police accountability

Attached from my constituent.

Mindy Domb, State Representative 3rd Hampshire District

Proudly representing the residents of Amherst, Pelham, precinct 1 in Granby

Phone/Amherst: 413-461-2060

Information on COVID-19: the state's website <http://www.mass.gov/covid19> CDC <https://www.cdc.gov/coronavirus/2019-nCoV/index.html> World Health Organization <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979>

Information on Unemployment Benefits: How To Apply For Unemployment <https://www.mass.gov/applying-for-unemployment-benefits?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979> COVID-19 Unemployment Information

<https://www.mass.gov/info-details/massachusetts-covid-19-unemployment-information?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979>

Information for Pandemic Unemployment Assistance for self-employed, gig workers, freelancers, independent contractors & others.
<http://www.mass.gov/pua>

_____

From: mdbramirez=gmail.com@mg.gospringboard.io [mdbramirez=gmail.com@mg.gospringboard.io] on behalf of Desmond Ramirez [mdbramirez@gmail.com]
Sent: Thursday, July 16, 2020 9:13 PM
To: Domb, Mindy - Rep. (HOU)
Subject: [External]: Please pass a strong omnibus bill to increase police accountability

Dear Rep. Domb

As your constituent, I'm writing to ask you include three essential measures in any legislation on police accountability and racial justice. Please prohibit violent police tactics, impose meaningful restrictions on qualified immunity, and ban the use of discriminatory face surveillance.

Massachusetts is not immune to systemic racism in policing. It's long been clear that Black people in the Commonwealth are over-policed and under-served. Meanwhile, police are rarely held accountable for corruption or serious misconduct. This moment presents a significant opportunity for racial justice, and we should seize it.

First, please implement strong use of force standards as set out in Rep. Miranda's bill, An Act to Save Black Lives, including complete bans on the most violent police tactics.

Second, impose strict limits on qualified immunity to ensure that police can be held accountable when they violate people's rights. Banning violent police tactics is meaningless if there is no way for people to hold the police accountable when they break the rules. Victims of police brutality deserve justice.

Finally, please support an unequivocal ban on the use of dangerous facial recognition technology that would supercharge racist policing. The dangers of face surveillance and systemic racism in policing will not evaporate in mere months. The moratorium on the use of this technology should not be lifted until the legislature enacts meaningful regulation to guard against racial bias, invasions of privacy, and violations of due process

Massachusetts has an opportunity to be a leader in this nationwide movement—and as your constituent I implore you to take that opportunity to

do the right thing. We need to deliver racial justice to Black and Brown people in our state, and that starts with baseline police accountability through robust legislation.

Please work to include the above provisions in the final version of this bill.

Sincerely,

Desmond Ramirez
44 McClellan St #1
Amherst MA, 01002-2013
From: Ian McGullam <ian.mcgullam@gmail.com>
Sent: Friday, July 17, 2020 10:40 AM
To: Testimony HWM Judiciary (HOU)
Subject: Comment re: police reform bill

I'm a resident at 20 Pleasant St, Medford, MA, and my phone number is (631) 521-3458. I'm writing to testify in support of the police reform bill being considered by the House. The Senate bill, while not perfect, went a long way towards offering solutions to several particularly egregious problems with policing in Massachusetts, and I hope the House can pass a bill that's as close to the Senate version as possible. In particular, I'm calling on you to keep the limits on qualified immunity that the Senate bill imposes. It's important to give victims of abuses by police officers more recourse to obtain justice.

Sincerely,
Ian McGullam
--

Ian McGullam

Medford, MA
(631) 521-3458

ian.mcgullam@gmail.com

ianmcgullam.wordpress.com
<https://urldefense.proofpoint.com/v2/url?u=http-3A__ianmcgullam.wordpress.com&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=qL2mDon_fC2jMOwZ1HSDkd3VC7GS5ttLQezRGe7MmCg&s=Or9C7dTbUqXMg4b3fuJSWv4Hlb2x9O74lDVok-yyJcE&e=>
From: Margie DeStefano <destefmd@verizon.net>
Sent: Friday, July 17, 2020 10:40 AM
To: Testimony HWM Judiciary (HOU)
Subject: Reject Senate Policing bill SB 2820

Dear Members of the Massachusetts House of Representatives:

I am writing to ask you to reject the Policing Bill, SB 2820. It endangers public safety, removes important protections for police, and creates a

commission to study and make recommendations regarding policing with a lopsided membership.

Section 49 alters our education laws to prohibit school officials from reporting immigration or citizenship status to any law enforcement authority or GANG MEMBERSHIP.

To think that school authorities would be prohibited from telling the police that a student might be a member of MS-13 or any other dangerous gang is extremely dangerous. Section 49 should be eliminated.

SB 2820 endangers our police by dramatically watering down "qualified immunity" in Section 10. This provision should be eliminated.

Section 52 should also be eliminated as it hinders an officer's ability to protect our roadways as well as him- or herself by not allowing them to ask someone who they have stopped about their immigration or citizenship status.

Section 63 creates a fifteen-member commission to make recommendations on policing. But, only 3 of the 15 are associated with policing. It should have more equal representation of law enforcement officers.

I oppose SB 2820, and at a minimum, it should specifically eliminate any provisions similar to sections 10, 49, 52, and amend Section 63 to have more police representation.

Sincerely,

Sent from my iPhone
From: Michelle Cuff <michcuff@yahoo.com>
Sent: Friday, July 17, 2020 10:40 AM
To: Testimony HWM Judiciary (HOU)
Subject: Pass SB2800, REform, Shift, Build Act

Dear Chairman Aaron Michlewitz & Co-chair Rep. Claire Cronin:
My name is Michelle Cuff. I am a resident of Medway. I am writing this virtual testimony to urge you to pass SB.2800 the Reform, Shift, Build Act in its entirety. It is the minimum and the bill must leave the legislature in its entirety.
I support this bill because action is necessary NOW to protect black and brown lives. Thinking "that can't happen here" is not a strategy for success. It is wishful thinking. The specifics of this bill are a starting point, a minimum of what can and should be done. Please quickly act to pass this bill and consider doing more in the future.
This bill bans chokeholds, promotes de-escalation tactics, certifies police officers, prohibits the use of facial recognition, limits qualified immunity for police, and redirects money from policing to community investment.
I urge you to ensure that all aspects of this bill are intact. We are in a historical moment and this bill ensures that we in Massachusetts meet the demand of this movement.

Thank you for your consideration of your request to give SB.2800 a favorable report.
Sincerely,
Michelle Cuff
26 Florence Circle, Medway
From: Domb, Mindy - Rep. (HOU)
Sent: Friday, July 17, 2020 10:39 AM
To: Testimony HWM Judiciary (HOU)
Subject: FW: [External]: Please pass a strong omnibus bill to increase police accountability

Attached from my constituent.

Mindy Domb, State Representative 3rd Hampshire District

Proudly representing the residents of Amherst, Pelham, precinct 1 in Granby

Phone/Amherst: 413-461-2060

Information on COVID-19: the state's website <http://www.mass.gov/covid19> CDC <https://www.cdc.gov/coronavirus/2019-nCoV/index.html> World Health Organization <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979>

Information on Unemployment Benefits: How To Apply For Unemployment <https://www.mass.gov/applying-for-unemployment-benefits?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979> COVID-19 Unemployment Information <https://www.mass.gov/info-details/massachusetts-covid-19-unemployment-information?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979>

Information for Pandemic Unemployment Assistance for self-employed, gig workers, freelancers, independent contractors & others. <http://www.mass.gov/pua>

From: judithsouweine=gmail.com@mg.gospringboard.io [judithsouweine=gmail.com@mg.gospringboard.io] on behalf of Judith Souweine [judithsouweine@gmail.com]
Sent: Friday, July 17, 2020 8:38 AM
To: Domb, Mindy - Rep. (HOU)
Subject: [External]: Please pass a strong omnibus bill to increase police accountability

Dear Rep. Domb

As your constituent, I’m writing to ask you include three essential measures in any legislation on police accountability and racial justice. Please prohibit violent police tactics, impose meaningful restrictions on qualified immunity, and ban the use of discriminatory face surveillance.

Massachusetts is not immune to systemic racism in policing. It’s long been clear that Black people in the Commonwealth are over-policed and under-served. Meanwhile, police are rarely held accountable for corruption or serious misconduct. This moment presents a significant opportunity for racial justice, and we should seize it.

First, please implement strong use of force standards as set out in Rep. Miranda's bill, An Act to Save Black Lives, including complete bans on the most violent police tactics.

Second, impose strict limits on qualified immunity to ensure that police can be held accountable when they violate people's rights. Banning violent police tactics is meaningless if there is no way for people to hold the police accountable when they break the rules. Victims of police brutality deserve justice.

Finally, please support an unequivocal ban on the use of dangerous facial recognition technology that would supercharge racist policing. The dangers of face surveillance and systemic racism in policing will not evaporate in mere months. The moratorium on the use of this technology should not be lifted until the legislature enacts meaningful regulation to guard against racial bias, invasions of privacy, and violations of due process

Massachusetts has an opportunity to be a leader in this nationwide movement—and as your constituent I implore you to take that opportunity to do the right thing. We need to deliver racial justice to Black and Brown people in our state, and that starts with baseline police accountability through robust legislation.

Please work to include the above provisions in the final version of this bill.

Sincerely,

Judith Souweine
565 Bay Rd.
amherst MA, 01002-3504
From: GALINA YUSSIN <gyussin@comcast.net>
Sent: Friday, July 17, 2020 10:40 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police reform

It would be disaster. Nobody would like to work in police.

Galina Yussin.
160 Stanton Ave. #345
Auburndale MA 02466

From: thomas flynn <spindrifter@charter.net>
Sent: Friday, July 17, 2020 10:39 AM
To: Testimony HWM Judiciary (HOU)
Subject: Reject Senate Policing bill SB 2820

Dear Members of the Massachusetts House of Representatives:

I am writing to ask you to reject the Policing Bill, SB 2820. It endangers public safety, removes important protections for police, and creates a commission to study and make recommendations regarding policing with a lopsided membership.

Section 49 alters our education laws to prohibit school officials from reporting immigration or citizenship status to any law enforcement authority or GANG MEMBERSHIP.

To think that school authorities would be prohibited from telling the police that a student might be a member of MS-13 or any other dangerous gang is extremely dangerous. Section 49 should be eliminated.

SB 2820 endangers our police by dramatically watering down "qualified immunity" in Section 10. This provision should be eliminated.

Section 52 should also be eliminated as it hinders an officer's ability to protect our roadways as well as him- or herself by not allowing them to ask someone who they have stopped about their immigration or citizenship status.

Section 63 creates a fifteen-member commission to make recommendations on policing. But, only 3 of the 15 are associated with policing. It should have more equal representation of law enforcement officers.

I oppose SB 2820, and at a minimum, it should specifically eliminate any provisions similar to sections 10, 49, 52, and amend Section 63 to have more police representation.

Sincerely, Thomas Flynn, 90 Masquesatch Rd, Westport Point, Ma. 02791
From: Andrew Goldhor <andrew.goldhor@gmail.com>
Sent: Friday, July 17, 2020 10:39 AM
To: Testimony HWM Judiciary (HOU)
Subject: Support for the Police Reform Bill

To whom it may concern,

I am writing to urge support for the Police Reform bill before the legislature. As a Christian and an American, these reforms represent a step towards becoming the country we proclaim to be, and towards becoming

the Beloved Community that prophets and martyrs have dreamt of for generations.

I urge you to support the inclusion of the following measures:

HD.5128, An Act Relative to Saving Black Lives and Transforming Public Safety, State Representative Liz Miranda <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.facebook.com_voteliz_-3F-5F-5Ftn-5F-5F-3DK-2DR-26eid-3DARAoqrvxbqxcHkbaGFFDal2duSLy5lzQwskyvWjSckN0ysQRjD-5FhYuVo9hUS8qQ7GsXpQxRtDfuqyFxu-26fref-3Dmentions-26-5F-5Fxts-5F-5F-255B0-255D-3D68.ARCpDWxSSsBCAr4mlQWUG89eamUATJiOejOVVzTb-5Fh5TYPOtPwTkxZ2JtqfZoMTFI-2D1fSGgJE-5FAdM69hnlW0GxpWGCmB-2DDeQIkK4gMQFDv9KdbZTqybbTQab81GKdWQqCJ16NpVz0rWrm5Tat7OE-2Dj1U99acZZdP8YctIDWcI-2DQfxYjvYfn5aO-5F-2DtZqgE1N7OCvfaYTnFPi6&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=JUYgmtqeEXotNkZRntVBfZ1GLsrP4mVNa3C9OzVjbpE&s=P5MqXTkB72i-yWlQH2uTvBSEr4nxF8vZuLbZR4ou0hQ&e=> bans chokeholds, no knock warrants, tear gas, and hiring abusive officers; creates a duty to intervene and to de-escalate and requires maintaining public records of officer misconduct.

HB.3277 An Act to Secure Civil Rights through the Courts of the Commonwealth, State Representative Michael Day which ends the practice of qualified immunity, making it possible for police officers to be personally liable if they are found to have violated a person’s civil rights.

Thank you.

Peace,
The Rev. Andrew Goldhor
Asst. Rector
Church of Our Redeemer
Lexington, MA

From: Aaron Richardson <aaronrichardson9393@gmail.com>
Sent: Friday, July 17, 2020 10:39 AM
To: Testimony HWM Judiciary (HOU)
Subject: In Support of law enforcement

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

(1) Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.

(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.

(3) POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Thank you,

Jacquline Conlon
151 E 10th Street
Chuluota,FL 32766
jacqueline_conlon@yahoo.com

Sent from my iPhoneFrom: Domb, Mindy - Rep. (HOU)
Sent: Friday, July 17, 2020 10:38 AM
To: Testimony HWM Judiciary (HOU)
Subject: FW: [External]: Please pass a strong omnibus bill to increase police accountability

Attached from my constituent.

Mindy Domb, State Representative 3rd Hampshire District

Proudly representing the residents of Amherst, Pelham, precinct 1 in Granby

Phone/Amherst: 413-461-2060

Information on COVID-19: the state's website <http://www.mass.gov/covid19> CDC <https://www.cdc.gov/coronavirus/2019-nCoV/index.html> World Health Organization <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979>

Information on Unemployment Benefits: How To Apply For Unemployment <https://www.mass.gov/applying-for-unemployment-benefits?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979> COVID-19 Unemployment Information <https://www.mass.gov/info-details/massachusetts-covid-19-unemployment-information?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979>

Information for Pandemic Unemployment Assistance for self-employed, gig workers, freelancers, independent contractors & others. <http://www.mass.gov/pua>

_____

From: jpearl54=aol.com@mg.gospringboard.io [jpearl54=aol.com@mg.gospringboard.io] on behalf of Jayne Pearl [jpearl54@aol.com]
Sent: Friday, July 17, 2020 9:31 AM
To: Domb, Mindy - Rep. (HOU)
Subject: [External]: Please pass a strong omnibus bill to increase police accountability

Dear Rep. Domb

As your constituent, I'm writing to ask you include three essential measures in any legislation on police accountability and racial justice. Please prohibit violent police tactics, impose meaningful restrictions on qualified immunity, and ban the use of discriminatory face surveillance.

Massachusetts is not immune to systemic racism in policing. It's long been clear that Black people in the Commonwealth are over-policed and under-served. Meanwhile, police are rarely held accountable for corruption or serious misconduct. This moment presents a significant opportunity for racial justice, and we should seize it.

First, please implement strong use of force standards as set out in Rep. Miranda's bill, An Act to Save Black Lives, including complete bans on the most violent police tactics.

Second, impose strict limits on qualified immunity to ensure that police can be held accountable when they violate people's rights. Banning violent police tactics is meaningless if there is no way for people to hold the police accountable when they break the rules. Victims of police brutality deserve justice.

Finally, please support an unequivocal ban on the use of dangerous facial recognition technology that would supercharge racist policing. The dangers of face surveillance and systemic racism in policing will not evaporate in mere months. The moratorium on the use of this technology should not be lifted until the legislature enacts meaningful regulation to guard against racial bias, invasions of privacy, and violations of due process

Massachusetts has an opportunity to be a leader in this nationwide movement—and as your constituent I implore you to take that opportunity to do the right thing. We need to deliver racial justice to Black and Brown people in our state, and that starts with baseline police accountability through robust legislation.

Please work to include the above provisions in the final version of this bill.

Sincerely,

Jayne Pearl
6 Duxbury Lane
Amherst MA, 01002-2803
From: Beth Melisi <bkj41210@gmail.com>
Sent: Friday, July 17, 2020 10:39 AM
To: Testimony HWM Judiciary (HOU)

Dear Rep. Aaron Michlewitz and Rep. Claire Cronin,

My name is Elizabeth Melisi-Huckins and I live at 22 Gould Street Wakefield MA. As your constituent, I write to you today to express my staunch opposition to S.2820, a piece of hastily-thrown-together legislation that will hamper law enforcement efforts across the Commonwealth. It robs police officers of the same Constitutional Rights extended to citizens across the nation. It is misguided and wrong.

Like most of my neighbors, I am dismayed at the scarcity of respect and protections extended to police officers in your proposed reforms. While there is always room for improvement in policing, the proposed legislation has far too many flaws. Of the many concerns, three, in particular, stand out and demand immediate attention, modification and/or correction. Those issues are:

(1) Due Process for all police officers: Fair and equitable process under the law. The appeal processes afforded to police officers have been in place for generations. They deserve to maintain the right to appeal given to all of our public servants.

(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously unrealistic lawsuits.

(3) POSA Committee: The composition of the POSA Committee must include rank-and-file police officers. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, law enforcement should oversee law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. Let me remind you that in 2015 President Obama recognized the Boston Police Department as one of the best in the nation at community policing. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Sincerely,

Elizabeth Melisi-Huckins

From: Cortni Desir <ckerr6@gmail.com>
Sent: Friday, July 17, 2020 10:39 AM
To: Testimony HWM Judiciary (HOU)
Subject: Pass SB.2800, Reform, Shift, Build Act

Dear Chairman Aaron Michlewitz & Co-chair Rep. Claire Cronin:

My name is Cortni Desir. I am a resident of Medford and a member of March like a Mother: for Black Lives. I am writing this virtual testimony to urge you to pass SB.2800 the Reform, Shift, Build Act in its entirety. It is the minimum and the bill must leave the legislature in its entirety.

Our country's police system was built on a foundation of state violence and white supremacy. As an urban planner, I understand the devastating effects this has had on our communities, particularly for Black, Indigenous, and People of Color. As a mother, daughter, wife, and sister, not a day goes by that I do not fear for the safety of my black family should they have an encounter with the police. The overreliance on police violence and our racist criminal justice system has gone unchecked long enough - it's time for Massachusetts to be a leader in dismantling these systems.

This bill bans chokeholds, promotes de-escalation tactics, certifies police officers, prohibits the use of facial recognition, limits qualified immunity for police, and redirects money from policing to community investment.

I urge you to ensure that all aspects of this bill are intact. We are in a historical moment and this bill ensures that we in Massachusetts meet the demand of this movement.

Thank you for your consideration of your request to give SB.2800 a favorable report.

Sincerely,

Cortni Desir

215 Harvard Street #10

Medford, MA 02155

March like a Mother: for Black Lives

From: Anthony Sousa <asousa@napd.us>
Sent: Friday, July 17, 2020 10:39 AM
To: Testimony HWM Judiciary (HOU)
Subject: S2820 Bill

To whom it may concern,

My name is Anthony Sousa and I work for the North Andover Police Department. My cell phone number is 978-790-4883. I am writing to voice my concerns over the proposed bill.

A couple years ago I responded to an unconscious person who was not breathing. Once I got there I started performing cpr on the person to get them breathing again. At one point during chest compressions I could hear ribs break. It is something that happens when you are performing cpr. With the Emts there as well we tried everything to get a pulse back for that person. That person subsequently passed away later that evening.

Had that person lived and the new bill was in place, I would be looking at a law suit because I had broken a rib. Qualified immunity protects public servants when they are acting in good faith. We have strict guidelines and policies that we have to follow in order to fall under the protection. It is not absolute immunity meaning that because of being a police officer we are covered under anything. There is a threshold that we must abide by while working. If we are outside of that I.e. break policy, break the law, etc. then we are not qualified for immunity.

Eliminating qualified immunity in the bill will hesitate officers to perform on the job. Most of the officers here in Massachusetts have had

and continue to have some of the best training in the country. Please take out any language regarding qualified immunity and keep it the way it is.

Also, with the Due Process. If this law passes you want a civilian panel to advise on what was right or wrong? I can agree with a couple, but you need to people who have had some law enforcement background in it. As a civilian yourself, can you tell me what the totality triangle is? How about Graham vs. Connor? If you want a panel I get it, but put people who have law enforcement background in it.

In the end if these two amendments were to pass, you will see a lot of people leave the public sector. I love my job and love helping people when it is possible. I can go home to my wife and know that I did something good for someone that day. If these are passed you will have a worse outcome than you have predicted. The public works sector will ultimately quit because they do not want to be sued. Just food for thought. I read an article about Colorado the other day. Colorado which recently passed a similar bill if not exact, is trying to redact the qualified immunity within a couple weeks!

I wish you the best of luck. Please contact me if you have any questions.

Sincerely,
Anthony Sousa

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All email messages and attached content sent from and to this email account
are public records unless qualified as an exemption under the Massachusetts
Public Records Law <http://www.sec.state.ma.us/pre/preidx.htm>.

Visit us
online at *www.northandoverma.gov*
<https://urldefense.proofpoint.com/v2/url?u=http-3A__www.northandoverma.gov&d=DwIFAw&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=y_ofiSeN-DpUpaTK1XAJv9qS-HY9D9jzjCaX4vEBXHg&s=AI9rHzjHlC_dE3o9dZL3kjDwHjYaFRYxzR4KkZ_7og4&e= >.
From: Emily Vigneault <emily.vigneault@yahoo.com>
Sent: Friday, July 17, 2020 10:39 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

(1)?Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.

(2)?Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.

(3)?POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Thank you,

Emily Vigneault

Emily.vigneault@yahoo.com

459 Springdale Rd

Westfield, MA 01085

Sent from Yahoo Mail for iPhone
<https://urldefense.proofpoint.com/v2/url?u=https-3A__overview.mail.yahoo.com_-3F.src-3DiOS&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=iVK-o3F-_uA27IRESMTdzTf-rZMl71IARyQ-pjN2qgI&s=dPgiOYX3KxVMScCovEMwEX77gg1CWPw0uHlROUSQgwY&e=>

From: Ginny Guenette <ginny.guenette@gmail.com>
Sent: Friday, July 17, 2020 10:38 AM
To: Testimony HWM Judiciary (HOU)
Subject: Fwd: Testimony on S.2820

To: Representative Aaron Michlewitz, Chairperson, House Committee on Ways and Means

Representative Claire Cronin, Chairperson, Joint Committee on the Judiciary

Hello, my name is Virginia Guenette with the Greater Boston Interfaith Organization (GBIO). I live at 16 Maple Street, Lenox, MA 01240. I am writing to urge you and the House to pass police reform that includes:

* Implementation of Peace Officer Standards & Training with certification
* Civil service access reform
* Commission on structural racism
* Clear statutory limits on police use of force
* Qualified immunity reform

I urge you to adopt the Senate language to reform the legal doctrine of qualified immunity. This reform will allow the few applicable cases to be heard by a jury without being dismissed because the particular violation of 4th amendment rights by a public official, such as a police officer, has never been previously contemplated by a statute or a court precedent. Those cases deserve to be heard on their merits, not thrown out using a non-statutory legal doctrine. It is simply outrageous that those who have suffered from the egregious violations of police officers cannot get their day in court.

In addition, it is clear that qualified immunity reform will not have devastating financial impact on any police officers as they are indemnified by the municipalities that employ them. Any such claims are

not based on fact and should not be considered as you consider this reform.

Thank you very much.

Virginia Guenette

16 Maple Street

Lenox, MA 01240

ginny.guenette@gmail.com

From: Domb, Mindy - Rep. (HOU)
Sent: Friday, July 17, 2020 10:38 AM
To: Testimony HWM Judiciary (HOU)
Subject: FW: [External]: Please pass a strong omnibus bill to increase police accountability

from my constituent.

Mindy Domb, State Representative 3rd Hampshire District

Proudly representing the residents of Amherst, Pelham, precinct 1 in Granby

Phone/Amherst: 413-461-2060

Information on COVID-19: the state's website <http://www.mass.gov/covid19> CDC <https://www.cdc.gov/coronavirus/2019-nCoV/index.html> World Health Organization <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979>

Information on Unemployment Benefits: How To Apply For Unemployment <https://www.mass.gov/applying-for-unemployment-benefits?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979> COVID-19 Unemployment Information <https://www.mass.gov/info-details/massachusetts-covid-19-unemployment-information?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979>

Information for Pandemic Unemployment Assistance for self-employed, gig workers, freelancers, independent contractors & others.
<http://www.mass.gov/pua>

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From: susanzarchin=gmail.com@mg.gospringboard.io [susanzarchin=gmail.com@mg.gospringboard.io] on behalf of Susan Zarchin [susanzarchin@gmail.com]
Sent: Friday, July 17, 2020 10:09 AM
To: Domb, Mindy - Rep. (HOU)
Subject: [External]: Please pass a strong omnibus bill to increase police accountability

Dear Rep. Domb

As your constituent, I'm writing to ask you include three essential measures in any legislation on police accountability and racial justice. Please prohibit violent police tactics, impose meaningful restrictions on qualified immunity, and ban the use of discriminatory face surveillance.

Massachusetts is not immune to systemic racism in policing. It's long been clear that Black people in the Commonwealth are over-policed and under-served. Meanwhile, police are rarely held accountable for corruption or serious misconduct. This moment presents a significant opportunity for racial justice, and we should seize it.

First, please implement strong use of force standards as set out in Rep. Miranda's bill, An Act to Save Black Lives, including complete bans on the most violent police tactics.

Second, impose strict limits on qualified immunity to ensure that police can be held accountable when they violate people's rights. Banning violent police tactics is meaningless if there is no way for people to hold the police accountable when they break the rules. Victims of police brutality deserve justice.

Finally, please support an unequivocal ban on the use of dangerous facial recognition technology that would supercharge racist policing. The dangers of face surveillance and systemic racism in policing will not evaporate in mere months. The moratorium on the use of this technology should not be lifted until the legislature enacts meaningful regulation to guard against racial bias, invasions of privacy, and violations of due process

Massachusetts has an opportunity to be a leader in this nationwide movement—and as your constituent I implore you to take that opportunity to do the right thing. We need to deliver racial justice to Black and Brown people in our state, and that starts with baseline police accountability through robust legislation.

Please work to include the above provisions in the final version of this bill.

Sincerely,

Susan Zarchin
500 West St
Apt. %
Amherst MA, 01002-2989
From: Candace Clement <candace.jeanne@gmail.com>
Sent: Friday, July 17, 2020 10:38 AM
To: Testimony HWM Judiciary (HOU)
Subject: Testimony in support of reforming police standards

Hello,

I am writing in support of S.2820, 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.

It is undeniable that systemic racism has created the world we live in today and that people of color — and Black people in particular — are targeted by police and the criminal justice system. The murder of George Floyd has led to one of the larges social protest movements in the history of the United States and the call for dramatic changes to our society cannot be ignored.

We can not continue to work for ineffective, reformist policies that don't stop the ongoing and sometimes lethal harm that our police forces are creating in our communities. It is time to meet the moment and institute lasting, dramatic changes to ensure that police officers are held accountable and to reinvest the inflated policing budgets into the kind of social services police so often are called to perform in our communities.

Massachusetts needs to reckon with it's shameful history of colonization and segregation — something so often buried and ignored in our history books — by taking the steps today to create a more just and equitable society for all of its residents. This legislation could be a stepping stone on the path to justice.

Thank you,
Candace Clement
Belchertown, MA

--

-candace jeanne clement

play: candace.jeanne@gmail.com
work: candace@freepress.net

From: Cindy Brunton <cindybrunton@verizon.net>
Sent: Friday, July 17, 2020 10:38 AM

To: Testimony HWM Judiciary (HOU)
Subject: S.2820

Dear To whom it may Concern,

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

(1) Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.

(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.

(3) POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Thank you,
Cindy Brunton

From: Casey Buttke <caseybuttke@gmail.com>
Sent: Friday, July 17, 2020 10:38 AM
To: Testimony HWM Judiciary (HOU)

Subject: Qualified Immunity & Police Reform

Hello!

To whomsoever it may concern: I'm a student at Northeastern University, and I strongly support the bill on the floor of the House this morning.

We are in a period of change and transformation - this is not a time to hold ourselves to old standards, it is a time to hold ourselves accountable. We need to be actively seeking out police reform, and this is a really big step in the right direction. There are hundreds and thousands of people like me – students – who are proud to be from Massachusetts, a place where revolution was born, where political activism and progressive viewpoints have always been a key aspect of our identity.

I urge you to pass this bill – you may not see it, but the country is watching to wait for you to make the right call here. You can help to set the precedent for a safer future for ALL Americans.

I pray that you will hear this.

Thank you,
- Casey Buttke

Casey Buttke (she/her/hers)

Candidate for B.S. in Criminal Justice and Political Science
(minors in Philosophy and Mathematics)
Northeastern University Class of 2023
Boston, MA | buttke.l@northeastern.edu

From: Jen Davis <jenjd11@gmail.com>
Sent: Friday, July 17, 2020 10:38 AM
To: Testimony HWM Judiciary (HOU)
Cc: Driscoll, William - Rep. (HOU)
Subject: Testimony re: Police Reform

Please accept the following written testimony in regards to police reform in Massachusetts.

Sincerely,
Jen Davis
Milton, MA 02186
781-454-6366

---------- Forwarded message ---------
From: Jen Davis <jenjd11@gmail.com>
Date: Thu, Jul 16, 2020, 9:57 AM
Subject: Police Reform
To: <william.driscoll@mahouse.gov>

Dear Representative Driscoll,

I am a resident of Milton. I, like any decent person, was horrified to watch George Floyd’s murder. I realize that people in the law enforcement profession have caused a great deal of damage to minority communities in the past and I am hopeful law enforcement will be better in the future. I am saddened that it took Mr. Floyd’s murder to get people moving.

I am gravely concerned about a few of the items put forth by the Senate and I am entrusting the House will consider and correct these matters. One item that I feel will have an immensley negative impact the on the police profession is ending qualified immunity. Police officers make split-second decisions in rapidly evolving and dynamic situations, and they do so to protect the public. Qualified immunity does not and should not protect them should they violate clearly established law, or prove to be incompetent. Qualified immunity does however, shield police and many other public officials, including yourself, from frivolous lawsuits.

In a recent study done by UCLA, researchers found that courts only accept a qualified immunity defense around 12% of the time.

Ending qualified immunity will ultimately hurt communities and the hiring of our police. It will be harder to attract quality candidates to effect the change that the profession needs. This comes at a time when candidate pools are undoubtedly already at all-time lows. We desperately need to attract the best people from our communities to work in law enforcement. Ending qualified immunity for police will be counterproductive to that. Please consider opposing ending qualified immunity for police.

I am also concerned that the Senate's bill takes away due process in disciplinary matters. A right that the Supreme Court has upheld in all civil and criminal cases since the birth of our nation, and a right that organized labor has fought for since its inception. The Senate wishes to create a disciplinary review board without law enforcement representation to sit in judgement after-the-fact to judge an officer's reasonableness. Reasonableness being the key operating term set forth by the Supreme Court in many landmark use of force cases. Unless politicians and activists can say that their knowledge supercedes the US Supreme court, then it becomes essential that the review boards are compromised at least partially by law enforcement.

How can a community activist evaluate and speak to reasonableness regarding a job they know nothing about, except as an uninformed observer?

I ask you to help law enforcement effectively keep our communities safe. The unintended consequences of the Senate's bill will reap a whirlwind of consequences for our communities if left unchecked by the House.

Sincerely,

Jen Davis

781-454-6366

From: Domb, Mindy - Rep. (HOU)
Sent: Friday, July 17, 2020 10:37 AM
To: Testimony HWM Judiciary (HOU)
Subject: FW: [External]: Please pass a strong omnibus bill to increase police accountability

Attached from my constituent.

Mindy Domb, State Representative 3rd Hampshire District

Proudly representing the residents of Amherst, Pelham, precinct 1 in Granby

Phone/Amherst: 413-461-2060

Information on COVID-19: the state's website <http://www.mass.gov/covid19> CDC <https://www.cdc.gov/coronavirus/2019-nCoV/index.html> World Health Organization <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979>

Information on Unemployment Benefits: How To Apply For Unemployment <https://www.mass.gov/applying-for-unemployment-benefits?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979> COVID-19 Unemployment Information <https://www.mass.gov/info-details/massachusetts-covid-19-unemployment-information?utm_source=Senator+Friedman+updates&utm_campaign=5cab44709c-EMAIL_CAMPAIGN_2020_03_27_01_45&utm_medium=email&utm_term=0_839d8000ad-5cab44709c-116793979>

Information for Pandemic Unemployment Assistance for self-employed, gig workers, freelancers, independent contractors & others. <http://www.mass.gov/pua>

From: danniekaye2=gmail.com@mg.gospringboard.io [danniekaye2=gmail.com@mg.gospringboard.io] on behalf of Danielle Kadinoff [danniekaye2@gmail.com]
Sent: Friday, July 17, 2020 10:17 AM
To: Domb, Mindy - Rep. (HOU)
Subject: [External]: Please pass a strong omnibus bill to increase police accountability

Dear Rep. Domb

As your constituent, I'm writing to ask you include three essential measures in any legislation on police accountability and racial justice. Please prohibit violent police tactics, impose meaningful restrictions on qualified immunity, and ban the use of discriminatory face surveillance.

Massachusetts is not immune to systemic racism in policing. It's long been clear that Black people in the Commonwealth are over-policed and under-served. Meanwhile, police are rarely held accountable for corruption or serious misconduct. This moment presents a significant opportunity for racial justice, and we should seize it.

First, please implement strong use of force standards as set out in Rep. Miranda's bill, An Act to Save Black Lives, including complete bans on the most violent police tactics.

Second, impose strict limits on qualified immunity to ensure that police can be held accountable when they violate people's rights. Banning violent police tactics is meaningless if there is no way for people to hold the police accountable when they break the rules. Victims of police brutality deserve justice.

Finally, please support an unequivocal ban on the use of dangerous facial recognition technology that would supercharge racist policing. The dangers of face surveillance and systemic racism in policing will not evaporate in mere months. The moratorium on the use of this technology should not be lifted until the legislature enacts meaningful regulation to guard against racial bias, invasions of privacy, and violations of due process

Massachusetts has an opportunity to be a leader in this nationwide movement—and as your constituent I implore you to take that opportunity to do the right thing. We need to deliver racial justice to Black and Brown people in our state, and that starts with baseline police accountability through robust legislation.

Please work to include the above provisions in the final version of this bill.

Sincerely,

Danielle Kadinoff
87 Stony Hill Rd.
Amherst MA, 01002-2843
From: Mary Lenihan <maryfranlenny@gmail.com>
Sent: Friday, July 17, 2020 10:38 AM
To: Testimony HWM Judiciary (HOU)
Subject: Act to Save Black Lives by Transforming Public Safety

To whom it may concern,

We need strong use of force guidelines for police in Massachusetts, public record of police misconduct, a duty to intervene policy, and bans on no-knock warrants, choke-holds, tear gas, and other chemical weapons.

Black Lives Matter,
Mary Lenihan
Boston, MA.

Sent from my iPadFrom: Jenn Burnham <jburnham623@gmail.com>
Sent: Friday, July 17, 2020 10:37 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820

Dear Rep. Aaron Michlewitz and Rep. Claire Cronin,

My name is Jennifer Burnham and I live at 1 Bishops Way North Reading. As your constituent, I write to you today to express my staunch opposition to S.2820, a piece of hastily-thrown-together legislation that will hamper law enforcement efforts across the Commonwealth. It robs police officers of the same Constitutional Rights extended to citizens across the nation. It is misguided and wrong.

Like most of my neighbors, I am dismayed at the scarcity of respect and protections extended to police officers in your proposed reforms. While there is always room for improvement in policing, the proposed legislation has far too many flaws. Of the many concerns, three, in particular, stand out and demand immediate attention, modification and/or correction. Those issues are:

(1) Due Process for all police officers: Fair and equitable process under the law. The appeal processes afforded to police officers have been in place for generations. They deserve to maintain the right to appeal given to all of our public servants.

(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously unrealistic lawsuits.

(3) POSA Committee: The composition of the POSA Committee must include rank-and-file police officers. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, law enforcement should oversee law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. Let me remind you that in 2015 President Obama recognized the Boston Police Department as one of the best in the nation at community policing. I again implore you to amend and

correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Sincerely,

Jennifer Burnham
North Reading, MA

From: Randy Smith <randy@tigana.org>
Sent: Friday, July 17, 2020 10:37 AM
To: Testimony HWM Judiciary (HOU)
Subject: I support passage of the senate police reform bill in its current state

Specific areas that I would like to see included in the final bill:
* The state wide commission for certification and review.
* The duty to intervene if witnessing misconduct
* Banning racial profiling and collecting racial data on police stops
* The senate's modification of qualified immunity for police officers to exclude egregious misconduct from immunity to prosecution.

But mostly I hope a good police reform bill will be enacted by the end of July. Thank you for giving this work your attention and priority.

Randall Smith
781-535-4725
68 Crosby St, Arlington, MA 02474

From: Madeline Bilis <madelinembilis@gmail.com>
Sent: Friday, July 17, 2020 10:37 AM
To: Testimony HWM Judiciary (HOU)
Subject: Testimony in support of Bill S.2800

Testimony in support of:

Bill S.2800- 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

Submitted by:

Madeline Bilis

37 Sawmill Rd.

Dudley, MA 01571

Rep. Aaron Michlewitz, Rep. Claire D. Cronin, and members of the House Committee on Ways and Means and the Joint Committee on the Judiciary for the police reform bill above:

My name is Madeline Bilis and I am a resident of Dudley, MA. I am writing to voice my strong support for Bill S.2800.

Bill S.2800 is incredibly important for communities across Massachusetts, including mine. It will increase accountability for our police, something that has long been overdue, and encourage less aggressive behavior toward communities of color.

Limiting qualified immunity is essential in this state. Right now, the system of penalizing incompetent police and police who've committed crimes is broken. Qualified immunity only helps these kinds of police keep their jobs despite wrongdoing. Limiting it will not prevent police from doing their jobs — it will finally protect civilians from police who think they're above the law.

I feel that our police have too much power, and that police culture can become toxic if not kept in check by the regulatory measures outlined in S.2800. I personally know a police officer in Worcester who refers to people who live in Worcester's Main South neighborhood (a disadvantaged area home to people of color) as "creatures." That's not the attitude of all police, of course. But as someone who is fortunate enough not to have encounters with the police very often, I still know a police officer who thinks this way. I fear this speaks for their attitudes overall, which largely and negatively impact communities of color.

Something needs to be done to hold police accountable. S.2800 is the first step.

I respectfully urge you, Reps Michlewitz and Cronin, and the members of the joint committees to support this very important legislation.

Thank you,

Madeline Bilis

774-402-4025

From: Kathy Wilson <kawi2000@yahoo.com>
Sent: Friday, July 17, 2020 10:37 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820

Dear Representative Hogan,
As your constituent, I am writing to share my strong opposition to many parts of the recently passed S.2820. It is my hope that you join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.
However, I am extremely concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present state is troubling in many ways and

will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are a few of my main concerns:
1. Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.
2. Qualified Immunity: Qualified immunity does not protect problem police officers. Qualified immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified immunity protects all public employees, as well as their municipalities, from frivolous lawsuits. This bill removes important liability protections essential for all public servants. Eliminating qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruiting in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc as they are all directly affected by qualified immunity protection.
3. POS Committee: The POS Committee must include more rank-in-file police officers and experts in law enforcement. If your goal is to regulate law enforcement, up to and including termination, it is crucial that there is an understanding of law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.
Finally I remind you that those who protect and serve communities across Massachusetts are some of the most educated and sophisticated officers in the nation. I again implore you to amend and correct S.2820. Doing so will allow the men and women in law enforcement to be treated with the respect and dignity they deserve.
Respectfully,

Kathy Frechette
47 Old Bolton Road
Hudson, MA 01749
From: june rutkowski <junemrutkowski@gmail.com>
Sent: Friday, July 17, 2020 10:36 AM
To: Testimony HWM Judiciary (HOU)
Subject: public testimony relating to S.2820

To the House Committees on Ways and Means and the Judiciary:

Though I am well-educated, I am having difficulty fully understanding the fine details of S.2820, but I do want to write to let you know that I am in full support of efforts to "reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color."

The systematic oppression of people of color is as old as the day when Europeans first arrived on the shores of the New World, and defies all that the United States Constitution promises.

As a lifelong voting citizen of Massachusetts, proud of our liberal and progressive reputation, the reforms in this bill are long overdue.

Thank you for your attention to this matter. I am working for and looking forward to a more equitable society for all Americans.

Respectfully,
June Rutkowski
128 Alpine Terrace
Arlington, MA 02474
781 641-3156

From: William Walsh <WWalsh@Townofgb.org>
Sent: Friday, July 17, 2020 10:37 AM
To: Testimony HWM Judiciary (HOU)
Subject: Fwd: Qualified Immunity

Begin forwarded message:

From: William Walsh <WWalsh@Townofgb.org>
Date: July 16, 2020 at 5:45:00 PM EDT
To: "HWMJudiciary@mahouse.gov" <HWMJudiciary@mahouse.gov>
Subject: FW: Qualified Immunity

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William R. Walsh, Jr.

Chief of Police

Director of Emergency Management

413-528-0306

wwalsh@townofgb.org

Town of Great Barrington

465 Main Street

Great Barrington MA 01230

<https://urldefense.proofpoint.com/v2/url?u=https-3A__www.facebook.com_GBPDMA_&d=DwMGaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=CJGUZ92_2QbsnFg0YJZxVuZ3RdSBYlnHVMzpoZfiYzE&s=gYseO4qgxruV4RNxVnII30PfjCW3mHYTwKtUAgTXdCk&e=>

The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

From: William Walsh
Sent: Thursday, July 16, 2020 5:42 PM
To: 'HWMJudiciary@mahouse.gov' <HWMJudiciary@mahouse.gov>
Cc: 'adam.hinds@masenate.gov' <adam.hinds@masenate.gov>
Subject: Qualified Immunity

Dear Chair Aaron Michlewitz and Chair Clair Cronin:

Please accept the following testimony with regard to SB2820.

Section 10. Immunity. Probably the most damaging thing to do to police, taking it away. Veteran officers are going to feel it’s not worth it anymore and definitely it will destroy recruiting new officers. Police need this protection. We cannot be vulnerable to reckless suits, etc. and be in danger of losing everything we own. I’ve been Chief here for 37 years and never more do we need your help than right now. Please stay united with us.

Sincerely,

<https://urldefense.proofpoint.com/v2/url?u=https-3A__greatbarringtonpolice.com_&d=DwMGaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=CJGUZ92_2QbsnFg0YJZxVuZ3RdSBYlnHVMzpoZfiYzE&s=OUDfKQO-01eaQlH4papsPgc9IQ0AEMOl2nl42k7QfCY&e=>

William R. Walsh, Jr.

Chief of Police

Director of Emergency Management

413-528-0306

wwalsh@townofgb.org

Town of Great Barrington

465 Main Street

Great Barrington MA 01230

<https://urldefense.proofpoint.com/v2/url?u=https-3A__www.facebook.com_GBPDMA_&d=DwMGaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=CJGUZ92_2QbsnFg0YJZxVuZ3RdSBYlnHVMzpoZfiYzE&s=gYseO4qgxruV4RNxVnII30PfjCW3mHYTwKtUAgTXdCk&e=>

The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

From: Paula Maher <paula@capresidential.com>
Sent: Friday, July 17, 2020 10:36 AM
To: Testimony HWM Judiciary (HOU)
Subject: Boston PD

I beg that you give the Boston PD a public hearing on the changes you are looking to make.

Please protect the police as they protect us!

--

Paula Maher
Principal Owner/Broker
Capital Residential Group
611 East Broadway
South Boston, MA 02127

617-980-9489 (cell)
617-268-1119 (ofc.)
617-464-1147 (fax)

www.capresidential.com <https://urldefense.proofpoint.com/v2/url?u=http-3A__www.capresidential.com&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=d6LpGNfeh4XB7d2VVO9eieXtvlppVJNr5hNh6KbBfII&s=h1nuP8DU7X3qQS6lEsSAUdkZRropBboZJxMSuVANWtI&e=>

Referrals are the greatest compliment you can give and greatly appreciated!!

From: Anna Rathje <rathje.anna@gmail.com>
Sent: Friday, July 17, 2020 10:37 AM
To: Testimony HWM Judiciary (HOU)
Subject: Reform Shift Bill

Hello,

I would like to voice my concern around the way the Boston Police Department has abused powers and not been held accountable. I am voicing my strong support for this bill. Thank you

Anna Rathje
Boston, MA

Sent from my iPhoneFrom: Teodora Laptiste <tlaptiste@gmail.com>
Sent: Friday, July 17, 2020 10:36 AM
To: Testimony HWM Judiciary (HOU)

Subject: Police Reform

Hi, my name is Teodora Laptiste, a mother of two wonderful black male children that deserve to receive protection and respect by all police officers. We need to teach/train our officers not to automatically assume that a person of color is guilty before being found innocent.

We all deserve equal treatment. It has been too many years of unconscious and conscious teaching of racism towards people of color. It is time to stop, listen and properly react towards positive charges. Do pass this reform. Thank you.

Teodora Laptiste

132 South street
Quincy, MA 02169

"...though our trust in Him may waiver, His love for us never does." Betty J. Eadie, The Ripple Effect our Harvest

"He who has a why to live for can bear almost any how" -Nietzsche

From: Cristina Wilson <cristinaw2016@gmail.com>
Sent: Friday, July 17, 2020 10:36 AM
To: Testimony HWM Judiciary (HOU)
Subject: Opposition to Bill 2820

>> Dear Chair Michlewitz and Chair Cronin,
>>
>> My name is Cristina Wilson and I live at 28 Saint Paul Street in Wilmington, MA 01887. As a constituent, I write to express my opposition to House Bill 2820/Senate Bill 2800. This legislation is detrimental to police and correction officers who work hard every day to keep the people of the Commonwealth safe. In 2019 the Criminal Justice System went through reform. That reform took several years to develop. I am dismayed in the hastiness that this bill was passed but I welcome the opportunity to tell you how this bill turns its back on the very men and women who serve the public.
>>
>> ?????????????????? ????????????????: Qualified immunity doesn’t protect officers who break the law or violate someone’s civil rights. Qualified Immunity protects officers who did not clearly violate statutory policy or constitutional rights. The erasure of this would open up the flood gates for frivolous lawsuits causing officers to acquire additional insurance and tying up the justice system causing the Commonwealth millions of dollars to process such frivolous lawsuits.
>>
>> ???????? ???????? ??????????? ??????????: The fact that you want to take away an officer’s use of pepper spray, impact weapons and K9 would leave no other option than to go from, yelling “Stop” to hands on tactics and/or using your firearm. We are all for de-escalation but if you take away these tools the amount of injuries and deaths would without a doubt rise.

>>
>> ???????????????? ?????????????????: While we are held to a higher standard than others in the community, to have an oversight committee made of people who have never worn the uniform, including an ex convicted felon is completely unnecessary and irresponsible. An oversight committee with the power to certify, decertify, and make requirements on the law enforcement profession which is made up of not a single law enforcement officer? There is not another profession in this state which has its oversight done by those who are not in the profession. This would be like having an oversight committee for dentists made up entirely of cops. When this oversight board hears testimony where are the officer's rights under our collective bargaining agreement? Where are our rights to due process? What is the appeal process? These are things that have never been heard or explained to me. The need for responsible and qualified individuals on any committee should be first and foremost.
>>
>> I am asking you to stop and think about the rush to reform police and corrections in such haste. Our officers are some of the best and well-trained officers anywhere. Although, we are not opposed to getting better it should be done with dignity and respect for the men and women who serve the Commonwealth. I ask that you think about the police officer you need to keep your streets safe from violence, and don't dismantle proven community policing practices. I would also ask you to think about the Correction Officer alone in a cell block, surrounded by up to one hundred inmates, not knowing when violence could erupt.
>>
>> Another really concerning part about this bill is the broad and far reaching language which it has. The bill was so hastily put together that its language in regards to collective bargaining and qualified immunity applies to all public sector employees. All public labor unions in the Commonwealth lose their effectiveness. Firefighters, DPW workers, and even Teachers are now on the hook personally if someone does not like the job they have done.
>>
>> The Massachusetts Senate passed this bill in order to say that they are doing something, and in doing so insulted every citizen of this Commonwealth. This bill was not passed by means of a fair and democratic process. Instead it was a pathetic attempt to pander to vocal special interest groups which do not understand the intricacies involved in law enforcement. Why did they not have an open dialogue with members from the community and law enforcement? There is nothing that we as police would like more than to be able to communicate with our community members in a constructive and respectful way in order to provide a public service that is fair, just and safe for everyone involved. Senate Bill s2800 is not the means to have those conversations.
>>
>> I'm asking for your support and ensuring that whatever reform is passed that you do it responsibly. Thank you for your time.
>>
>> Sincerely,
>>
>> Cristina Wilson
>>

From: Abby <abby130023@aol.com>
Sent: Friday, July 17, 2020 10:36 AM
To: Testimony HWM Judiciary (HOU)
Subject: Opposition to Bill #S2820

I write to you today to express my staunch opposition to Bill #S2820, a piece of hastily-thrown-together legislation that will hamper law enforcement (fire, doctors, nurses, EMT's and teachers) efforts across the Commonwealth. It robs police officers of the same Constitutional Rights extended to citizens across the nation. It is misguided and there are so many parts of this bill that are unjust.

This bill has immediate and long term detrimental ramifications on the men and women that serve our state, especially our police. This bill has not been transparent, vetted or had the full due diligence that it deserves. This bill, as written, is forcing far reaching changes that will impact every single resident of the Commonwealth and furthermore it is being done in a vacuum while only giving consideration to a small and loud group of people.

For lawmakers, representing the people of this state, engaging in back door politics, is unacceptable and despicable. The majority of people follow the rules, laws and do the right thing. We, those people, and the men and women in Blue deserve more than just a knee jerk reaction bill. We urge you to do the right thing.

I read through the bill, yes I actually did, and realize most people & most elected officials never do. Not only are there quite a few parts I disagree with, but I think it is absolutely disgraceful that changes of this magnitude, to a bill like this, are being rushed without thoughtful consideration as to both sides of the situation. This bill as proposed is reckless and this is a recipe for unintended consequences that will have a negative impact on this entire state and the residence of it. Your constituents should have a say and be heard. As elected politicians I urge you to represent all constituents and do what is morally and ethically right for all of the people and all communities you serve and not for personal political agenda and gain.

Like most of my neighbors, I am dismayed at the scarcity of respect and protections extended to police officers in your proposed reforms. While there is always room for improvement in policing, the proposed legislation has far too many flaws. Of the many concerns, three, in particular, stand out and demand immediate attention, modification and/or correction. Those issues are:

(1) Due Process for all police officers: Fair and equitable process under the law. The appeal processes afforded to police officers have been in place for generations. They deserve to maintain the right to appeal given to all of our public servants.

(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers.

Qualified Immunity protects all public employees, as well as their municipalities, from frivolously unrealistic lawsuits. I am quite sure you understand the importance of immunity because as written in the current bill, elected officials made sure their immunity was preserved and not tampered with (seems a bit self serving).

(3) POSA Committee: The composition of the POSA Committee must include rank-and-file police officers. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, law enforcement should oversee law enforcement.

Massachusetts has some of the most elite and world class police forces around. Your vote and the "going along with the herd" mentality, is going to destroy what has been built. Years of blood, sweat, and tears on the backs of officers that work hard every single day, to protect all of our families (including your own). The large majority of police officers do great things for their community, that go far above and beyond the call of duty and they do this because they love the job and believe in good.

That fact that legislation is being thrown together and hastily moved through the system to pacify a small group of people that are threatening and destructive to our communities, is very concerning. As an elected official, I ask that you represent the silent majority and DO NOT PASS THIS BILL in its current form.

Let's be very careful not to create a profession that will find no applicants or willing bodies to do the work very much needed. Lets not forget there are bad people in EVERY profession (Including politics), so let's not persecute an entire profession that a few bad apples find their way into, just as we don't persecute the masses of any other profession.

I know as elected officials you and all of your colleagues can do much better than this and we the people demand that of you and are looking to hold our House of Representatives accountable to fix the shortcomings of our Senate. Please remember to represent the great people of this state and not bow down to the people that don't care about our cities, town, flag, country. I would ask that you please remember who your constituents are and think long and hard before you vote.

My hopes are for you to be the leader you were voted in to be and stand behind and back the good men and women in our police forces throughout this state. The men and women in blue that go to work to protect and serve us. That put their life on the line every single day for us.....we all owe it to them.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. Let me remind you that in 2015 President Obama recognized the Boston Police Department as one of the best in the nation at community policing. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they so deserve.

Respectfully,

Joanne P Dondero
65 Manet Avenue
Quincy <x-apple-data-detectors://9> , MA. 02169

Sent from my iPad
From: Dangelo Fernandez <dangelo.fernandez228@gmail.com>
Sent: Friday, July 17, 2020 10:36 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820

Good morning,

My name is D'Angelo Fernandez. I am a resident of Worcester Ma and have been for my entire 31 years of life. I am a graduate of Worcester Public Schools and Worcester State University. I am Hispanic male, Puerto Rican, and proud member of the minority/black/brown community. I am a father to a beautiful daughter, son to amazing parents and sibling to those who are members of that community as well. I am a former Worcester Public Elementary school teacher and current Worcester Police Officer.

I am writing to you in hopes that my voice will be heard just as loudly as those who are in the streets. The bill S.2800, now known and numbered as S.2820, CANNOT move forward as written. I must express my fear for my community, myself and my family if it does. It has been extremely difficult to watch and to listen to this process. The speed at which this bill is being pushed through and how few of the actual people it affects know about it is truly unfair. We are watching with our own eyes as some of these abrupt decisions are ruining communities around the country. We are extremely fortunate here in Massachusetts. We should be proud and be looked at as an example for law enforcement. We are one of the best, most educated and forward thinking. Let's not penalize our community for tragic events that happens miles away.

As this bill is most likely going to continue to move forward I urge that we at the very least adopt the amendments filed in the Senate bill in regards to Qualified Immunity, Due process/ Collective bargaining and the make up of the POSAC Board. These are extremely significant amendments and again, at the very least, ensure that the police in our state can continue to serve and protect our communities as effectively as we have.

Respectfully,

D'Angelo Fernandez

774-242-1147

From: Ariel White <arielrwhite@gmail.com>
Sent: Friday, July 17, 2020 10:36 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820

Dear Chair Michlewitz, Chair Cronin, and members of the House Ways & Means and Judiciary Committees,

I write in support of S.2820. I urge you to pass an even stronger version of this bill into law. In particular, I would like to see the final bill completely ban tear gas, chokeholds, and no-knock raids; these militarized police tactics have no place in our commonwealth. And we should have clear legal standards for police behavior and employment: the final bill should set standards for decertifying officers that behave badly on the job, as well as eliminating qualified immunity. An enormous number of Massachusetts residents have turned out in recent months to protest violent and racist police behavior both nationwide and here at home. People want to see that officers can be held accountable for their actions. This is the right moment to have Massachusetts law reflect those concerns.

Sincerely,

Ariel White
11 Hinckley Street
Somerville, MA

From: Betty Lovejoy <bclovey@verizon.net>
Sent: Friday, July 17, 2020 10:36 AM
To: Testimony HWM Judiciary (HOU)
Subject: Reject Senate Policing bill SB 2820

Dear Members of the Massachusetts House of Representatives: I am writing to ask you to reject the Policing Bill, SB 2820. It endangers public safety, removes important protections for police, and creates a commission to study and make recommendations regarding policing with a lopsided membership. Section 49 alters our education laws to prohibit school officials from reporting immigration or citizenship status to any law enforcement authority or GANG MEMBERSHIP. To think that school authorities would be prohibited from telling the police that a student might be a member of MS-13 or any other dangerous gang is extremely dangerous. Section 49 should be eliminated. SB 2820 endangers our police by dramatically watering down "qualified immunity" in Section 10. This provision should be eliminated. Section 52 should also be eliminated as it hinders an officer's ability to protect our roadways as well as him- or herself by not allowing them to ask someone who they have stopped about

their immigration or citizenship status. Section 63 creates a fifteen-member commission to make recommendations on policing. But, only 3 of the 15 are associated with policing. It should have more equal representation of law enforcement officers. I oppose SB 2820, and at a minimum, it should specifically eliminate any provisions similar to sections 10, 49, 52, and amend Section 63 to have more police representation. Sincerely,

From: Jonah Sidman <jlsidman@gmail.com>
Sent: Friday, July 17, 2020 10:36 AM
To: Testimony HWM Judiciary (HOU)
Subject: Testimony for House hearing on police reform bill

To whom it may concern,

I am writing to urge the House to keep many of the provisions in the police reform bill that recently passed the Senate. In particular, please retain the limits on qualified immunity for police officers that are present in the Senate bill--this is absolutely vital for protecting the rights of citizens and disincentivizing police officers to use excessive force. Please also keep amendment 65, which bans tear gas. Tear gas is a chemical weapon already banned in warfare, so it's outrageous that many police forces around the country have used it against US citizens, and all the more egregious considering we are living through a pandemic that attacks the respiratory system. Please also retain amendments 80 and 108, which protect the rights of students against our criminal justice system.

Sincerely,

Jonah Sidman
30 Daniels St #410
Malden, MA
347-276-4263

From: Barbara Duffy <barb4321@hotmail.com>
Sent: Friday, July 17, 2020 10:36 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police reform bill

As a mother, sister, niece and aunt of law enforcement workers I just want to ask you
Do you put you life on the line every day when you go to work?
Do you put you families lives on the line everyday when you go to work?
Can I sue you for no other reason than I don’t like how you did something?
Or is the state going to back all your decisions that you make.
If this bill passes our state is going to be a mess because no one is going to want to be a police officer, firefighter, nurse teacher what is going to happen when all of these people walk off the job? When these people who put their families and lives of the line everyday realize that no one is protecting them or supporting them why would they want that profession?
As a mother who hasn’t slept in a month because of worry whose son was on a motorcycle in Boston during the protest and rallies, whose son has had bricks, frozen water bottles and fireworks thrown at him, whose son was yelled at spit on push around and could not do anything about it and

didn’t have the support of officials and then had to go home to his family and act like everything was fine.
I beg you do not let this bill pass just because it is an election year.
I beg you to stop this craziness before it is to late. I beg you to start supporting our first responders before it is to late and we have none.
I hope your family doesn’t need to call or use a first responder in a real emergency and no one shows up.
Please I beg you do not let this bill pass.
Sent from my iPhoneFrom: Mark, Paul - Rep. (HOU)
Sent: Friday, July 17, 2020 10:35 AM
To: Testimony HWM Judiciary (HOU)
Subject: Constituent Testimony S.2800 Qualified immunity

Please see below.

Best wishes,

Paul Mark

State Representative
2nd Berkshire District
Chair-House Committee on Redistricting

Representing 16 Communities in Berkshire and Franklin Counties.

Massachusetts State House
Room 160
Boston, MA 02133
(617) 722-2304
District Office-
(413) 464-5635
http://www.representativemark.com

From: RT [75rttbulldog@gmail.com]
Sent: Thursday, July 16, 2020 7:41 PM
To: Mark, Paul - Rep. (HOU)
Subject: [External]: Qualified immunity

Sir, as a law enforcement officer for over 20 years, serving the Commonwealth, I am very concerned, as are my co-workers about the proposed changes to the qualified immunity coverage that protects us. We are counting on you, our elected official, to stand up for what is right, and back us... those that have devoted our lives to protecting others. I am not against all police reform, some of it is a good idea. I am against, as you should be, the knee jerk reaction to George Floyd and protests, where some politicians are rushing to show some that they will hold the police more responsible. Our qualified immunity is not without exception as it stands. If you do something flagrant, you will not be protected, as

you shouldn't be. The job is hard enough without feeling like our elected officials and government doesn't stand behind us.
I really hope you will testify, and stand up for us that protect the citizens of the Commonwealth, without consideration of sex, color, race, sexual orientation or political stance. I thank you for your consideration on this matter.

Respectfully,
Randy Thomas
180 Raymond Drive
Dalton, MA
From: Hungria Ortiz <ortiz.hungria@gmail.com>
Sent: Friday, July 17, 2020 10:35 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform Bill

I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

(1)?Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.

(2)?Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.

(3)?POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement

field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.
In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.
Thank you,

Hungria Ortiz/610 Sunderland Road, Worcester, MA/774-2399121From: Clarence Megwa <cmegwa@intralinks.com>
Sent: Friday, July 17, 2020 10:35 AM
To: Testimony HWM Judiciary (HOU)
Cc: Madaro, Adrian - Rep. (HOU); Gingras, Steven (HOU); Rivas, Gloribel (HOU)
Subject: Re: Reform-Shift-Build Act

Hi -

I am writing to voice my wholehearted support for the Reform-Shift-Build Act. As a resident of Massachusetts, I get to see and celebrate diversity every day. We are a community made up of many cultures, representing the full spectrum of race that this globe offers. My family and I have fed from that spectrum and we have given back as well. Right now, we are not safe. We have been unsafe for quite some time. We will remain unsafe as long as the current state of policing is maintained.

Our State and Nation face a long postponed reckoning with race., We must keep a stern dialogue with how we police one another as part of that reckoning. The Reform-Shift-Build Act opens that dialogue in unprecedented ways. Stringent certifications, inroads towards banning excessive force, review boards staffed by community, and a stronger stance against surveillance technology are just some of the impressive pieces we will be bringing to the state with this Act. Perhaps the most impressive piece to this is a focused reform to the doctrine known as "qualified immunity."

Passing this act while keeping the reform of qualified immunity attached to it would be historical. It would send the appropriate message to the Nation. If we as a people are to be policed, it must be under an entirely reimagined officer. There are glimpses of good in all of us. There are glimpses of good in our law enforcement. But there is also an unspeakable bad in all of us. As it permeates all of us by degrees, so too does it fester in our law enforcement.

I have witnessed firsthand what can occur when unchecked racist thought and sentiment spills into human behavior. There is no thermometer check for hatred, dislike, annoyance, ambivalence. And that temperature rises and subsides throughout a life. Thoughts are truly free, and should not be governed. Action is governed. But actions are rooted in those thoughts. The action to take another's life, to choke another out, to abuse another, to dominate another, to correct another, without impunity is what I believe qualified immunity too often permits.

Reform, and regulation are necessities for police in Massachusetts and everywhere. But the protective mask of qualified immunity must fall. We face consequences as citizens. Those consequences do not police our thoughts, but they force us to think twice, or even just once before acting. For too long has our police force acted without impartial thought when it comes to another's life and rights.

I am asking you to support the Reform-Shift-Build Act for my family, friends, for Massachusetts, and for the entire United States of America. I am asking you to share my voice with your fellow legislators, and amplify it yourself in your championing of this Act.

Thank you for your time.

Regards

From: Shawn Buddah Pierce <buddahv11v@aol.com>
Sent: Friday, July 17, 2020 10:35 AM
To: Testimony HWM Judiciary (HOU)
Subject: Bill No. S2820

Respectfully addressed to..

Rep. Aaron Michlewitz
Chair of the House Committee on Ways and Means
Rep. Claire Cronin
Chair of the Joint Committee on the Judiciary

Please consider my letter against S2820 today..

I hope this request finds you all safe and well during these trying times..

I'd like to forward my stand AGAINST S2820 as presented to you.

The senate version of this bill as written will seriously undermine public safety by limiting police officer's ability to do their jobs while simultaneously allowing provisions to protect criminals. Furthermore, the process employed by the Senate to push this through with such haste, without public hearing or input of any kind, was extremely undemocratic and nontransparent.
Police across the commonwealth support uniform training standards and policies and have been requesting more training for years.

The Senate version of a regulatory board is unacceptable as it strips officers of the due process rights and does away with protections currently set forth in collective bargaining agreements and civil service law. The Senate created a board that is dominated by anti-police groups who have a long-detailed record of biases against law enforcement and preconceived punitive motives toward police.

The FOP will not support any bill that does not include the same procedural justice safeguards members of the communities we serve demand and enjoy. Also their proposed makeup of the oversight board is one sided and biased against law enforcement. It is unlike any of the 160 other regulatory boards across the Commonwealth and as constructed incapable if being fair and impartial.
What the Senate has tried to do is pass a knee jerk reaction to an incident which occurred half a country away that everyone agrees was egregious, the FOP nationally and in this state quickly condemned it.

Massachusetts police officers are among highest educated and trained in the country
This bill directly attacks qualified immunity and due process. Qualified immunity does not protect bad officers. It protects good officers from civil lawsuits. We should want our officers to be able to act to protect our communities without fear of being sued at every turn, otherwise why would they put themselves at risk? A large majority of law enforcement officers do the right thing and are good officers, yet there is a real push to end qualified immunity to open good officers up to frivolous lawsuits because of the actions of a few who, by their own actions, would not be covered by qualified immunity anyway. It just doesn't make any sense why we are endangering the livelihood of many for the actions of a few.

Changes to qualified immunity would be unnecessary if the legislature adopted a uniform statewide standard and bans unlawful use of force techniques which all police personnel unequivocally support.

In closing...
If the senate bill is passed in its current form the costs to municipalities and the State will skyrocket from frivolous lawsuits and potentially having a devastating impact on budgets statewide.

Thank you for your thoughtful consideration on the behalf of all Public Safety personnel serving our Commonwealth.

Shawn A. Pierce
Associate Member

Massachusetts Fraternal Order of Police
Bay State Lodge #30
Cellphone # - (508)341-2868

Reference:
Bill No. S2820
Title: 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.

From: Shawn Buddah Pierce <buddahv11v@aol.com>
Sent: Friday, July 17, 2020 10:35 AM
To: Testimony HWM Judiciary (HOU)
Subject: Bill No. S2820

Respectfully addressed to..

Rep. Aaron Michlewitz
Chair of the House Committee on Ways and Means
Rep. Claire Cronin
Chair of the Joint Committee on the Judiciary

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The FOP will not support any bill that does not include the same procedural justice safeguards members of the communities we serve demand and enjoy. Also their proposed makeup of the oversight board is one sided and biased against law enforcement. It is unlike any of the 160 other regulatory boards across the Commonwealth and as constructed incapable if being fair and impartial.
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Shawn A. Pierce
Associate Member
Massachusetts Fraternal Order of Police
Bay State Lodge #30
Cellphone # - (508)341-2868

Reference:
Bill No. S2820
Title: 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.

From: Jamie Garuti <jgaruti124@gmail.com>
Sent: Friday, July 17, 2020 10:35 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police reform measures

To: Representative Aaron Michlewitz, Chairperson, House Committee on Ways and Means
Representative Claire Cronin, Chairperson, Joint Committee on the Judiciary

Hello, my name is Jamie Garuti with the Greater Boston Interfaith Organization (GBIO). I live at 17 Copley St, Roxbury 02119. I am writing to urge you and the House to pass police reform that includes:

-Implement Peace Officer Standards & Training with certification
-Civil service access reform
-Commission on structural racism
-Clear statutory limits on police use of force
-Qualified immunity reform

Thank you very much.

Jamie Garuti
jgaruti124@gmail.com
From: Karen McCormack <krnmccormack@gmail.com>
Sent: Friday, July 17, 2020 10:35 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform

Dear Representative Michlewitz, Chairperson, House Committee on Ways and Means and Representative Cronin, Chairperson, Joint Committee on the Judiciary,

My name is Karen McCormack and I am with the Greater Boston Interfaith Organization (GBIO). I live at 49 Lindenwood Rd in Stoneham. I am writing to implore and urge you and the House to pass police reform that includes:

* Implementation of Peace Officer Standards & Training with certification

* Civil service access reform

* Commission on structural racism

* Clear statutory limits on police use of force

* Qualified immunity reform

Thank you very much for your support of this critical reform.

Karen McCormack

krnmccormack@gmail.com

781-718-8184

49 Lindenwood Rd.

Stoneham, MA 02180

From: jeffdufour@dufours.net
Sent: Friday, July 17, 2020 10:35 AM
To: Testimony HWM Judiciary (HOU)
Subject: Testimony against Senate Bill S2820

My name is Jeff Dufour and I am a long time resident of Tewksbury, Massachusetts.

I am writing today against Senate Bill S2820 as written, and in support of the First Responders in Massachusetts; the people whose job it is to keep us safe, as we go about our daily lives; jobs that many of us, including myself, could not do.

Every day these heroes go to work, often not knowing what the day will bring or what they may experience. Many nights on the evening news I hear about the incidents that these people have faced; but I am just a spectator, hearing a recap of the day's events as if they were the final sports scores of games played; but our First Responders are not spectators. They are the participants in these events. They are the people who were actually at the scene of the crime, or the accident, or the fire.

These men and women are the people that we depend on to run towards situations that the rest of us would choose to run from; they focus when we would rather look away. And at the end of the day, when their shifts are over, these superheroes return to their true identities: mother, father, daughter, son, coach, volunteer, neighbor, and friend.

Senate Bill S2820 is a gut punch to those who often wear bulletproof vests as part of their job. It is a vote of no confidence, by their employer, to the thousands of outstanding police officers in Massachusetts. It is punishment of the innocent in retaliation for crimes committed by criminals in other parts of the country.

Senate Bill S2820 removes basic protections necessary for law enforcement to do their jobs. While other states are passing legislation to add protections for police officers, including protections from "bias motivated intimidation" (Georgia HB-838), we in Massachusetts have introduced bias motivated intimidation against the police into our legislation. We are removing the protections in place for our officers when they are falsely accused and sued, while other states are introducing the ability for officers to sue their accusers.

Senate Bill S2820 is a myopic response by the legislature submitted with the hope that doing something quickly, albeit with total disregard to the lasting effects of their actions, will defuse a current explosive situation. While this action may provide a brief respite for our legislators, allowing them to focus on their reelections, the unintended consequences of this bill could be devastating.

Senate Bill S2820 is a symbolic document designed to show commitment by the legislature to a social cause. The intent is honorable, but there are better ways to accomplish this. S2820 demonstrates support for one group of Massachusetts citizens by punishing another. This is unacceptable.

I recommend Senate Bill S2820 be withdrawn.

Jeff Dufour

617-834-3801

From: David Claudio <dclaudio85@gmail.com>
Sent: Friday, July 17, 2020 10:35 AM
To: Testimony HWM Judiciary (HOU)
Subject: Bill 2820

July 16, 2020

Dear Chair Michlewitz and Chair Cronin,

My name is David Claudio and I live at 165 Pearl st Chelsea,MA 02150. I work at the Suffolk county House of Corrections and am a Correctional Officer. As a constituent, I write to express my opposition to Senate Bill 2820. This legislation is detrimental to police and correction officers who work every day to keep the people of the Commonwealth safe. In 2019 the Criminal Justice System went through reform. That reform took several years to develop. I am dismayed in the hastiness that this bill was passed but I welcome the opportunity to tell you how this bill turns its back on the very men and women who serve the public.

?????????????????? ????????????????: Qualified immunity doesn’t protect officers who break the law or violate someone’s civil rights. Qualified Immunity protects officers who did not clearly violate statutory policy or constitutional rights. The erasure of this would open up the flood gates for frivolous lawsuits causing officers to acquire additional insurance and tying up the justice system causing the Commonwealth millions of dollars to process such frivolous lawsuits.

???????? ???????? ??????????? ??????????: The fact that you want to take away an officer’s use of pepper spray, impact weapons and K9 would leave no other option than to go from, yelling “Stop” to hands on tactics and/or using your firearm. We are all for de-escalation but if you take away these tools the amount of injuries and deaths would without a doubt rise.

???????????????? ?????????????????: While we are held to a higher standard than others in the community, to have an oversight committee made of people who have never worn the uniform, including an ex convicted felon is completely unnecessary and irresponsible. When this oversight board hears testimony where are the officer’s rights under our collective bargaining agreement? Where are our rights to due process? What is the

appeal process? These are things that have never been heard or explained to me. The need for responsible and qualified individuals on any committee should be first and foremost.

I am asking you to stop and think about the rush to reform police and corrections in such haste. Our officers are some of the best and well-trained officers anywhere. Although, we are not opposed to getting better it should be done with dignity and respect for the men and women who serve the Commonwealth. I ask that you think about the police officer you need to keep your streets safe from violence, and don't dismantle proven community policing practices. I would also ask you to think about the Correction Officer alone in a cell block, surrounded by up to one hundred inmates, not knowing when violence could erupt. I'm asking for your support and ensuring that whatever reform is passed that you do it responsibly. Thank you for your time.

Sincerely,
David Claudio Jr.From: susan fall <susiefall@yahoo.com>
Sent: Friday, July 17, 2020 10:35 AM
To: Testimony HWM Judiciary (HOU); Vargas, Andy X. - Rep. (HOU)
Subject: bill S.2820

Honorable Legislators,

I am a white woman living and voting in Haverhill, MA. I serve on the Universalist Unitarian Church of Haverhill's Social Justice Resource Committee, CARE Haverhill, and coordinate with the people at Calvary Baptist Church of Haverhill on the Annual Dr. Martin Luther King, Jr. Breakfast. I have never missed voting in an election. I am retired from having served as a teacher in the Lawrence Public School System for nearly 34 years.

I write in support of Bill S.2820, which I trust you will move forward.

Yours truly,

Susan Fall Clarke
103 Webster Street
Haverhill, MA 01830
978-373-3590
From: Mark, Paul - Rep. (HOU)
Sent: Friday, July 17, 2020 10:34 AM
To: Testimony HWM Judiciary (HOU)
Subject: Constituent Testimony S2820

Please see below.

Best wishes,

Paul Mark

State Representative
2nd Berkshire District
Chair-House Committee on Redistricting

Representing 16 Communities in Berkshire and Franklin Counties.

Massachusetts State House
Room 160
Boston, MA 02133
(617) 722-2304
District Office-
(413) 464-5635
http://www.representativemark.com

_____

From: Becky [bwandrei@hotmail.com]
Sent: Thursday, July 16, 2020 9:47 PM
To: Mark, Paul - Rep. (HOU)
Subject: [External]: Bill No. S2820

Dear Representative Mark,

I stand against S2820. I ask that you not support this bill as written.

• The senate version of this bill as written will seriously undermine public safety by limiting police officer's ability to do their jobs while simultaneously allowing provisions to protect criminals. Furthermore, the process employed by the Senate to push this through with such haste, without public hearing or input of any kind, was extremely undemocratic and nontransparent.
• Police across the commonwealth support uniform training standards and policies and have been requesting more training for years.
• The Senate version of a regulatory board is unacceptable as it strips officers of the due process rights and does away with protections currently set forth in collective bargaining agreements and civil service law. The Senate created a board that is dominated by anti-police groups who have a long-detailed record of biases against law enforcement and preconceived punitive motives toward police. The FOP will not support any bill that does not include the same procedural justice safeguards members of the communities we serve demand and enjoy.
• Their proposed makeup of the oversight board is one sided and biased against law enforcement. It is unlike any of the 160 other regulatory boards across the Commonwealth and as constructed incapable if being fair and impartial.
• What the Senate has tried to do is pass a knee jerk reaction to an incident which occurred half a country away that everyone agrees was egregious, the FOP nationally and in this state quickly condemned it.
• Massachusetts police officers are among highest educated and trained in the country
• This bill directly attacks qualified immunity and due process. Qualified immunity does not protect bad officers. It protects good officers from

civil lawsuits. We should want our officers to be able to act to protect our communities without fear of being sued at every turn, otherwise why would they put themselves at risk? A large majority of law enforcement officers do the right thing and are good officers, yet there is a real push to end qualified immunity to open good officers up to frivolous lawsuits because of the actions of a few who, by their own actions, would not be covered by qualified immunity anyway. It just doesn't make any sense why we are endangering the livelihood of many for the actions of a few.

• Changes to qualified immunity would be unnecessary if the legislature adopted a uniform statewide standard and bans unlawful use of force techniques which all police personnel unequivocally support.

• If the senate bill is passed in its current form the costs to municipalities and the State will skyrocket from frivolous lawsuits and potentially having a devastating impact on budgets statewide.

Reference:
Bill No. S2820
Title: 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

Sincerely,

Becky Wandrei
Windsor, MA

From: Elizabeth Morgan <etcmorgan@gmail.com>
Sent: Friday, July 17, 2020 10:35 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police reform legislation

Hello, my name is Elizabeth Morgan, and I live at 505 Tremont Street, Apt. 411, Boston, MA 02116. Aaron Michlewitz is my representative. I am also a member of the Greater Boston Interfaith Organization, and I am writing today to urge you to pass police reform legislation, including: the implementation of Peace Officer standards and training with certification; Civil Service access reform; a commission on structural racism; clear statutory limits on the use of force by the police; and qualified immunity reform. We need to dismantle the institutionalized racism that persists in our society and in our city and state. I ask you to take these steps toward more a more just and transparent system of justice.

Thank you very much for your consideration.

Elizabeth C. Morgan
etcmorgan@gmail.com
617-351-2649
From: David Sackstein <dsackstein92@gmail.com>
Sent: Friday, July 17, 2020 10:34 AM

To: Testimony HWM Judiciary (HOU)
Subject: Public Comment in Support of Reform, Shift + Build Act (S.2800)

Dear Representatives Michlewitz and Cronin,

I write to you as a recent law school graduate who will be practicing in Massachusetts and who looks forward to applying the laws that you help shape.

While I hope that you and your colleagues in the House take inspiration from the Senate's decisive action yesterday in passing the Reform, Shift + Build Act (S.2800), I understand that changing the status quo can be difficult. In this spirit, I am writing to let you know that I am among the countless residents of Massachusetts who support this bill. The Reform, Shift + Build Act is a small but significant step towards combatting systemic racism. I am personally confident that not only will it make our justice system more accessible and equitable, it will save lives.

I appreciate that efforts to restrict qualified immunity have been particularly controversial. While I personally cannot speak much to the doctrine's complicated local and national history <https://urldefense.proofpoint.com/v2/url?u=https-3A__theappeal.org_qualified-2Dimmunity-2Dexplained_&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=N0cKp6ZJpmq6DI0bK9xGqeOMX7jTxn5zwvQjxTfvHsA&s=rHde4GN2CPrAa7yhNeL1L7DJRfh19mqTHw_PhybOs6M&e=> , I can say that our civil justice system (and in particular, our tort system) has evolved to achieve two goals: 1) to cause those with the ability to limit preventable harm to internalize the risk of that harm; and 2) to help make whole those who have been harmed. Qualified immunity in its current form subverts both of these goals. At the very least, this act provides an opportunity to see whether changes to the doctrine work and whether they will be successful when implemented on a national level.

Thank you both for the work you do in making our Commonwealth an example to the world of a community that recognizes its shortcomings with grace as it strives towards justice and progress

Sincerely,

David Sackstein, Cambridge, MA

From: Kacie Ferguson <kacie.ferg@gmail.com>
Sent: Friday, July 17, 2020 10:34 AM
To: Testimony HWM Judiciary (HOU)
Subject: MA Bill 2820

Hello,

I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing

support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

(1)?Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.

(2)?Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolous lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.

(3)?POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Thank you in advance.

Kacie Sabella
18 Mohawk St, Danvers, MA 01923

From: Mark, Paul - Rep. (HOU)
Sent: Friday, July 17, 2020 10:33 AM
To: Testimony HWM Judiciary (HOU)

Subject: S2820 Constituent Testimony

Please see below.

Best wishes,

Paul Mark
State Representative
2nd Berkshire District
Chair-House Committee on Redistricting

Representing 16 Communities in Berkshire and Franklin Counties.

Massachusetts State House
Room 160
Boston, MA 02133
(617) 722-2304
District Office-
(413) 464-5635
http://www.representativemark.com

_____
From: William Gordon [wilburgordon@yahoo.com]
Sent: Friday, July 17, 2020 8:54 AM
To: Mark, Paul - Rep. (HOU)
Subject: [External]: S2820

Representative Mark,

In my 31 years as a police officer/supervisor I have never written to a representative before asking for consideration on a bill, however, this bill has parts that has so much drastic change that I have officers in my office daily contemplating early retirement or out right resignation for fear of losing their life's savings, being imprisoned for or unfairly fired from their jobs because of false accusations.

Honestly, my wife, whom is also a police officer, and myself had many conversations ourselves over the past month. We are good officers who truly believe in community policing and have spent three decades practicing honest police work. We only need 4 more years to see our full retirement and we are, quite frankly, scared of what the future holds in this profession. Our only hope is that maybe, doubtfully though, that legislators would pass the 25/75 retirement plan, or offer a five year incentive plan to help us get to a decent retirement for all the years we put in.

Most of the bill, I have no problem with. We don't choke anyone in Massachusetts, never been taught to and never practiced them, I've never even seen them done. Our department doesn't even own tear gas or have dogs for crowd control. I do however have a big fluffy Saint Bernard that we use to comfort victims though.

Law enforcement officials have begged for additional training, over the last five years we have gone through a lot of mandatory and additional training on implicit bias and history of racism... I have no problem getting more, in fact, we should also get more training in other areas of law enforcement as well. For decades. the towns/cities, legislature and the Governor have under funded police training and cut educational benefits, so this is more than welcomed!

I think a cadet corp for the state police is a grand idea. We lose a lot of qualified people because of age discrimination based on the age restrictions to get firearm permits (21). I started law enforcement when I was 18, which seems young now, but I was impressionable and was taught the love of our community at an early age.

However, and I have no doubt you knew where I am going with this, because it's just wrong....

Qualified Immunity is there to protect officers and other public officials from frivolous lawsuits. The cost of defending one self from a lawsuit, wether just or not, could bankrupt an officer. There are plenty of groups of people that would purposely tie the hands of good police officers by waging litigious war against public officials. Prisoners could do the same against good hardworking correctional officers and parents of failing children against teachers. As a supervisor of police officers, I find myself trying to keep our officers proactively protecting our neighborhoods, I truly feel that passing a law that offers less protections for officers will only encourage them the become less proactive and more reactive, like firefighters sitting at the firehouse waiting for the call to work. Society needs our officers on the street encouraging lawful behaviors and being a deterrent for criminal behaviors. Reactive policing devastates communities, one only needs to look at Chicago or NYC in recent weeks to see how bad, how quickly cities deteriorate when officers step back
Due process. How can we ask our officers to do their jobs without hesitation, without at least offering them at minimum, due process when they are accused of wrong doing. Why, if the commission will be legitimate, is the state afraid of offering due process to police officers. Officers can and are fired now for wrong doing, however the management must be legitimate and follow a fair course of process in order to impart discipline. Policing offers due process to the citizens we serve, but we be can't be offered the same protections from the commission? What is the legislator afraid of, a fair process? Is it fair to say that the politics of a newsworthy event could sway the commission to act unfairly? Why would there be no appeal process? A lengthy investigation could cost an innocent officer ten of thousands of dollars in legal fees and loss of wages. Shouldn't an officer at least be allowed to have wages while being investigated by the commission, if not, the commission could use the length of an investigation as a weapon to bankrupt an innocent officer.

Two days ago, was the second anniversary of the death of Sergeant Michael Chesna. Sgt Chesna was attacked and killed by a person with a rock. Without a doubt, when encountering a suspect armed only with a rock, he hesitated. Not only was he killed with his own firearm, but the

incapacitated officers firearm was used to kill an elderly innocent bystander. Every day, with only the threat of the bill looming, I am already witnessing officers hesitating to do their jobs. Good experienced police officers are leaving, Greenfield had three sudden retirements in the past two month alone with another, one of our best community police officers, on the verge. Our best officers, the "good ones", are already leaving. I know, as a progressive democrat, that you suddenly support defunding and abolishing the police, but this is not the way to do it. Legislation like this only effects the "good" police officers, as the "bad ones" don't care to begin with. Please know, that no one hates a "bad cop" more than a "good cop".

Thank you for taking the time to read this, I purposely didn't use a form letter as I wanted to talk from the heart. I truly love this profession, our community members and my city, I hate to lose it all.

William Gordon
Greenfield Mass

From: Diana Riggieri <dianariggieri@icloud.com>
Sent: Friday, July 17, 2020 10:34 AM
To: Testimony HWM Judiciary (HOU)
Subject: Stop Bill S.2820

Hello,

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

(1)?Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.

(2)?Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified

Immunity protects all public employees, as well as their municipalities, from frivolously lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.

(3)?POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Thank you,
Diana Riggieri
Worcester, MA
(774)262-1414
Dianariggieri@gmail.com
From: Georgia Critsley <georgia.critsley@jud.state.ma.us>
Sent: Friday, July 17, 2020 10:34 AM
To: Testimony HWM Judiciary (HOU)
Subject: Proposed Amendment to S2820

Good morning-

Please accept this proposed amendment to section 49 of S2820. This section prohibits schools from sharing information law enforcement with the exception of sharing of information for the purposes of completing a report pursuant to sections 51A or 57 of chapter 119 or filing a weapon report with the local chief of police pursuant to this section. (lines 1113-1115).

The S2820 language fails to take into account the provisions of chapter 119, as well as the role of a probation officer (and schools) in child requiring assistance (CRA) and care and protection proceedings (C&P). Pursuant GL c. 119, 21A, a CRA petition can be filed for a child between the ages of 6 and 18 who: (i) repeatedly runs away from the home of the child's parent, legal guardian or custodian; (ii) repeatedly fails to obey the lawful and reasonable commands of the child's parent, legal guardian or custodian, thereby interfering with their ability to adequately care

for and protect the child; (iii) repeatedly fails to obey the lawful and reasonable regulations of the child's school; (iv) is habitually truant; or (v) is a sexually exploited child.

GL c. 119, s. 39E requires, once an application is initiated, that the clerk "request the chief probation officer or a designee to conduct an immediate inquiry to determine whether in the officer's opinion the best interest of the child require that assistance be given." In the course of this determination and especially where petitions involve truancy or failure to obey school regulations, it may be necessary for a juvenile probation officer to obtain information from the child's school. The current language of S2829 could prohibit this.

In C&P cases, GL c. 119, s. 24 permits a person to petition under oath the juvenile court alleging on behalf of a child within its jurisdiction that the child: (a) is without necessary and proper physical or educational care and discipline; (b) is growing up under conditions or circumstances damaging to the child's sound character development; (c) lacks proper attention of the parent, guardian with care and custody or custodian; or (d) has a parent, guardian or custodian who is unwilling, incompetent or unavailable to provide any such care, discipline or attention.

If it is adjudged that the child is in need of care and protection, GL c. 119, s. 26 permits a judge to allow a child " to remain with a parent, guardian or other custodian, and may require supervision as directed by the court for the care and protection of the child." All supervision required pursuant to this section is conducted by juvenile probation officers. If the child is of school age, this supervision may necessarily involve contact with the child's school. In fact, a probation officer would be derelict in their duties if they did not contact a child's school to confirm that the child's custodian was sending them to school. The current language of S2820 could prohibit a school from sharing this crucial information.

Additionally, Section 49 of S2820 also potentially conflicts with both GL c. 119, s. 69 and 69A which specifically permit schools to share information in specific circumstances:

Section 69. The superintendent of the public schools in any town, any teacher therein, and any person in charge of a private school, or any teacher therein, shall furnish to any court from time to time any information and reports requested by any justice thereof relating to the attendance, conduct and standing of any pupil enrolled in such school, if said pupil is at the time awaiting examination or trial by the court or is under the supervision of the court.

Section 69A. When a person has been committed to the department of youth services, the court, the probation officers, and other public and police authorities, the school authorities, and other public officials shall make available to said department all pertinent information in their possession in respect to the case.

We respectfully request, if the House does adopt section 49, that it strike out, in lines 1113-1114, the words:- "Nothing in this paragraph shall prohibit the sharing of information for the purposes of completing a report pursuant to section 51Aor 57 of chapter 119..." and insert the following words: "Nothing in this paragraph shall prohibit the sharing of information pursuant to the provisions of chapter 119 of the general laws..."

This very simple proposed amendment would eliminate these conflicts with chapter 119 and permit probation officers to carry out their duties while always working towards the best interests of the child.

Thank you for the opportunity to comment-
Georgia Critsley

Georgia K. Critsley, Esq.
Senior Counsel for Governmental Affairs
Executive Office of the Trial Court
Massachusetts Trial Court
One Pemberton Square
Boston, MA 02108
(617) 878-0289 (office)
(617) 686-6427 (cell)

From: Lisa Huffman <huffmanlisa3170@gmail.com>
Sent: Friday, July 17, 2020 10:34 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820

Chairman Michlewitz and Chairwoman Cronin,

Massachusetts can take a bold step towards ending systemic racism in policing by passing S. 2820, 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.

We need strong use of force guidelines for police in Massachusetts, public records of police misconduct, a duty to intervene policy, and bans on no-knock warrants, choke holds, tear gas, and other chemical weapons.

Please pass a bill that includes each of these critical reforms.

Thank you,
Lisa Huffman
21 Chamberlain Run <x-apple-data-detectors://0/1>
Hingham, MA 02043 <x-apple-data-detectors://0/1>

Sent from my iPhone
From: Tyler Estrella <tylerestrella22@gmail.com>
Sent: Friday, July 17, 2020 10:34 AM
To: Testimony HWM Judiciary (HOU)
Subject: Bill 2820

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July 16, 2020

Dear Chair Michlewitz and Chair Cronin,

My name is Tyler Estrella and I live at 120 Hood ST, Fall River MA 02720. I work at the Bristol County Sheriffs Office and am a Correctional Officer. As a constituent, I write to express my opposition to Senate Bill 2820. This legislation is detrimental to police and correction officers who work every day to keep the people of the Commonwealth safe. In 2019 the Criminal Justice System went through reform. That reform took several years to develop. I am dismayed in the hastiness that this bill was passed but I welcome the opportunity to tell you how this bill turns its back on the very men and women who serve the public.

???????????????? ????????????????: Qualified immunity doesn't protect officers who break the law or violate someone's civil rights. Qualified Immunity protects officers who did not clearly violate statutory policy or constitutional rights. The erasure of this would open up the flood gates for frivolous lawsuits causing officers to acquire additional insurance and tying up the justice system causing the Commonwealth millions of dollars to process such frivolous lawsuits.

???????? ???????? ??????????? ??????????: The fact that you want to take away an officer's use of pepper spray, impact weapons and K9 would leave no other option than to go from, yelling "Stop" to hands on tactics and/or using your firearm. We are all for de-escalation but if you take away these tools the amount of injuries and deaths would without a doubt rise.

???????????????? ????????????????: While we are held to a higher standard than others in the community, to have an oversight committee made of people who have never worn the uniform, including an ex convicted felon is completely unnecessary and irresponsible. When this oversight board hears testimony where are the officer's rights under our collective bargaining agreement? Where are our rights to due process? What is the appeal process? These are things that have never been heard or explained to me. The need for responsible and qualified individuals on any committee should be first and foremost.

I am asking you to stop and think about the rush to reform police and corrections in such haste. Our officers are some of the best and well-trained officers anywhere. Although, we are not opposed to getting better it should be done with dignity and respect for the men and women who serve the Commonwealth. I ask that you think about the police officer you need to keep your streets safe from violence, and don't dismantle proven community policing practices. I would also ask you to think about the Correction Officer alone in a cell block, surrounded by up to one hundred inmates, not knowing when violence could erupt. I'm asking for your support and ensuring that whatever reform is passed that you do it responsibly. Thank you for your time.

Sincerely,

Tyler Estrella

Sent from my iPhone
From: David Condon <dcondon@lccplaw.com>
Sent: Friday, July 17, 2020 10:34 AM
To: Testimony HWM Judiciary (HOU)
Subject: S2820

Our firm represents the MBTA Police Association and MBTA Sergeants Association. Both our clients and our firm oppose this bill in its current form as it frustrates the police's ability to execute their duties safely. While we agree, some reform is necessary, this bill is being rushed without public hearing and the valuable input of law enforcement officials who have dedicated their lives for the protection of our entire community.

We encourage you to delay this bill until a public hearing can be held and testimony of law enforcement professionals be heard. Thank you.

Very truly yours,

David E. Condon

Louison, Costello, Condon & Pfaff, LLP

101 Summer Street <x-apple-data-detectors://1/0>

Boston, MA 02110 <x-apple-data-detectors://1/0>

Tel: (617) <tel:(617)%20439-0305> 439-0305

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dcondon@lccplaw.com <mailto:dcondon@lccplaw.com>

LCCP | Louison, Costello, Condon & Pfaff, LLP Attorneys At Law.

This email message and any attachments are and may be privileged. If you are not the intended recipient, please notify Louison, Costello, Condon & Pfaff LLP immediately by replying to this message and destroy all copies of this message and any attachments. Thank you. For more information about Louison, Costello, Condon & Pfaff LLP, please visit us at www.lccplaw.com <https://urldefense.proofpoint.com/v2/url?u=http-3A__www.lccplaw.com_&d=DwMFAg&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=8wR-yGC4JgtDkJ2-oNM-JsXotc0bAm-RFpRSQYDsAPY&s=4qgZdG3KwI9F8djoF5-HJEohixAK2IV_aFcMSkocvBo&e=> .

From: Emily Blackwell <blackwell.em@northeastern.edu>
Sent: Friday, July 17, 2020 10:33 AM
To: Testimony HWM Judiciary (HOU)
Subject: Citizen in Support of Reform, Shift + Build Act (S.2800)

Hi,

I am a resident of Boston, MA (Dorchester) and I support the Reform, Shift + Build Act (S.2800).

I have been a proud resident of Boston for 8 years now. My pride comes from being a part of a community whose local government is at the forefront of states passing legislation that is just, progressive, and tackling hard topics when necessary. The law has been too soft on police guidelines until now, and Boston citizens are being disgustingly affected by such - living in constant fear of police, not getting the support needed when in trouble, being attacked or abused by those who should be trusted, and in some cases, being killed. Boston and MA have made the correct choices to defend its citizens in the past, and I hope you are able to step up and do what is right in this case as well - regardless of the heat and political games I am sure are occurring.

MA deserves better.

It’s time to eliminate qualified immunity, ban chokeholds, reallocate state funds to communities disproportionately impacted by the criminal justice system, and allow the Mass AG to file lawsuits against discriminatory police departments.

This needs to be done now. Lives are on the line and there is no time to delay.

I hope to see this legislation pass so I can continue to be a proud resident.

Thank you,

Emily Blackwell

No organization - proud MA citizen

262-442-4550

From: Mark, Paul - Rep. (HOU)

Sent: Friday, July 17, 2020 10:33 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820 Constituent Testimony

Please see below.

Best wishes,

Paul Mark

State Representative
2nd Berkshire District
Chair-House Committee on Redistricting

Representing 16 Communities in Berkshire and Franklin Counties.

Massachusetts State House
Room 160
Boston, MA 02133
(617) 722-2304
District Office-
(413) 464-5635
http://www.representativemark.com

From: Hughes Pack [hpack2249@gmail.com]
Sent: Friday, July 17, 2020 10:10 AM
To: Mark, Paul - Rep. (HOU)
Subject: [External]: Re: S.2820 - Please consider

Please, please help. My wife and I are feeling quite desperate and fearful for our sons.
As your constituent and parent of two sons with Massachusetts law enforcement careers, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor

and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

(1) Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.

(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.

(3) POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Thank you,

Hughes Pack

Northfield

hpack2249@gmail.com

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Hughes Pack
Northfield, MA

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From: Jack Cullen <JpmcII@hotmail.com>
Sent: Friday, July 17, 2020 10:33 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform Bill

Dear Members of the House,

As both an attorney and a police officer, I am deeply concerned with An Act to Reform Police Standards (S2820). I am a fourth-generation police officer and I am proud to continue my family's tradition of protecting, serving, and helping people. We have seen policing in Massachusetts advance and evolve to a professional level envied by other states. One of the biggest factors to this was the Quinn Bill. It encouraged officers to become better educated and receive more money for their education. A well-educated officer has a better understanding of their actions and various culture issues. A better paid officer is less likely to do something that would jeopardize their livelihood.

My wife is a first generation American and I have seen bias and prejudice against her and her family because of their last name and the color of their skin. I and my family applaud removing bias and racism from policing and wish it could be removed from every profession. That being said, we believe certain parts of S2820 will be damaging to this goal. As written, it will set policing back sixty years. By removing qualified immunity, you will see good, educated, and well-trained officers leave their department in droves for fear of being sued over trivial issues. Good candidates will go elsewhere for the same reason. The departments will be forced to hire less qualified candidates prone to do the very things you're trying to prevent.

More training and creating a certification process are great ideas, but the review board described in the bill is troubling. Civilians with no legal background should not be appointed to such a board. The board you are setting will be influenced by politics and agendas instead of the pursuit of justice. The experts in civil service has done a good job for many years and should be allowed to continue, especially if a certification process if created.

I urge you to ignore the hype and look at the facts. As it stands now policing in Massachusetts is a standard the rest of the country should

strive for. It could use some tweaking, but the current bill will destroy it and crime and violence will devastate this great state.

Thank you,

Jack Cullen

From: Carla Luzia Cerullo <carlaluzia@hotmail.com>
Sent: Friday, July 17, 2020 10:33 AM
To: Testimony HWM Judiciary (HOU)
Subject: 2800 Bill

Hello,

My name is Carla Cerullo and I have been a citizen since 2009. I never liked politics and try not to get involved in arguments or discussions. However, this year has been particularly hard on all citizens and things need to change. People need to be heard. I believe Bill 2800 should be voted by the citizens instead being passed by senate without the public's input.

Bill 2800 was created without collaboration of police departments. I am worried that taking away qualified immunity will hurt many police officers trying to do their job. Police officers have to make split second decisions and not to be worry if they will get sued. Surgeons when performing surgery have a signed consent stating all things that can go wrong. They can performed surgery knowing that even if something goes wrong unintentionally, they are protected with that consent. How is a police officer supposed to perform their job? They will hesitate to perform.

I am not saying they shouldn't be hold accountable for actions such as the murder of George Floyd, but police officers see people at their worst. They put their lives at risk every day to protect ours. There are good and bad people in all professions. Police officers just like doctors, nurses, and teachers should have higher standers but what cost? They have worry that they can lose their life saving every time they respond to a call.

When the Boston Marathon bombing happened, police officers were praised for their actions. Did we forget about that?The police is not the only sector that needs reform. People need reform.

People are thought to hate. Hate a different skin color, gender, race. Hate is in the core. Until we, as a nation, learn to accept that we all have red blood running through are veins, hate will still exist. I am not sure if you will take time to read this, but I am telling you what I teach my girls about racism. Always be kind and respect people.

Carla Cerullo
Registred nurse
(978)397-8768

From: Allison Sgambato <allison.morrocco@gmail.com>
Sent: Friday, July 17, 2020 10:32 AM
To: Testimony HWM Judiciary (HOU)
Cc: Cindy Chesna

Subject: Opposition to bill .2820 - Chesna and Sgambato

Dear Honorable Members of the House Committee on Ways and Means,

Our names are Cynthia Chesna of 106 Henrys Lane, Hanover and Allison Sgambato of 30 Hickory Lane, Hanover. Eight years ago today, as our husbands, Michael Chesna and Joseph Sgambato, began the Boylston Police Academy, we began our own unique journey as police wives who had to face the unimaginable. As your constituents, we are sending this letter of opposition in regards to portions of bill S. 2820, also known as, the "Rebuild, Shift + Build Act" that passed in the Senate during the early morning hours of July 14, 2020.

Today, both of our husbands should have started their eighth year as Patrolmen for the Weymouth Police Department. Sadly, it is the third year that Joseph has faced this day without his friend, coworker and fellow Army Veteran, Michael. Even more sobering is that this yearly milestone falls just one day after Michael was killed in the line of duty on July 15, 2018. Our hope is that sharing our experience as part of the ever growing "Blue Family" will help others listen to truly understand, and not just respond. We want to be a part of the solution. There are some portions of the bill that we wholeheartedly agree with, but there are others that we do not. Respectfully, we ask for you to please listen, watch and think about the information that we have shared within this document. Please, help us create communities that are fair, just and safe, for ALL people across the Commonwealth.

The first thing Joseph said, as he was getting ready to leave for work this past July 14th was "that bill passed." Yes, it did. "That bill," which was sheepishly passed at 4:30 am, while most of the Commonwealth was asleep, has major drawbacks that can lead to dangerous outcomes. Why was there no public comment or input from critical stakeholder groups? More importantly, why were our police officers, the ones whose lives are directly impacted, not given a chance to educate Senators about the good that they do, or share their own personal experiences? The answer, unfortunately, is most likely because this would have humanized our men and women in blue. Instead, it makes it easier to see our officers as badges and uniforms rather than mothers, fathers, sons, daughters, sisters and brothers. Despite all of this, our Police Officers continue to show up, shift after shift, day after day, to protect and serve those who brazenly show them the ultimate sign of disrespect - assuming that the horrific actions of a few are indicative of all.

We are angry. We are angry that the PEOPLE who wear the badge have been deemed the enemy. We are angry that our Officers are being held accountable for an act that they did not commit. We are angry that this "bill" passed one day before Michael was murdered at the tail end of his shift and never made it home. We are angry because two years ago, when the horrific events that occurred in Weymouth made national news, the Commonwealth turned into a sea of blue, as it should have. The very elected officials who showed up to express their condolences and vowed

that there would be justice, have now drastically swung the pendulum to the other side. So now we ask, what about Michael, did his life matter? We can tell you that it absolutely did and still does! Watching two children, who were the light of their father's life grieve each day is horrific. As a state and country, we need to do better and we need to do it for Michael and the sickening amount of other officers who never made it home to their families at the hands of repeat offenders.

Being in an elected position is an honor and privilege. The constituents that each individual represents were entrusted to be the voice for their communities. Sadly, we do not believe that is the case for all. The members of the Senate who passed this bill appear reactive and indecisive. While making decisions that impact people's families, homes and financial stability, the residents of Massachusetts cannot have their representative easily swayed. While we are not veterans in the political venue, we can confidently say that we are ones in the daily life of being part of the world wide Blue Family.

At this time, we would like to take the opportunity to address the major parts of this bill that we oppose. The first is the use of excessive force. We would like to be very clear that we do not condone or believe that recent situations across the country are acceptable. They should have never happened, what happened to Michael should have never happened. By removing potential life saving options, which should only be used when absolutely necessary, we run the risk of burying another officer. Please, provide additional training regarding these measures and the deadly impact that they can have. Those who intentionally deviate should be held accountable. We ask you to please understand that when officers leave their homes, those who love them hope and pray that they return safely at the end of their shift. Sadly, this does not always happen and the effects are crippling.

On the morning of July 15, 2018, multiple 911 calls were made to the Weymouth Police Department regarding an erratic operator. In order to truly comprehend our viewpoint on this matter, we urge you to listen to the July 15th radio transmission from the Weymouth Police and Fire Departments. What you will hear is a gut wrenching play by play of how drastically a situation can change from seemingly trivial to a matter of life and death. The audio can be found by clicking this link:Weymouth Police/Fire Radio Transmission - 7/15/18 <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.telegram.com_news_20180717_scanner-2Daudio-2Dweymouth-2Dpolice-2Dradio-2Dtransmissions-2Dmorning-2Dof-2Dofficers-2Ddeath&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=XWsoesxoBa9Qm29rbpL_-g2QDLv5HwsvVrI12QN7cGM&s=wqHQJjjmoYrLPgqJqdlNCRph-hyk-ogiqzhoqs6pssE&e=> After listening to the audio, it is abundantly evident the trauma, terror and life changing grief that those who were directly and indirectly involved in that situation will carry for the rest of their lives.

Before the commentary of "well that is the job they signed up for" begins, we kindly ask you to stop. There is not one person who took the oath to be a Police Officer and thought they would witness their brother

in blue being brutally murdered, with his own duty gun, right in front of their eyes.We also do not believe there is anyone who thought that they would be performing CPR on their coworker and friend with approximately ten bullet holes to their head and torso while the suspect was still running around and holding the gun. During the radio transmission, it is clear that despite everything, the officers still held their duty to serve and protect and render aid for the suspect.

Did the accused individual have a bullet wound to his leg? Yes. Did it impact his ability to try and further evade the police? No. There is photographic evidence, which is publicly available, showing that the accused individual did not have additional marks or injuries aside from his leg wound. If there was EVER a situation that displays the level of training and professionalism that our officers possess, this would be it. In fact, many Weymouth Police Officers were recipients of the Robert Dana Award, which is given annually to Massachusetts Police Officers who demonstrate distinguished service for their heroic actions on that horrific July morning.

Our sincere hope is that you are beginning to understand why this bill feels like a slap in the face and is disrespectful to those who gave the ultimate sacrifice and the families and friends they left behind. Please, let us say it one more time, even after witnessing the murder of their brother, along with that of an innocent 78 year old bystander, the police STILL provided medical care to the individual who unleashed hell in South Weymouth two years ago. They STILL treated this person with respect. Despite it all, they STILL did not use more force than absolutely necessary. These individuals represent the majority of Police Officers across the Commonwealth who take their oath, livelihood and the value of human life very seriously.

A candlelight vigil was held for Michael on July 18th, 2018. Thousands of people attended to pay tribute to a true American hero. During the Vigil, the Chief of the Weymouth Police Department at the time, Richard Grimes, gave a speech. Please click the link provided below to watch the portion that is directly linked to the topic of excessive force (link: Chief Grimes Vigil Speech <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.masslive.com_news_2018_07_hesitation-5Fgets-5Fofficers-5Fharme.html&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=XWsoesxoBa9Qm29rbpL_-g2QDLv5HwsvVrI12QN7cGM&s=3MfQsk6oykksi04KVF5cUU0EXfbMKLnUfrr-kjkCfNo&e=>). The quote that will forever be remembered is when Chief Grimes asked "is a rock just a rock?" Up until Michael was killed, if a person was ever holding a rock and had been shot, the backlash that would have ensued would have caused mayhem. Here is the bottom line and Chief Grimes stated it perfectly, "hesitation gets officers harmed" and in the case of Michael, it gets them killed.

This leads us into the portion of the bill that includes police licensure, ongoing training and certification. We firmly believe in accountability for all. What we do ask is that it is fair. Those who have never been in a life or death situation and had to make a split second decision to either protect themselves, which runs the risk of becoming the

next poster child for the war on police, or your family sobbing as your name is inscribed into the Police Officer's Memorial, might not be the best to judge. The group responsible for making the decision that will impact someone's career and life path should be based on credentials, merit and experience. While the group does include some individuals with expertise in the area of policing, it also includes those who do not. We are by no means disrespecting those who hold degrees and certifications in highly specialized areas. What we are asking is that our elected officials understand that being an expert and being in the trenches are two drastically different experiences.

Is there another profession that is licensed by those who are not a part of it each and every day? As far as we know, there is not. The reason for this is because it is the fair and just thing to do. The statement of "no one hates a bad cop more than a good one" is true. Those who do not abide by the morals, ethics and oath they took in other professions do not tarnish the reputation of an entire organization. Unfortunately, this is not the case for our Police Officers, they pay dearly for the poor choices of a few. Society continues to paint their profession with the sweep of a broad brush and it must stop! Imagine the feeling of leaving your loved ones each day and despite being honorable, you are hated, harassed, threatened (yourself and your family), called derogatory names, physically attacked and in some situations killed because of the horrific actions of a few in a situation that you do not support or find acceptable. How maddening for the many who are being demonized based on the actions of a few.

The officers who are the majority are now about to lose their qualified immunity.The notion that qualified immunity protects police officers who intentionally make poor choices could not be further from the truth. Qualified immunity, as written in the current bill, applies to all those in the public sector, not just police. A very watered down definition of qualified immunity is that it protects those who are acting in the best interest of another, with no intent to harm. Taking away qualified immunity puts public employees in an extremely vulnerable position because it allows for them to be sued personally through the civil court. One of the examples being widely shared is regarding CPR. Those who are trained in CPR know that more often than not, it ends with the unresponsive person having broken ribs. At the end of the day, those who have suffered an unresponsive episode typically are not angered over broken ribs, considering the alternative. People who believe that others are inherently good cannot fathom suing someone over this, but there are others who can and will. If we are in the practice of basing the intent of a group on the harmful actions of a few, then not just Blue Families, but other public servants better buckle up, because we are in for one heck of a ride that will inevitably end up with families crashing into legal fees and debt. Not to mention the many good people who will consider leaving their jobs because the legal representation for frivolous lawsuits suits would cost more than they make in a year. Furthermore, those who hang their hat on "this is what they signed up for" regarding any sort of difficult situation will be forced to change their rhetoric, because there is not going to be many signing up to do any job that places so little on the value of their life.

Speaking of the value of life, please, let's seriously discuss this topic. Many officers carry around demons of which they never speak. The painstaking screams from the parents of a young child they could not save, a teen who they could not help with drug addiction despite providing resources and support, or the domestic violence victims they routinely see with increasing physical and emotional scars which become progressively worse over time. These situations can cause sleep disturbance, anxiety and post-traumatic stress disorder, along with secondary trauma. There have been several officers across the state over the past few years that have silently battled alone and ended up taking their own lives. So please, by all means, bring on the training, but we beg for it to be relevant to the issues Police Officers face in 2020. If you want to know what they are, ask them in a way that allows them to respond anonymously and honestly, so you get to the heart of what they need. We do not know any officer who would balk at more training to help them do their job in a safer way for not only themselves but the community they serve.

Furthermore, the notion of having social workers take on specific calls is wonderful in theory, but with limited means to protect themselves, we fear how badly this will end. Training in verbal de – escalation is a great tool for all who interact with the public to know and utilize as part of a repertoire of skills, not in isolation. Again, please think of Michael and how quickly the 911 calls regarding an erratic operator turned into his untimely death. Situations evolve and change quickly, can we have the police work in collaboration with social workers to better meet the needs of individuals and ensure safety? More importantly, how can we show the human side of our Officers, because we promise they are empathetic, caring and want to see their communities thrive.

We believe that at the end of the day, good will prevail. Those who took an oath to protect and serve, especially here in Massachusetts, do not hesitate to do so for the people of the communities they serve. We must ask the question though, do they hesitate when it comes to protecting themselves, their families, homes and livelihood? Was it hesitation that caused Michael to be killed with his own duty weapon? The answer will never be known. Please remember Michael and the words shared at his Vigil. "Hesitation gets officers hurt" and even worse, it gets them murdered. Please, do not let another Blue Family bury their loved one who died at the hands of a criminal. Most importantly, please do not let Michael's death be in vain, but let it be a constant reminder of why Police Officers need to be able to make snap second decisions without the fear of legal repercussions. Moving forward, we sincerely hope that the portions of this bill that aim to create a safer, more inclusive Commonwealth are passed after thoughtful input from all necessary stakeholders.Thank you for your attention to this matter.

Respectfully Submitted,

Cynthia Chesna - 106 Henrys Lane, Hanover, 02339. Phone: (781 - 974 - 5237) and Allison Sgambato - 30 Hickory Lane, Hanover, 02339. Phone: (401-864-5678)

From: Anant Shah <antshah9@gmail.com>
Sent: Friday, July 17, 2020 10:32 AM
To: Testimony HWM Judiciary (HOU)
Subject: Reform, Shift, and Build Act

Hello,

My name is Anant Shah and I am a resident from North Andover Massachusetts. I am emailing today to voice my support for the Reform, Shift, and Build Act. I believe that it is very important for the police to be held accountable for their actions.

Thank you,
Anant Shah
From: AMY FEMINO <amj1178@hotmail.com>
Sent: Friday, July 17, 2020 10:32 AM
To: Testimony HWM Judiciary (HOU)
Subject: Regarding Police Reform Bill

To whom it may concern:

Stripping Law Enforcement of qualified immunity takes away their protection and due process. This state is in for some tough times if that happens. It would be safer for police and fire to do the bare minimum if this bill is passed and the public deserves more!!

Thank you,

AmyFrom: Jillian Parent <parentfamily2014@gmail.com>
Sent: Friday, July 17, 2020 10:31 AM
To: Testimony HWM Judiciary (HOU)
Subject: Senate Bill 2820

Dear Chief Michlewicz and Chair Cronin,

My name is Jillian Parent and I live in Westminster, Massachusetts. As a constituent of this Commonwealth, I am writing to you today to voice my concerns and opposition to Senate Bill 2820.

First and foremost, I want to express my disgust as to Minneapolis Police Officer Derek Chauvin’s actions. With that being said, the bill that you are now considering in response to what happened to George Floyd is neither progressive nor will it fix the problem.

You see, I am married to a Correctional Officer from this Commonwealth. An Officer who was brutally attacked by more than a dozen inmates on January 10, 2020. As a result of the senseless violence he faced that day, he sustained serious physical and emotional injuries which have resulted in multiple hospitalizations and surgeries. His injuries have completely changed our world.

The assault on my husband was directly correlated to the Criminal Justice Reform Act you passed in 2019. That Act took several years to develop, but, in the end, it was still flawed. It is my hope that you did not anticipate what happened to my husband to occur because of the passage of that Act. With that said, I ask that you slow down before taking any haste measures in your attempt to solve police brutality.

Let me explain how this new Bill could have changed things for my Husband had it been passed in January:

Qualified Immunity: The day my husband was attacked was chaotic. While fighting for his life, had my husband or any Officer attempting to save him, injured an inmate in the process, they could be subjected to civil litigation. That means, today, not only would he be struggling to heal physically and mentally, but we would also be struggling financially— all in the name of doing his job.

Less than lethal tools: If you watch the video released to the media, the inmates only stopped their savage attack, once additional officers arrived to help. Among those Officers were tactical units that possessed "less than lethal tools." Without those tools, there would have been no incentive for the inmates to stop their attack. I truly believe my husband would be dead today if the inmates were given even 30 more seconds to carry out their plan. In fact, the first thing he said to me when I arrived at the Hospital was, "I thought I was going to die." That's how close to death he was.

Civilian Oversight: Civilians are not equipped to make decisions on a topic they do not know fully understand. Unless they have worn a uniform either inside a prison or on the streets, I do not believe they can make a fully informed decision on how, if, or why a certain action was taken. I believe we can agree that neither you nor I would have known what to do on January 10th, had we been in my husband's shoes.

While I respect your attempt to make this Commonwealth safer for all, the Bill as it currently stands is nothing more than punitive towards the members of law enforcement within our community. I ask that you keep in mind that law enforcement officers are among the constituents you seek to keep safe in your decision.

Just as you made an error passing the, albeit well intentioned, 2019 Criminal Justice Reform Act, Senate Bill 2820 will lead to issues that you have not even contemplated at this point. I think it’s time that politicians begin to understand the ramifications of their actions when they make decisions on topics which they lack the knowledge to understand.

This bill will not solve any problems. Please re-consider the passage of this Bill and rather than make a haste decision, reform this Bill so it can actually solve the problem at hand.

Respectfully,

Jillian Parent

From: Tara Maguire <tmagind@gmail.com>
Sent: Friday, July 17, 2020 10:31 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.
I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:
(1)?Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.
(2)?Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified

immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.
(3)?POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.
In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

This Bill is extremely dangerous and will put not only our officers in danger but civilians as well. You have a chance to right thing here otherwise I fear a lawful society will cease to exist.

Tara Maguire
30 Stone Rd,
Millbury, MA 01527

From: Ken Seier <kenseier@gmail.com>
Sent: Friday, July 17, 2020 10:31 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform Bill

To Whom it May Concern:

I am an active voter Waltham, MA and I firmly support a strong and comprehensive police reform bill to be passed before the end of this congressional session. This bill should align with the goals of S.2800 to reduce the risk of police misconduct, increase police accountability and shift the focus from prosecution and punishment to the now seemingly quaint ideas of protection and service. I hope that the House will draft and pass a bill with language closely aligned with S.2800 to allow Massachusetts citizens to be protected and served by their police forces as soon as possible.

Respectfully,

Ken Seier
508.641.6486
37 Warren Ave., Waltham, MA

--

Ken Seier
508.641.6486
kenseier@gmail.com
From: Elizabeth Fritz-Keyes <lfkeyes@msn.com>
Sent: Friday, July 17, 2020 10:31 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police reform

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

(1)?Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.

(2)?Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.

(3)?POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Elizabeth Fritz-Keyes
142 Lincoln Rd
Sutton, Ma 01590

Sent from my Verizon, Samsung Galaxy smartphone

From: Mary Pietrantonio <maryapietrantonio@gmail.com>
Sent: Friday, July 17, 2020 10:31 AM
To: Testimony HWM Judiciary (HOU)
Subject: Proposed bill S.2820

Dear House of Representatives,

My name is Mary Pietrantonio and I live at 8 Drury Lane, Wakefield, MA 01880. As your constituent, I write to you today to express my staunch opposition to S.2820, a piece of hastily-thrown-together legislation that will hamper law enforcement efforts across the Commonwealth. It robs police officers of the same Constitutional Rights extended to citizens across the nation. It is misguided and wrong.

Like most of my neighbors, I am dismayed at the scarcity of respect and protections extended to police officers in your proposed reforms. While there is always room for improvement in policing, the proposed legislation has far too many flaws. Of the many concerns, three, in particular, stand out and demand immediate attention, modification and/or correction. Those issues are:

(1) Due Process for all police officers: Fair and equitable process under the law. The appeal processes afforded to police officers have been in place for generations. They deserve to maintain the right to appeal given to all of our public servants.

(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously unrealistic lawsuits.

(3) POSA Committee: The composition of the POSA Committee must include rank-and-file police officers. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, law enforcement should oversee law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. Let me remind you that in 2015 President Obama recognized the Boston Police Department as one of the best in the nation at community policing. I again implore you to amend and

correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Sincerely,

Mary Pietrantonio

Sent from my iPhoneFrom: Mike Agricola <mike_agricola@aol.com>
Sent: Friday, July 17, 2020 10:31 AM
To: Testimony HWM Judiciary (HOU)
Subject: Public hearing

Allow unlucky hearing

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com
<https://urldefense.proofpoint.com/v2/url?u=http-3A__mail.mobile.aol.com&d=DwMCaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=pKyet6iGb8rw6CTUaaZT831XwWwAApJA6Ra_yTp-l-I&s=S0cqiPqGh4waYPztEOgW5jK2t47dffMG9otkXqEQgss&e=>
From: Katy Goldman <katy.goldman@gmail.com>
Sent: Friday, July 17, 2020 10:31 AM
To: Testimony HWM Judiciary (HOU)
Subject: Support for Limits on Qualified Immunity

I strongly support many provisions of the Senate bill and it is imperative that the House include these provisions in their version of the bill:

- The same limits to qualified immunity that the Senate included. This is vitally important to protect the constitutional rights of Massachusetts residents.

- Amendment 80, which gives superintendents and school committees the ability to authorize a school resource officer, rather than the current unfunded mandate for every district to have SROs. Districts should have local control over their own budgets and policies.

- Amendment 108, which prevents schools from sharing personal information about students into local, state, and federal databases.

- Amendment 65, which bans tear gas, a chemical weapon banned in warfare.

Sincerely,
Katy Goldman
(617) 504 8239

From: D Jameson4me <dennis.j.mcnulty@gmail.com>
Sent: Friday, July 17, 2020 10:31 AM
To: Testimony HWM Judiciary (HOU)

Subject: Bill 2820 Tesimonial

Dear Chair Claire Cronin and Chair Aaron Michlewitz

My name is, Dennis J McNulty, I am a lifelong resident of the state of Massachusetts. I am not affiliated with any groups. I am a concerned, honest, working family man. Looking to help our nation. I apologize if this letter goes a little astray at times. I'm writing quickly during a work break.
What is happening right now in this country is extremely sad. With Covid-19 and the rise of hatred toward multiple organizations, for the first time in my life, I am scared for our country. We need to support our law enforcement, we need to support our first responders, and we need to support our people. All people, not just the people who are making loud noises.
Massachusetts is one of the leaders of this country. We need all our leaders to step up and show the country how strong we really are. Be the powerful people we know you can be. I can only imagine the political stress/pressures you all have been incurring over the last, oh boy, years. BUT, We need to get back to basics. Common sense, morals, and accountability. Hold people accountable for their actions, I feel we have lost that. We cannot worry about hurt feelings. If someone has done something wrong, they need to be held accountable for their actions. We need to rid the hate from peoples hearts. That is going to be extremely hard! We should be able to have conversations with one another, without interruption, without yelling in anger, without making the other person feel like they are nothing because of the way they feel. That is America. Our veterans fought for that right. Please reconsider passing the Senate Bill 2820. It needs more time to be revised. Qualified immunity needs to be revised, the selection committees need to be reviewed, school documentation withholding from law enforcement for investigations. Amongst other things. I'm not a lawyer, I'm blessed enough to be working through this pandemic. There is no way I would be able to read through and completely understand 89 pages with a ~48 hour window. So, please reconsider this Bill. Stop, take the time to get it right the first time. Set the example for other states.
I sincerely appreciate your time and consideration.

Dennis J McNulty
781-307-5295
From: Kaitlyn K <kkiley98@gmail.com>
Sent: Friday, July 17, 2020 10:30 AM
To: Testimony HWM Judiciary (HOU)
Subject: Qualified Immunity

I am in favor of qualified immunity.

Kaitlyn Kiley
Waltham
From: Haris Domond <haris.domond@gmail.com>
Sent: Friday, July 17, 2020 10:30 AM
To: Testimony HWM Judiciary (HOU)
Subject: Please Pass the Reform, Shift + Build Act (S.2800)

Dear Representatives Michlewitz and Cronin,

I write to you as a Boston resident and business owner.

While I hope that you and your colleagues in the House take inspiration from the Senate's decisive action in passing the Reform, Shift + Build Act (S.2800), I understand that changing the status quo can be difficult. In this spirit, I am writing to let you know that I am among the countless residents of Massachusetts who support this bill. The Reform, Shift + Build Act is a small but significant step towards combating systemic racism. I am personally confident that not only will it make our justice system more accessible and equitable, it will save lives.

I appreciate that efforts to restrict qualified immunity have been particularly controversial. While I personally cannot speak much to the doctrine's complicated local and national history, I can say that our civil justice system (and in particular, our tort system) has evolved to achieve two goals: 1) to cause those with the ability to limit preventable harm to internalize the risk of that harm; and 2) to help make those who have been harmed whole. Qualified immunity in its current form subverts both of these goals. At the very least, this act provides an opportunity to see whether changes to the doctrine work and whether they will be successful when implemented on a national level.

Thank you both for the work you do in making our Commonwealth an example to the world of a community that recognizes its shortcomings with grace as it strives towards justice and progress.

Sincerely,

Haris Domond

465 Arborway #17

Boston, MA 02130

From: Phi Tran <pptran@gbls.org>
Sent: Friday, July 17, 2020 10:29 AM
To: Testimony HWM Judiciary (HOU)
Subject: Pass a Strong Police Accountability Bill with Key Provisions from S.2820

Dear Chairs HWM & Judiciary,

Dear Chair members,

I am a resident of East Boston, a district in Senator Boncore's region and I strong urge you all to pass legislation that establishes real oversight and accountability for police.

I grew up in Dorchester and now I call East Boston my home. I am floored by the hospitality of my neighbors and the sense of community that's here. I wish to keep staying in Boston and I have lived here my whole life, but growing up here I know that the criminal justice system is not in support of my community.

Our law enforcement system is rife with systemic racism that manifests in poignant police murders of unarmed black people, brutality and excessive use of force, unlawful arrests, and unnecessary police contact. The House of Representatives and Senate should ultimately pass a bill that ends qualified immunity in most instances, reduces and oversees police use of force, removes police from schools, expands juvenile expungement, and establishes funds to improve re-entry from incarceration.

The shielding of law enforcement from accountability for violating people's rights through qualified immunity is unacceptable and irresponsible. Police should be held to professionalism standards that limit misconduct similar to doctors or lawyers, who cannot commit malpractice with impunity. Additionally, we need to stop surveilling juveniles with police in schools, collect data, and let young people expunge records related to mistakes they made as a child. If we invest in communities of color and hold police accountable for their misuse of power, then we will have safer communities, less crime, and more respect for the justice system.

This is an urgent matter. Please pass a bill that includes at a minimum the provisions of the senate bill.

Sincerely,

Phi Tran
250 Meridian St
East Boston, MA 02128
pptran@gbls.org

From: Bob Sweetland <bsweetland5586@gmail.com>
Sent: Friday, July 17, 2020 10:30 AM

To: Testimony HWM Judiciary (HOU)
Subject: Bill S2800

Good morning. My name is Robert Sweetland, I am a police officer in the City of Quincy. I have to strongly voice my opposition to the current bill before the House Of Representatives that would make drastic changes to our profession. I shall say that I am open to change when it comes to change in certain aspects. More training in all subjects always helps us deal with individuals who live or visit our communities. Our society changes everyday. There is no issue with us changing for the better. I say that, in order for us to do our jobs effectively and professionally, we can not be handcuffed. Over my30 plus years, I have seen a lot. Most individuals we deal with cooperate, a lot do not. This brings us to use our training. From verbal commands to deadly force. We never know how a situation will play out. It may come to using deadly force. We took an oath to uphold the Constitution and the laws of the Commonwealth. We take that seriously. Qualified immunity is one aspect that protects us from frivolous law suits and lets us do our job to the best of our abilities. Removing this will harm this profession.
We work hard every day to protect our law abiding citizens from the criminal element. We need this bill to be defeated. The majority of men and and women who put on the uniform everyday are outstanding police officers and do this job with the utmost professionalism. Please let us do our jobs, not hinder. Thank you very much for your attention in this matter.
Robert Sweetland
Quincy Police Department

Sent from my iPadFrom: paul brouillette <brouillettepaul@gmail.com>
Sent: Friday, July 17, 2020 10:30 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform

To: Representative Aaron Michlewitz, Chairperson, House Committee on Ways and Means
Representative Claire Cronin, Chairperson, Joint Committee on the Judiciary

My name is Paul Brouillette with the Greater Boston Interfaith Organization (GBIO). I live at 5 Oakland Ave in Somerville. I am emailing to urge you and the House to pass police reform that includes:

* -Implement Peace Officer Standards & Training with certification
* -Civil service access reform
* -Commission on structural racism
* -Clear statutory limits on police use of force
* -Qualified immunity reform

Thank you very much.

Regards,
Paul Brouillette
5 Oakland Ave.
Somerville, MA 02145

--

Paul Brouillette
5 Oakland Ave.
Somerville, MA 02145
From: Lubna Omar <o.lubna@gmail.com>
Sent: Friday, July 17, 2020 10:30 AM
To: Testimony HWM Judiciary (HOU)
Cc: Madaro, Adrian - Rep. (HOU); Rivas, Gloribel (HOU); Gingras, Steven (HOU)
Subject: Pass SB.2800, Reform, Shift, Build Act

Dear Chairman Aaron Michlewitz & Co-chair Rep. Claire Cronin:

My name is Lubna Omar. I am a resident of East Boston and I am writing this virtual testimony to urge you to pass SB.2800 the Reform, Shift, Build Act in its entirety. It is the minimum and the bill must leave the legislature in its entirety.

I am supporting this because the safety of my community depends on it. I live in an overly policed neighborhood and we don't feel safe with the police. The power of the police remains unchanged and unchecked. I have a 9-year-old Black boy and it is painful to have such hard conversations on police brutally when he shouldn't be worrying about that. But unfortunately, that is the reality of Black mothers in this country. We are EXHAUSTED and it is time to act and pass this bill to keep Black boys like my son. Everyone now wants to tackle systemic racism. That conversation starts with reforming the police and holding them accountable.

This bill bans chokeholds, promotes de-escalation tactics, certifies police officers, prohibits the use of facial recognition, limits qualified immunity for police, and redirects money from policing to community investment.

I urge you to ensure that all aspects of this bill are intact. We are in a historical moment and this bill ensures that we in Massachusetts meet the demand of this movement.

Thank you for your consideration of your request to give SB.2800 a favorable report.

Sincerely,
Lubna Omar
East Boston, MA 02128
From: Timothy Norton <timothynorton2@gmail.com>
Sent: Friday, July 17, 2020 10:30 AM
To: Testimony HWM Judiciary (HOU)
Subject: S2820 Comments

To Whom It May Concern;
I stand against bill S2820 as has been presented to the Senate.

The senate version of this bill as written will seriously undermine public safety by limiting police officer's ability to do their jobs while simultaneously allowing provisions to protect criminals. Furthermore, the process employed by the Senate to push this through with such haste, without public hearing or input of any kind, was extremely undemocratic and nontransparent.
Police across the commonwealth support uniform training standards and policies and have been requesting more training for years.
The Senate version of a regulatory board is unacceptable as it strips officers of the due process rights and does away with protections currently set forth in collective bargaining agreements and civil service law.
Massachusetts police officers are among the highest educated and trained in the country.
This bill directly attacks qualified immunity and due process. Qualified immunity does not protect bad officers. It protects good officers from civil lawsuits. We should want our officers to be able to act to protect our communities without fear of being sued at every turn, otherwise why would they put themselves at risk? The vast majority of law enforcement officers do the right thing. Yet there is a real push to end qualified immunity to open good officers up to frivolous lawsuits because of the actions of a few who, by their own actions, would not be covered by qualified immunity anyway. It just doesn't make any sense why we are endangering the livelihood of many for the actions of a few.
Changes to qualified immunity would be unnecessary if the legislature adopted a uniform statewide standard and bans unlawful use of force techniques which all police personnel unequivocally support.
If the senate bill is passed in its current form the costs to municipalities and the State will skyrocket from frivolous lawsuits and potentially having a devastating impact on budgets statewide.
Respectfully,

Timothy P. Norton II
9 Glover St Unit 2
Salem MA 01970

From: DL <dlselfmade@gmail.com>
Sent: Friday, July 17, 2020 10:30 AM
To: Testimony HWM Judiciary (HOU)
Subject: Citizen Ask

Dear Chair Cronin, Chair Michlewitz, Vice-Chair Day, Vice-Chair Garlick and House members of the Judiciary and the House Ways and Means Committees,

Thank you for your commitment to racial justice and to the bright futures of young people in our

Commonwealth.

As a resident of the commonwealth, I urge you to support Juvenile Justice Data, Raise the Age, and Expungement.

1. Require transparency in juvenile justice decisions by race and ethnicity (as filed by Rep. Tyler in H.2141)
2. End the automatic prosecution of teenagers as adults (as filed by Rep. O'Day in H.3420)
3. Expand expungement eligibility (as filed by Reps. Decker and Khan in H.1386 and as passed in S.2820 §§59-61)

Thank you for defending and protecting the students of Massachusetts. I look forward to hearing back from you about how you voted on this bill.

Regards,
Daniel Davis

From: Livingstone, Jay - Rep. (HOU)
Sent: Friday, July 17, 2020 10:29 AM
To: Testimony HWM Judiciary (HOU)
Cc: Mills, Sarah (HOU); Ferguson, Whitney (HOU)
Subject: comments

I am looking forward to addressing police misconduct, addressing racial discrimination, and bringing more justice into our criminal justice system. This is a timely and important topic and I am pleased that Speaker DeLeo has made addressing it one of the top priorities of the House.

I come to this issue as former prosecutor, a litigator who has prosecuted and defended civil rights cases, and has worked extensively as an employment lawyer working representing employees and employers in the public and private sectors, often involving accusations of discrimination.

First, I fully support the Black and Latino Caucus' publicly stated priorities, particularly the banning of certain police tactics such as chokeholds, no knock warrants, and use of tear gas as well as the banning of the use of face surveillance. None of these tactics should not be used on civilians at all in our state. I hope we can address all of them.

Second, I also wanted to add some specific comments on the S.2820. One of the most important issues to address accountability is to create the licensing provisions for police that the Senate proposed. The licensing of police officers, which is separate from whether a department can hire them, retain them, or discipline them, by a separate state entity with full powers to investigate is one of the best ways that we can make police more accountable.

I support repealing and replacing the qualified immunity standard as the Senate proposed. I was proud to vote for a similar proposal out of the Judiciary Committee this year and watch that bill advance through the House. This change will allow some victims who cannot recover for a constitutional violation to recover. Because all or almost all police are indemnified in Massachusetts, I do not view this as a police accountability issue.

If you have any questions, please let me know.

Best regards,
Jay

From: Donald Caisey <caiseyd@bpdbs.net>
Sent: Friday, July 17, 2020 10:29 AM
To: Testimony HWM Judiciary (HOU)
Subject: S2820 Bill

July 17, 2020

Dear Chair Michlewitz and Chair Cronin:

We, first of all, want to applaud the Speaker for having a virtual hearing on this bill and allowing the public and all interested parties to voice their opinions and ideas. The times are difficult for all of us and we appreciate that, unlike the Senate , the House is doing its best to have a thoughtful and thorough exchange of ideas on this most important issue. We thank you for the opportunity to submit testimony on behalf of the Boston Police Detectives Benevolent Society relative to Senate Bill 2820 "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."

We want to begin by expressing our disappointment in the concept of an omnibus bill as put forth by the Senate. The issue of police standards ,training and accountability is complicated enough without jamming it into a bill with a myriad of other equally complicated public policy and important public safety issues some of which have already been rejected in other bills that have been voted upon and enacted by both branches and signed into law by the Governor. This ,coupled with them not having a hearing, and only giving the Senate membership a couple of days and a few hours of caucus explanation of an almost 80 page bill certainly wasn't in

the public interest and could hardly be called a transparent and open process.

That said we want to unequivocally state that we abhor and condemn in the strongest possible terms the outrageous conduct that has occurred in OTHER states and join we all right thinking Americans in urging that those involved be held accountable to the maximum extent of the law. We also want to be on record as supporting the general concepts of police accountability and training as core principles put forth by the Governor and the Black and Latino caucus. More precisely we support the banning of use of force techniques such as the "choke hold" etc. except in incidents where the life of the officer or a citizen is in jeopardy. We support uniform statewide training, standards and protocols. We have no problem with certification of police officers and decertification as long as it is fair, unbiased and due process is exercised. We support the duty to intervene. We encourage the accreditation of ALL departments which will hold the municipalities accountable and go a long way to insuring that the quality of public safety is maximized.

We believe that the main spokespeople for the Senate bastardized these core principles with false and misleading statements and half truths and a total abandonment of the concepts of fundamental due process and equal rights for all which have been the heart and soul of the civil rights movement that we all support. It seems that there are some in the Senate who believe, and in fact have demonstrated by their actions, words and votes, that equal rights should not apply to police officers in the line of duty. Specifically they want to create a POSAC board that is dominated by groups who have a stated anti law enforcement bias and preconceived punitive motives toward police. The board ,as proposed in S.2820 ,is unlike any of the Commonwealth's 160+ regulatory boards that the Governor, our own local Rep. Holmes and Sen. Chang Diaz ,among others , have repeatedly and publicly stated are the models for a Board which should be used for law enforcement. Now they want to treat police differently and unfairly. The proposed composition of POSAC is fundamentally incapable of providing regulatory due process. Furthermore the proposed members are completely devoid of sufficient law enforcement experience to create training policies and standards since, unlike members of the other 160+ boards, they do not have sufficient experience in the field of law enforcement.

Next ,Qualified Immunity: Their number one rationale for this, beside the stated economic punitive motive, is that it is necessary for accountability for police. Nothing could be further from the truth. Adoption of uniform statewide training , standards and policies coupled with statutory banning of use of force standards provide the necessary guidelines to define the reasonableness standard that is necessary to eliminate QI as a defense in civil cases against police officers. You do not need to change QI and open up a pandora's box of unintended

consequences . The chief spokespeople in the Senate debate were lawyers and we have been told that the plaintiffs' bar is salivating at the prospect of the changes they have proposed. It will be a new cottage industry of unnecessary ,frivolous and nuisance law suits against all public employees not jut police officers which will cost the municipalities tens of millions annually. We propose a commission of experts to analyze this and present the legislature with all of the necessary information needed to make an informed decision as to how it should proceed on this very complex issue. Even senate proponents admitted it was complex and there wasn't enough institutional knowledge to answer all the questions. In fact it took the leadership a couple of days of prodding to admit to the membership that it applies to all public employees. A basic fact that most shop stewards from the public employees unions could answer. Despite repeated assertions from the senate that this was a "stand alone" bill and was "fully vetted" by all interested parties at a public hearing nothing could be further from the truth. It was a three line section in a larger civil rights bill that did indeed have a hearing but, according to attendees, did not have any testimony pro or con. It should also be noted that the Firefighters and other public employee unions support a commission or no action on QI. This suggestion will not impact the fundamental purpose of the legislation and in fact will make it even better.

Lastly S2820 contains some dangerous concepts which will have serious consequences for public safety. The change in the no knock warrant process will most certainly protect drug dealers, kidnappers human traffickers, money launderers and other criminal enterprises from prosecution. Furthermore common sense dictates that the potential consequences flowing from changing such an important tool in major criminal prosecutions should not be made without providing the opportunity for input from all the key stake holders in the criminal justice field. Law enforcement ,the DAs and the Judiciary should have had the specific opportunity to thoughtfully weigh in on the impact of a public safety policy change of this magnitude. This is especially true with the opiod crisis and what the scourge of drug abuse is doing to our minority neighborhoods. The so called gang profiling section ignores the devastation that gang activity in the schools of our minority neighborhoods where children are bullied, exposed to drugs at an early age, beaten up and worse, yet the senate limits the use of informatation which could help improve this unconscionable situation that discourages our children from not only learning but actually going to school. The limitations on the immediate use of facial recognition technology and other sophisticated technology which is so necessary in the fight against terrorism and organized retail theft that is devastating our local business both large and small is incredibly short sighted. This is especially true since the city of Boston and it's environs is one of the top 5 or 6 potential terrorist targets in the country. This is another example of why an omnibus bill on such an important policy as public safety masked as a police accountability bill is wrong. Suffice it to say these are issues which deserve a thorough vetting not just being lumped into an omnibus bill with limited focus on the consequences of their adoption. We are more than willing to provide more information related to these issues but in the interest of your time

will conclude with the thought that we appreciate the opportunity to relate these concerns and are available to provide any more information upon request.

Sincerely,

Donald Caisey
Martin O'Malley

President
Vice President

Boston Police Detectives Benevolent Society Boston Police Detectives Benevolent Society

434 Hyde Park Avenue
434 Hyde Park Avenue

Roslindale, MA. 02131
Roslindale, MA 02131

Cell: 617-285-2212
Cell: 781-540-4309

Office: 617-325-3938
Office: 617-325-2928

From: christina barrett <cnahatisbarrett@yahoo.com>
Sent: Friday, July 17, 2020 10:29 AM
To: Testimony HWM Judiciary (HOU)
Subject: Fwd: Please support our law enforcement

Sent from my iPhone

Begin forwarded message:

Subject: Please support our law enforcement

Good morning,

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I implore you to take a moment and consider these following notes.

I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

(1)?Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.

(2)?Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.

(3)?POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Thank you,

Christina Nahatis Barrett

49 School Street, Manchester, MA 01944

978-473-3777

Sent from my iPhone

From: Maia BrodyField <maiabf@gmail.com>
Sent: Friday, July 17, 2020 10:29 AM
To: Testimony HWM Judiciary (HOU)
Subject: An Act to Save Black Lives by Transforming Public Safety

Dear Chairman Michlewitz and Chairwoman Cronin,

I am adding my voice to those who support equity and justice for our Black and brown community members and who believe it is way past time to allow these communities to live free of fear.

Massachusetts can take a bold step towards ending systemic racism in policing by passing S. 2820, 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.

We need strong use of force guidelines for police in Massachusetts, public records of police misconduct, a duty to intervene policy, and bans on no-knock warrants, choke holds, tear gas, and other chemical weapons.

Please pass a bill that includes each of these critical reforms.

Thank you.

Maia BrodyField
37 Boylston St.
Jamaica Plain, MA 02130

From: Kyes, Brian <bkyes@chelseama.gov>
Sent: Friday, July 17, 2020 10:29 AM
To: Wynn, Michael
Cc: Farley-Bouvier, Tricia - Rep. (HOU); Fletcher-Udel, Lisa (HOU); Gregory - Bilotta, Margaret; Testimony HWM Judiciary (HOU)
Subject: Re: Written Testimony SB 2820

Great job Mike! Much appreciated! BK

On Fri, Jul 17, 2020 at 9:42 AM Wynn, Michael <mwynn@cityofpittsfield.org> wrote:

Please accept the attached document as written testimony for today's hearing.

Thank you.

Michael Wynn
Chief of Police

Police Department

City of Pittsfield
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Brian Kyes

Chief of Police

Chelsea Police Department

19 Park Street

Chelsea, Massachusetts 02150

Office: 617-466-4810

Cell: 617-594-2111

Fax: 617-466-4850

bkyes@chelseama.gov

From: Posy Walton <posywalton@hotmail.com>
Sent: Friday, July 17, 2020 10:29 AM
To: Testimony HWM Judiciary (HOU)
Subject: Testimony Re: S. 2820

Dear Rep. Cronin and Rep. Michlewitz,

An 80-year-old white woman who volunteers as a reading coach for 1st graders at Martin Luther King K-8 School, I care deeply about the way African-American kids experience life in Boston. I am writing to express support for S.2820, the Senate's police reform bill. I urge the House to enact a similar bill as soon as possible, and get it through a conference committee and signed by Governor Baker by the end of July.

I particularly support the Senate bill's approach to the creation of a state-wide certification board and state-wide training standards, limits on use of force, the duty to intervene if an officer witnesses misconduct by another officer, banning racial profiling and mandating the collection of racial data for police stops, civilian approval required for the purchase of military equipment, the prohibition of nondisclosure agreements in police misconduct cases, and allowing the Governor to select a colonel from outside the state police force, as well as all of the provisions requested by the Black and Latino Legislative Caucus.

I support allowing local superintendents of schools, not a state mandate, to decide whether police officers (school resource officers) are helpful in their own schools. Municipalities should be able to make this decision for themselves.

I also support the Senate bill's small modifications to qualified immunity for police officers. Under this bill, police officers would continue to have qualified immunity if they act in a reasonable way, and they would

continue to be financially indemnified by the tax-payers in their municipalities. Police officers should not, however, be immune to prosecution if they engage in egregious misconduct, even if case law has not previously established that this particular form of misconduct is egregious.

Most importantly, I hope a good police reform bill will be enacted by the end of July. Thank you for giving attention to this important priority, along with all the other important issues the House is addressing.

Sincerely,

Rosemary R. Walton

617-390-5402 (Cell 757-218-0884)

Member NAACP Boston Branch

Member Guild of the Urban League of Eastern Massachusetts

17 Florence St. Apt. 2

Roslindale 02131

From: Mike Stott <mjstott0509@gmail.com>
Sent: Friday, July 17, 2020 10:28 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform Bill S2820

Good morning,

I have been a police officer with the Worcester Police Department for the past 19 years, and had been promoted to Sergeant 3 years ago. This is a career that had always wanted, and have thoroughly enjoyed since appointment.

Bill S2820 as it is originally drafted does not instill confidence in my ability to effectively, safely and legally continue to do the job for which I was appointed.

I respectfully request that "Qualified Immunity", as well as Due Process and Collective Bargaining be very seriously considered. Two very important items that allow police officers to confidently perform their duties legally and appropriately without fear of termination and legal action against them. I would also request the makeup of the POSAC board include members that are qualified, objective and competent in their ability to render decisions which affect the livelihood of hard-working and honest police officers.

Respectfully,

Michael J. Stott

From: Harold Sousa <harold.sousa8867@gmail.com>
Sent: Friday, July 17, 2020 10:28 AM
To: Testimony HWM Judiciary (HOU)
Cc: Courtney Parsons
Subject: Testimony on Policing Legislation, Bill S.2820

Dear Representatives Michlewitz and Cronin,

Thank you for accepting written public testimony relating to S.2820. My name is Harold Peter Sousa Jr. I have been a Massachusetts State Trooper for 3 years and I previously worked for the Massachusetts Department of Corrections for 6 years. This statement was written by my wife, Courtney Parsons, and I.

It has been a disheartening few weeks, and it is extremely discouraging/frustrating that testimony was not accepted regarding S.2800. It feels like this bill is being rushed so the public does not have a chance to weigh in. When we reached out to our Senator, Barry Finegold, the response that we received was lacking. We reached out to him regarding proposed amendments to the bill and it was clear that he brushed it off and did not fully read the email - we are strong supporters of both racial justice/equality and some aspects of police reform (where it makes sense). But for some reason, we are made to feel like we cannot support both. If this bill will truly make a difference and have a positive impact, the people who it impacts the most should be able to contribute to it and express their opinion.

Over the past several weeks, cities and states across the United States have implemented drastic police reforms. Many of these communities have seen a staggering increase in violent crimes. S.2820 will not only have a negative effect on Law Enforcement agencies, but the communities we took an oath to protect.

On the topic of police reform specifically, there are several sections in the bill that are dangerous and will have serious negative consequences if the bill is passed as written. The sections that are most concerning are the following:

(1) Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.

(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolous lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.

(3) POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, and experts in law enforcement should oversee practitioners in law enforcement.

The law enforcement officers in Massachusetts are some of the most well trained in the country. If we limit their training opportunities and make it even more dangerous to do their jobs, it will reduce the already limited pool of qualified candidates. Many officers are already discussing retirement and others are concerned for their futures.

For those who are quick to judge law enforcement officers based on egregious behavior of a select few, please consider the safety of the officers who do what they were trained to do. Also, we ask you to think about what law enforcement and their families go through daily.

If the opportunity arises, we would be happy to discuss our thoughts in person or over the phone.

Thank you again for your consideration,

Harold & Courtney Sousa (Parsons)

Harold P. Sousa Jr., Massachusetts State Police

774-991-2720

Courtney Sousa (Parsons)

978-604-9322

From: rachel roth <rachel.roth@earthlink.net>
Sent: Friday, July 17, 2020 10:28 AM
To: Testimony HWM Judiciary (HOU)
Cc: Rogers, Dave - Rep. (HOU); Gonzalez, Carlos - Rep. (HOU)
Subject: Testimony supporting police accountability S.2820

July 15, 2020

Testimony in Support of Police Accountability in S.2820

Dear Rep. Cronin, Rep. Michlewitz, and members of the Committees,

I submit this testimony in strong support of the accountability measures in S.2820. Above all, I urge you to retain or strengthen the modification to qualified immunity and the bans on use of force, including chokeholds, tear gas, and no-knock warrants, as well as the moratorium on facial recognition software.

I also strongly support repealing the state mandate to have police officers in schools and the expungement of criminal records for youth.

We in Massachusetts are not immune to police brutality, as the US Department of Justice exposure of Springfield most recently demonstrated. Police brutality and racist harassment can happen anywhere.

We need to correct the flaws in the state's qualified immunity bill so that the courts can rule on cases presenting new situations. No woman should ever fear that she will be forcibly taken by the police to a hospital for an invasive search of her vagina only to have her claims of redress denied.

While I strongly support the above provisions to increase accountability in the Senate bill, I have concerns that I hope the House will be able to address:

1) Review of police misconduct and possible decertification should be removed from the Police Officer Standards and Accreditation Committee and vested in an independent civilian review board. The current set-up, as I understand it, has the Committee making decisions about whether to decertify officers, and the Committee has 6 of 14 members from law enforcement. Successful civilian review boards need to be independent from law enforcement.

2) The evidence on whether body cameras improve the outcomes of police-civilian encounters is lacking. The millions of dollars anticipated for body cameras would be better spent in the community reinvestment fund.

Thank you for your attention to this testimony. I hope that the Legislature will pass strong police accountability measures this session.

Sincerely,

Rachel Roth

Arlington MA

Cc: Rep. Dave Rogers, Rep. Carlos Gonzalez (Chair of Black and Latino Caucus)

References:

On police misconduct that escaped review under Massachusetts qualified immunity standards, see Rodriques v. Furtado, 575 N.E.2d 1124 (Mass. 1991).

On overall concerns with police reform proposals, see the Massachusetts chapter of the National Association of Social Workers: https://www.naswma.org/news/516947/Statement-Social-Work-Response-and-Recommendations-on-Police-Reforms.htm <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.naswma.org_news_516947_Statement-2DSocial-2DWork-2DResponse-2Dand-2DRecommendations-2Don-2DPolice-2DReforms.htm&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Y5MmN1zQUENedzFtlsQUjw8hZBFauLc5l573_mneeV4&s=mESSJc_GQ8hgxwL-iwPIO6FVoXOgepAR65JSf68dswo&e=>

On the lack of evidence for police-worn body cameras, see the American Public Health Associaiton: https://apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2019/01/29/law-enforcement-violence <https://urldefense.proofpoint.com/v2/url?u=https-3A__apha.org_policies-2Dand-2Dadvocacy_public-2Dhealth-2Dpolicy-2Dstatements_policy-2Ddatabase_2019_01_29_law-2Denforcement-2Dviolence&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Y5MmN1zQUENedzFtlsQUjw8hZBFauLc5l573_mneeV4&s=UterxYg3ROxLQX6xoftfUFZON8PCQlfnGUQ1nhAMVh0&e=>

Excerpt:

“Increased funding for body-mounted cameras is often put forth as a measure to reduce law enforcement violence because of the presumed increase in transparency and accountability offered by these devices. An oft-cited example of body cameras’ success is in Rialto, California, where reports of use of force by law enforcement dropped by 50% in the first year of body camera implementation and citizen complaints dropped by 88%. However, more representative studies have shown harmful associations of use of force with body camera use or no associations at all. A national study of more than 2,000 departments revealed a statistically significant association between wearable body cameras and a 3.6% increase in fatal police shootings of civilians and no significant association with use of dash cameras. The largest and most rigorous randomized controlled trial on the use of body cameras, conducted by the District of Columbia’s

Metropolitan Police Department, showed that wearing body cameras had no statistically significant effect on use of force, civilian complaints, officer discretion, whether a case was prosecuted, or disposition.

Issues related to policy, protocol, and intentional sabotage raise additional questions about the efficacy of body- and dashboard-mounted cameras in decreasing law enforcement violence or increasing accountability for perpetrated violence. One third of police departments using body cameras do so without written policies, which may give officers discretion over their use and lead to selective recording. Most existing policies on body cameras do not guarantee that law enforcement agencies must make footage publicly accessible, and many other policies are inconsistent or unclear. Recordings may also be deleted by police; in Chicago, 80% of dash-camera video footage was missing sound due to error and "intentional destruction." Even when key events are recorded, these videos do not necessarily increase accountability because of the cultural, institutional, and structural barriers described above."

(Research is cited in the endnotes to the APHA document linked above.)

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From: Benjamin Breton <bbreton@su.suffolk.edu>
Sent: Friday, July 17, 2020 10:28 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820 Written Testimony

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This

bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

(1) Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.

(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.

(3) POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Thank you,

Benjamin Breton

From: Harold Sousa <harold.sousa8867@gmail.com>
Sent: Friday, July 17, 2020 10:27 AM
To: Testimony HWM Judiciary (HOU)
Subject: Testimony on Policing Legislation, Bill S.2820

Dear Representatives Michlewitz and Cronin,

Thank you for accepting written public testimony relating to S.2820. My name is Harold Peter Sousa Jr. I have been a Massachusetts State Trooper for 3 years and I previously worked for the Massachusetts Department of Corrections for 6 years. This statement was written by my wife, Courtney Parsons, and I.

It has been a disheartening few weeks, and it is extremely discouraging/frustrating that testimony was not accepted regarding S.2800. It feels like this bill is being rushed so the public does not have a chance to weigh in. When we reached out to our Senator, Barry Finegold, the response that we received was lacking. We reached out to him regarding proposed amendments to the bill and it was clear that he brushed it off and did not fully read the email – we are strong supporters of both racial justice/equality and some aspects of police reform (where it makes sense). But for some reason, we are made to feel like we cannot support both. If this bill will truly make a difference and have a positive impact, the people who it impacts the most should be able to contribute to it and express their opinion.

Over the past several weeks, cities and states across the United States have implemented drastic police reforms. Many of these communities have seen a staggering increase in violent crimes. S.2820 will not only have a negative effect on Law Enforcement agencies, but the communities we took an oath to protect.

On the topic of police reform specifically, there are several sections in the bill that are dangerous and will have serious negative consequences if the bill is passed as written. The sections that are most concerning are the following:

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public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.

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The law enforcement officers in Massachusetts are some of the most well trained in the country. If we limit their training opportunities and make it even more dangerous to do their jobs, it will reduce the already limited pool of qualified candidates. Many officers are already discussing retirement and others are concerned for their futures.

For those who are quick to judge law enforcement officers based on egregious behavior of a select few, please consider the safety of the officers who do what they were trained to do. Also, we ask you to think about what law enforcement and their families go through daily.

If the opportunity arises, we would be happy to discuss our thoughts in person or over the phone.

Thank you again for your consideration,

Harold & Courtney Sousa (Parsons)

Harold P. Sousa Jr., Massachusetts State Police

774-991-2720

Courtney Sousa (Parsons)

978-604-9322

From: BOB CIAMPA <rpchamp@comcast.net>
Sent: Friday, July 17, 2020 10:27 AM
To: Testimony HWM Judiciary (HOU)

Cc: aaron.mitchlwitz@mahouse.gov; Cronin, Claire - Rep. (HOU)
Subject: Police Immunity Bill

Good morning and hope all is well. This is Robert P. Ciampa a retired Assistant Clerk Magistrate at Suffolk Superior Criminal Court . I clerked hundreds of criminal trials in the 20 years I served in Suffolk County and retired three years ago. In those twenty years I never saw a case that involved what happened in Minneapolis. I hope this bill does not take away what police need to do their job as they should. There are some people that would like to have a state with police not doing what they are supposed to. Massachusetts has probably the best trained and educated officers in the country. One bad police officer in another state should not paint all other police officers with the same brush. I felt obligated to write you and could not stay silent. Police are sworn to protect and serve the people and I am afraid that this bill will not allow them to do this. The judicial system has worked just fine for all the people and will continue to do so. This state and the police departments within it are not broken, please don't break them. Thanks for your great service in the Great and General Court.

Robert P. Ciampa
1303 Lewis O. Gray drive
Saugus, Ma. 01906
617 -877 - 3108

From: michaeldeming1@aol.com
Sent: Friday, July 17, 2020 10:27 AM
To: Testimony HWM Judiciary (HOU)
Subject: Senate 2820

Requiring a police officer to document age, race, gender, and physical characteristics will lead officers to police by quota. Why, because the law sets no expectation of what will be an acceptable statistical aberration. Imagine if the legislature had the same requirement for its members. Each member would be subject to investigation for statistical aberration from the demographics of their district. The law also sets of 5 committees with unclear responsibilities and accountability. The committees should represent the characteristics of the community not with focus on minority representation or advocacy representation ACLU or NAACP. The training and re-certification is a good step. Tragically this law is being raced through without adequate community input.
From: Adam <adeangelisusaf@yahoo.com>
Sent: Friday, July 17, 2020 10:27 AM
To: Testimony HWM Judiciary (HOU)
Subject: An Act to Reform Police S2820

Dear Chairman Michlewitz and Chairwoman Cronin:

My Name is Adam DeAngelis and I am a Police Officer in Lowell Ma.

I wanted to thank you for the opportunity to write to you on behalf of the upcoming police reform bill, S2820. I would like to voice my strong

opposition to this bill. If this bill is passed as is, I believe it will be detrimental to law enforcement officers throughout the commonwealth, while also causing a mass exodus of quality police officers out of the profession.

The first of my concerns, is the issue with qualified immunity. Qualified Immunity is in place to protect the actions of the officers that are acting in good faith in order to properly serve our communities. Without qualified immunity many of the officers will be second guessing their actions, which could cause the officers harm or those they are trying to serve to be harmed. We would also literally be putting our families well being on the line. I love this job and serving the people of my community but without qualified immunity, I wouldn't be able to continue this career because I cannot and will not jeopardize my family and their wellbeing.

The second concern I have is the over site committee. I feel that if there is a committee in place to over see the actions of police, they need to be trained and experienced law enforcement officers. These board members should be experienced in a variety of subjects to include, use of force, defensive tactics, and firearms training, just to name a few. It would be inconceivable to me to have an over site committee over law enforcement that has little to knowledge and/or training on how we are trained or understand our policies and procedures.

The last concern of mine is the fact that the POSAC would assume jurisdiction after only one year regardless of the status of any local investigation, not only infringes on the rights the rights of the officers involved but denies them their due process.

In closing, officers are not against police reform. We feel that the bill that is being past is a hasty knee jerk reaction to the horrific and tragic event that happened in Minneapolis.

Thank you for hearing me on this matter,

Adam DeAngelis
Lowell Police Dept
Badge #16770

Sent from my iPhone

From: Andrew Robertson <robertson.andrew86@gmail.com>
Sent: Friday, July 17, 2020 10:27 AM
To: Testimony HWM Judiciary (HOU)
Subject: Reject Senate Policing bill SB 2820

Dear Members of the Massachusetts House of Representatives:

I am writing to ask you to reject the Policing Bill, SB 2820. It endangers public safety, removes important protections for police, and creates a commission to study and make recommendations regarding policing with a lopsided membership.

Section 49 alters our education laws to prohibit school officials from reporting immigration or citizenship status or gang membership to any law enforcement authority.

To think that school authorities would be prohibited from telling the police that a student might be a member of MS-13 or any other dangerous gang is extremely dangerous. Section 49 should be eliminated.

SB 2820 endangers our police by dramatically watering down "qualified immunity" in Section 10. This provision should be eliminated.

Section 52 should also be eliminated as it hinders an officer's ability to protect our roadways as well as him- or herself by not allowing them to ask someone who they have stopped about their immigration or citizenship status.

Section 63 creates a fifteen-member commission to make recommendations on policing. But, only 3 of the 15 are associated with policing. It should have more equal representation of law enforcement officers.

I oppose SB 2820, and at a minimum, it should specifically eliminate any provisions similar to sections 10, 49, 52, and amend Section 63 to have more police representation.

Sincerely,
Andrew B. Robertson

From: Tom Kiley <tk02452@gmail.com>
Sent: Friday, July 17, 2020 10:27 AM
To: Testimony HWM Judiciary (HOU)
Subject: Opposition to S.2820

I write in opposition to S.2820. A bill which the Senate passed in the dead of night borrowing a page from the playbook of the gentleman from Kentucky in the US Senate. Surely that is not who the Commonwealth would like to emulate.

The bill creates commissions, committees and councils ensuring plenty of appointments for friends of elected officials without creating any meaningful improvements.

Civil actions as expanded under section 11I will even in the best of cases, merely give the rich another way to avoid consequences for the actions. As an example see the way Robert Kraft has avoided punishment in Florida, while others guilty of the same actions have not.

Surely it is not the intent of the Commonwealth to give the rich a way to take advantage of our public servants by attacking them personally?

Should all members of the state legislature be held personally responsible if they vote in favor of a law which violates the Constitution?

The legislature should instead consider tools, training and transparency. Give officers the tools (including human resources) they need. Give them the training - don't expect a combination lawyer, social worker and mental health doctor if you don't provide the training. Ensure there are enough officers so situations can be safely de-escalated. Finally transparency will give people the confidence that Internal Affairs offices do their job and reinforce that the Commonwealth's officers are some of the finest in the nation.

Thanks,
Tom

From: Katherine Luciano <katherineluciano17@gmail.com>
Sent: Friday, July 17, 2020 10:27 AM
To: Testimony HWM Judiciary (HOU)
Subject: Work in a Child Psychiatric Unit

Hello,

I am a clinical social worker at a Child Psychiatric hospital in an acute residential unit. The children we work with are In crisis and are emotionally and behaviorally dysregulated which often results in aggressive outbursts directed towards themselves and others. These children are suffering and often have had traumatic life experiences that have burnt out their stress response systems locking them in a constant state of alert and dysregulation. The road ahead of them is long. The work we do requires great skill and a deep understanding of the context of these children’s behaviors. We work tirelessly to manage our own affect, engage in deescalation and grounding interventions and respond to the human souls inside these activated bodies with deep empathy and compassion. Our children leave our program and return to a community that often misunderstands them and responds to them with fear and violence. Their need is a community that holds them, tolerates their distress and gives them hope, not one that offers punishment, shame and condemnation. Please consider this testimony and those of my colleagues as you determine a new plan for community based crisis response that does not rely on police force but on crisis teams that are funded and trained to keep these children safe in their communities and allow them to heal.

Sincerely
Katherine Luciano From: Glen Baczewski <glenbaczewski@gmail.com>
Sent: Friday, July 17, 2020 10:26 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820 Bill

Glen Baczewski
Worcester Police Department
(508) 410-5468

Good Morning to all who read this,

I am a Worcester Police Officer that has served my community for approximately one and a half years. It was hard to watch the senate pass

such a life/career changing reform bill at 430 in the morning with no public hearing. In my personal opinion, this reform bill contains Anti-Labor legislation. It will remove our rights to due process and collective bargaining and has also set up a licensing board that will not allow any law enforcement or anyone with any training, experience or background in law enforcement decide our futures. Its unfortunate that the vast majority of the community are mostly unaware of what is transpiring before them. Most of the people that I have interacted with and spoke to were unaware that this reform bill even existed. The main things that I feel need to be amended in this Anti-Labor reform bill are our representation on POSAC, due process and right to appeal(collective bargaining), and our qualified immunity.

Thank you for your time.
From: Amy Clay <karmakept@yahoo.com>
Sent: Friday, July 17, 2020 10:27 AM
To: Testimony HWM Judiciary (HOU)
Subject: Transforming Public Safety

Chairman Michlewitz and Chairwoman Cronin,
MA can take a bold step towards ending systemic racism in policing by passing S. 2820, 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.
We need strong use of force guidelines for police in MA, public records of police misconduct, a duty of intervene policy and bans on no-knock warrants, choke holds, tear gas and other chemical weapons.

Please pass a bill that includes each of these critical reforms.

Amy Laney
31 Barquentine Dr
Plymouth, MA 02360
From: Ashton Cetto <asht1415@gmail.com>
Sent: Friday, July 17, 2020 10:27 AM
To: Testimony HWM Judiciary (HOU)
Subject: Concerned Citizen

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a Standards and Accreditation Committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage.

Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:
(1) Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment but favored as a bedrock principle of fundamental fairness, procedure, and accountability.
(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolous lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, firefighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.
(3) POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Thank you,
Ashton Cetto
245 Tom Swamp Rd
Petersham MA 01366
asht1415@gmail.com

From: Susan Brennan <susanbrennan769@gmail.com>
Sent: Friday, July 17, 2020 10:27 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform

Please, please support this bill

Susan Brennan

617 851 5231
From: Peter Skudlarek <pskudlarek@earthlink.net>
Sent: Friday, July 17, 2020 10:27 AM
To: Testimony HWM Judiciary (HOU)

Subject: I urge you to oppose SB2820, especially Section 49

Hello,

I urge you to oppose SB2820.SB2820 includes language that would make it illegal for School Resource Officers to report students who are or are suspected to be MS-13 gang members to ICE.

Gang members who attend our middle and high schools have opportunities to recruit members. Frequently, young adults are placed with much younger students because of their lack of formal education. This dangerous provision would not allow our school resource officers to report suspected gang members to law enforcement.

Section 49 of the proposed bill would prevent school officials from reporting suspecting gang membership, thereby putting school officials, teachers and students at the mercy of gang leaders.

The radical Massachusetts State Senate has gone way overboard with this bill! Please House members protect law and order to protect Massachusetts from the horrific and unAmerican danger this bill would pose.

Very, very Concerned,

Peter Skudlarek

129 School Street

Watertown

From: amanda.k.hecht@gmail.com
Sent: Friday, July 17, 2020 10:26 AM
To: Testimony HWM Judiciary (HOU)
Subject: House bill S2820 public comment

To members of the Massachusetts state house,

I Amanda Hecht, a resident of Florence Massachusetts. In the current climate of the black lives matter movement it is exceptionally important

that we start limiting and even eliminating qualified immunity from the police departments. We need to start holding police officers accountable for their actions. I find it galling that recently a police officer was fired for sharing the instagram post of her niece at a black lives matter rally. Yet the police officers who beat a Black man to near death were only put on administrative leave then reinstated recently. Qualified immunity must be eliminated as it gives police officers undue protection and prevents true investigation into their conduct.

Thank you for you time,
Amanda HechtFrom:cat mcmanus <c.mcmanus3754@gmail.com>
Sent: Friday, July 17, 2020 10:26 AM
To: Testimony HWM Judiciary (HOU)
Subject: Bill S 2820

I am writing in lack of support for this bill. While there are ongoing issues in the country, Massachusetts remains ahead of the curve when it comes to policing and training. I stand with our police and reject this proposed bill. Further demonizing our police force is going to result in no honorable men and women serving.

Thank you,
Caitlyn McManus
From: Sue Munroe <munroe.sue@comcast.net>
Sent: Friday, July 17, 2020 10:25 AM
To: Testimony HWM Judiciary (HOU)
Subject: Reject Senate Policing bill SB 2820

Dear Members of the Massachusetts House of Representatives: I am writing to ask you to reject the Policing Bill, SB 2820. It endangers public safety, removes important protections for police, and creates a commission to study and make recommendations regarding policing with a lopsided membership. Section 49 alters our education laws to prohibit school officials from reporting immigration or citizenship status to any law enforcement authority or GANG MEMBERSHIP. To think that school authorities would be prohibited from telling the police that a student might be a member of MS-13 or any other dangerous gang is extremely dangerous. Section 49 should be eliminated. SB 2820 endangers our police by dramatically watering down "qualified immunity" in Section 10. This provision should be eliminated. Section 52 should also be eliminated as it hinders an officer's ability to protect our roadways as well as him- or herself by not allowing them to ask someone who they have stopped about their immigration or citizenship status. Section 63 creates a fifteen-member commission to make recommendations on policing. But, only 3 of the 15 are associated with policing. It should have more equal representation of law enforcement officers. I oppose SB 2820, and at a minimum, it should specifically eliminate any provisions similar to sections 10, 49, 52, and amend Section 63 to have more police representation. Sincerely, Susan C Munroe

From: paul conneely <msp3094@yahoo.com>

Sent: Friday, July 17, 2020 10:26 AM
To: Testimony HWM Judiciary (HOU)
Subject: Written Testimony Only - Reforming Police Standards

I want to thank everyone who reads this in advance, for the?Ir time to read my written testimony.

I agree that training needs to be increased for all Police Officer and Troopers.

However, there are still many issues with this bill that will destroy policing in this state. I have been in Law enforcement for 24 years, as a local police officer and now as a Trooper for the past 15 and half years.

Over the last decade I have seen the attacks on law enforcement escalate and the affects are quite obvious but rarely addressed. Police officers and Troopers are discouraged from working.

I took my first police test in 1989 for the Massachusetts State Police with nearly 36,000 other applicants. The last Massachusetts State Police test there was only 6800 plus applicants.

People no longer want to join this profession. This bill as written, and especially with the elimination of Qualified Immunity, will not only further reduce attracting quality applicants, it will drive out veteran Officers and Troopers with years of knowledge and skill.

The results of violent crime rising across this country and right here in the City of Boston, will continue. Two weeks prior, there were 7 murders in one week. As a resident of the City of Boston fear that the crime wave of the 90's and early 2000's that plagued this City and state, is not far off.

Below I have attached an article written on qualified immunity and how vital it is to law enforcement

I hope you will continue to support Law Enforcement

Thank you
Paul Conneely
15 Dunwell St <x-apple-data-detectors://1/0>
West Roxbury <x-apple-data-detectors://1/0>
Cell 6172931260

I have attached an article written on qualified immunity and how vital it is to law enforcement

The United States Supreme Court has demonstrated remarkable understanding of the very difficult and dangerous challenges that confront law enforcement officers on the streets of America today. The Court's strong interest in protecting our nation's domestic sentinels is displayed in decisions which recognize and support a "qualified immunity" legal defense for officers who must defend themselves in lawsuits arising out of life and death street confrontations.

The Background and History of the Qualified Immunity Defense
In Harlow v. Fitzgerald <https://urldefense.proofpoint.com/v2/url?u=https-3A__supreme.justia.com_cases_federal_us_457_800_&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=ldaykIDw4lXL8chkNwR7RyCbjEMY3wSj0vTD47Dt8WA&e=> ,[1] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftn1&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=oNWmhc15ZXVzhCbRUQEKnqG-bArPjBz8y-Cf8XnFEEI&e=> the Supreme Court recognized the need for an objective qualified immunity defense to protect public officials, including law enforcement officers, from the often frivolous lawsuits that flow from their necessary official actions.

The Court eliminated entirely any consideration of the subjective intent of the public official at the time of an alleged constitutional transgression and focused exclusively on the actual objective factsrelated to the official's conduct. By eliminating consideration of an official's (including a law enforcement officer's) subjective intent, the Court made it much more difficult for a trial judge to refuse to dismiss the case against an officer prior to trial.

The Court observed that the goal of the qualified immunity defense was to allow for the "dismissal of insubstantial lawsuits without trial."[2] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftn2&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=JSUvOfwSnxYsfzx2_whoHngW9yha4fKcVOKXgh5VFSk&e=> The Court ruled "that government officials … generally are shielded from liability … insofar as their [objective] conduct does not violate clearly established … constitutional rights of which a reasonable person would have known."[3] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftn3&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=VAPvxPIUXNeh7p8q9g5FlznNy-FpsvDHPZNKbFqKy80&e=>

In Mitchell v. Forsyth <https://urldefense.proofpoint.com/v2/url?u=https-3A__supreme.justia.com_cases_federal_us_472_511_case.html&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=osj0UDvEDXu6QKbK7S4gBOpNBsXFXMWAg4ErRUKDjuc&e=> ,[4] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftn4&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=thTd5niakL1x0PGO8WyepAllTeX5zISF7QcA--qeUvc&e=> the Court observed that unless lawsuit allegations involve a claimed violation of clearly established constitutional rights, the defendant pleading qualified immunity is entitled to dismissal before the commencement of discovery. The Court made clear that the qualified immunity defense is an "immunity from suit rather than a mere defense to liability; and … it is effectively lost if a case is erroneously permitted to go to trial."[5] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftn5&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=RG13RJZVW4qgcZ60F2WJJCYw8okVrxlrMNSPbZT72CQ&e=>

The Court also ruled that denial of a public official's qualified immunity defense by a trial court judge" is an appealable 'final decision'…."[6] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftn6&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=uOQergtOJ7G7rOAwojHojZzzMKg_CuxCOGmXAVUai74&e=> In so doing, the Court made clear that when a law enforcement officer's claim of qualified immunity is denied by a trial court judge, that denial is subject to an immediate appeal to the appropriate court of appeals. The defendant law enforcement officer does not have to suffer the burdens of protracted discovery and trial before an appellate court can review the rejection of the qualified immunity defense.

In Anderson v. Creighton <https://urldefense.proofpoint.com/v2/url?u=https-3A__supreme.justia.com_cases_federal_us_483_635_case.html&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=AarqFhXh9HweQg59dD82rFr_Z8aVr64ot6YarIMbtrI&e=> ,[7] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftn7&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-

fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=ZhNyI2uALimZPZSmX4yYSFWd0u2gusHXe7sfJHUD-Qs&e=> the Court observed that, "qualified immunity protects, 'all but the plainly incompetent or those who knowingly violate the law'."[8] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftn8&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=nGfgvFclYnHn_Dk101D9VEY6TuyITyu4ieJ7NkJUBBQ&e=>

The Court stated, "We have recognized that it is inevitable that law enforcement officials will in some cases reasonably but mistakenly conclude [for example] that probable cause is present, and we have indicated that, in such cases, those officials … should not be held personally liable."[9] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftn9&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=E8g9odFX41ct_LBibkfzKM3FLiMH5yE3qX9yqDxgAfw&e=>

This statement makes clear that law enforcement officers are entitled to qualified immunity when they have a reasonable basis to believe that their conduct was constitutional, even if their actual conduct falls somewhat short of the constitutional standard.

Qualified Immunity and Officer-Involved Shootings

In Brosseau v. Haugen <https://urldefense.proofpoint.com/v2/url?u=https-3A__supreme.justia.com_cases_federal_us_543_194_&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=6gJps8D3U5GavNI-senZq33o59gLby25c4AYgCK0IJI&e=> , [10] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftn10&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=e-ukBdiiO4giI8K3ky8u3NLb2N8d726iEasiHs6qV-k&e=> a Puyallup, Washington police officer, attempted to arrest Haugen for felony drug violations. Haugen entered a Jeep parked in the driveway of his mother's home and locked its doors. The Jeep was facing the street. There were two vehicles parked in front of the Jeep. Each one had two passengers inside. One contained a three year old child.

Officer Brosseau pointed her firearm at Haugen and ordered him out of the Jeep but he ignored her. She hit the driver's side window several times with her pistol. The window shattered and she hit Haugen in the head with the butt of her sidearm. Undeterred, Haugen started the Jeep and began to

move forward. Brosseau jumped back and as the vehicle continued to move forward, she fired one shot through the rear driver's side window. This shot hit Haugen in the back.

After being shot, Haugen maneuvered the Jeep out of the driveway and drove down the street for a short distance before stopping. He later pleaded guilty to felony eluding of a police officer. By so doing, he admitted that he was guilty of driving in a "wanton" and "willful disregard" for the lives of other people.

Haugen sued Brosseau in federal court pursuant to 42 U.S.C. §1983 and alleged that she used excessive force. Brosseau asserted the qualified immunity defense. The trial court judge ruled in her favor and dismissed the suit. The Ninth Circuit Court of Appeals reversed and remanded the case for trial.

The Ninth Circuit ruled that the shooting was excessive and violated the Fourth Amendment because Haugen did not represent a threat of serious bodily harm to Brosseau or others when he was shot. The Circuit Court also ruled that the state of the law was clearly established at the time and that no reasonable officer could believe that the shooting was lawful.

The Supreme Court reversed. The Court observed that the Ninth Circuit ruled that Officer Brosseau's conduct violated both prongs of the two-part qualified immunity test:

1. that she violated the Constitution (Fourth Amendment) and
2. that the law in these circumstances was "clearly established."

The Supreme Court expressed "no view as to the correctness of the Court of Appeals' decision on the constitutional question itself."[11] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftn11&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=zxrXvv4m1KHTxG2lJsPcYJMgbgz_AflGdLxVJimDPKs&e=> Instead, the Court jumped immediately to the second prong of the qualified immunity test, which asks the question, was the constitutional right alleged to be violated "clearly established?"

The Court framed the particular issue in this case by asking, "whether [it is permissible] to shoot a disturbed felon, set on avoiding capture through vehicular flight, when persons in the immediate area are at risk from that flight."[12] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftn12&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=HKtak12e888fpvcPg5UwMzmaHFGUVKhPE3diWFOAOH4&e=> The Supreme Court concluded that the law was "by no means clearly establish[ed]" [13] <https://urldefense.proofpoint.com/v2/url?u=https-

3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftn13&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=V8ZhHSlclG9gpE7C-1pBtTpLs_00bwqjheRDgT75MqA&e=> that Brosseau's conduct in this case was unconstitutional. The case was dismissed on qualified immunity grounds.

The 2015 Supreme Court decision in Mullenix v. Luna <https://urldefense.proofpoint.com/v2/url?u=http-3A__www.supremecourt.gov_opinions_15pdf_14-2D1143-5Ff20h.pdf&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=nvhGYsEikYR1C5qOUVWT64RRLKiNQnwsNumIDvU4lGQ&e=> [14] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftn14&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=twryC2E-MNWjvjSl-yQ5Q3bKjjRbgdcfaNyqeKbLx3A&e=> is also highly instructive. In Mullenix, a Texas Department of Public Safety (DPS) Trooper shot and killed Leija to end a high speed pursuit. Leija attempted to avoid arrest by engaging law enforcement officers in a dangerous high speed pursuit. During the chase which lasted 18 minutes, he traveled at speeds between 85 and 110 mph. He called a police dispatcher twice during the chase, claimed he had a firearm and threatened to shoot pursuing officers if they continued the pursuit. Police officials ordered the use of spike strips to be deployed under an overpass along the road that Leija was traveling on. An officer was positioned under the overpass to carry out the order.

Mullenix, the DPS Trooper, was positioned on top of the overpass and fired six rifle shots at Leija's vehicle as it approached on the road toward the overpass. Leija was hit by four of those shots and died.

Mullenix was sued by Leija's survivors, who alleged excessive force in violation of the Fourth Amendment. Mullenix asserted the qualified immunity defense but the defense was rejected by the trial court judge and the Fifth Circuit Court of Appeals. The Fifth Circuit ruled that Mullenix violated clearly established law by using deadly force upon a fleeing felon who did not present a sufficient threat of harm to officers or others. The Supreme Court reversed.

The Court was highly critical of the Fifth Circuit for using a much too broad generalized standard in determining that Mullenix violated clearly established law. The Court observed that the Circuit Court used the standard originating in Tennessee v. Garner, 471 U.S. 1 (1985) which held that deadly force is not permitted against an unarmed and non-dangerous fleeing felon. The Court ruled that the clearly established law inquiry "must be undertaken in light of the specific context of the case, not as a broad general proposition."

The Court noted that, "Mullenix confronted a reportedly intoxicated fugitive, set on avoiding capture through high-speed vehicular flight, who twice during his flight had threatened to shoot police officers, and who was moments away from encountering an officer [under the overpass] at Cemetery Road. The relevant inquiry is whether existing [legal] precedent placed the conclusion that Mullenix acted unreasonably … 'beyond debate.'" The Court ruled that clearly established law was not violated because it was not beyond debate that Mullenix acted outside the parameters of objective reasonableness. The case was dismissed in favor of Mullenix on qualified immunity grounds.

Conclusion

The Supreme Court's decisions in Brosseau and Mullenix are significant for several reasons. First, they once again demonstrate the Court's continued determination to give police officers the benefit of doubt when reviewing their split-second life changing decisions from the entirely safe contours of judicial chambers. Second, they reaffirm the Court's willingness to use the qualified immunity defense to adjudicate police use of deadly force cases at the pre-trial stage of litigation and spare officers from the monetary and emotional burdens of protracted discovery and trial. Third, they demonstrates the extraordinary value of the qualified immunity defense to police officers who use deadly force in the performance of their duty, even in cases where the need for such force was not absolutely clear cut and obvious.

These cases were by no means "slam dunk" victories for the involved police officers. Nonetheless, the Supreme Court evaluated the efficacy of the officers' assertion of qualified immunity in the particular circumstances of each case and ruled that their conduct did not violate clearly established law.

The value of the qualified immunity defense to law enforcement officers in use of deadly force cases cannot be understated. It is crucial for attorneys representing officers in civil rights litigation to completely understand the full contours of the qualified immunity defense and use it to successfully defend their police officer clients.

Footnotes

[1] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftnref1&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=rQuHOEc28mTfU6qTVY4F8L7yn77YpB1OvsKv_yGY3uw&e=> 457 U. S. 800 (1982).

[2] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftnref2&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=p3EH1iudEIyduuYNNNAtV0Bu-ErxkWNqsJPoNVZAkNs&e=> Id. at 814. (Emphasis added).

[3] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftnref3&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=ZHXd5R3mwjoILhaM73bMhl6vQ-8DpYGwGQxfSbffNq4&e=> Id. at 807. (Emphasis added).
[4] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftnref4&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=wN6lnaNwNtURkOSArLbxDjKZ0aycRwEeMtWmWb5EKy4&e=> 472 U.S. 511 (1985).
[5] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftnref5&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=sEMdVjNi5czkbqvSvRlzUAcPrQrCNUojnCmLMBnQjis&e=> Id. at 526. (Emphasis added).
[6] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftnref6&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=UGbuZ5Edn3JmLIzOBbsnZW8I9xEE5GHQw4z5rXFsdac&e=> Id. at 530.
[7] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftnref7&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=TshTXfEpPMRkzT1VqqDpAaadhHOU2LZ8T8uOm13yUmA&e=> 483 U.S. 635 (1987).
[8] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftnref8&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=FRcMWWPd0EkKjYSP8AkFDhpw0A43tlTKHMll1mrH0Z8&e=> Id. at 638 (quoting, Malley v. Briggs, 475 U. S. 335, 344-345). (Emphasis added).
[9] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftnref9&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=PlNq9Q84tIpBZKHEfXUBSaDY-sEVu508-5Ep1TYYxDk&e=> Id. at 641. (Emphasis added).
[10] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftnref10&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-

fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=hfjRkGSywaQLJ8K-EcIEK5u3McUS7JTUozl8IAvpGvk&e=> 543 U.S. 194 (2004).

[11] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftnref11&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=Rrmt_nMEUUdrOKW8LhkhTuB4AsUMDlqYbQ4X77LqbwI&e=> Id. at 198. This statement by the Court makes clear that in deciding the applicability of the qualified immunity defense, the Court did not believe it was necessary to evaluate the first part of the two pronged qualified immunity test outlined by the Court in Saucier v. Katz, 533 U.S. 194 (2001), i.e. whether the facts most favorable to Haugen made out a violation of the Fourth Amendment? See also, Pearson v. Callahan, 555 U.S.223 (2009) in which the Supreme Court stated that lower courts were free to evaluate either of the two pronged qualified immunity test to determine whether qualified immunity would exonerate a public official.

[12] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftnref12&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=zuP3aEyuMwll3mRkG0nCmRE6Fyr5Wdg7qd-VeYqO2zY&e=> Id. at 200.

[13] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftnref13&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=dDZXnj6Ha7AQYqFWjAy9dvWdhldGGAbgOmh7FTdYk5g&e=> Id. at 201. (Emphasis added).

[14] <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.policeone.com_legal_articles_protecting-2Dcops-2Dfrom-2Dfrivolous-2Dlawsuits-2Dqualified-2Dimmunity-2Dexplained-2DSI2nJjd42TkeLI6v_-23-5Fftnref14&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=JMkZLimT5xaC27BSwzF5Hqup6VXVyRVGg8tZE-w-u88&e=> No. 14-1143. (Nov. 2015).

About the author

John Michael Callahan served in law enforcement for 44 years. His career began as a special agent with NCIS. He became an FBI agent and served in the FBI for 30 years, retiring in the position of supervisory special agent/chief division counsel. He taught criminal law/procedure at the FBI Academy. After the FBI, he served as a Massachusetts Deputy Inspector General and is currently a deputy sheriff for Plymouth County, Massachusetts. He is the author of two published books on deadly force and an upcoming book on supervisory and municipal liability in law enforcement <https://urldefense.proofpoint.com/v2/url?u=https-

3A__www.looseleaflaw.com_catalog3_bookdetail.html-3Fsku-3D978-2D1-2D60885-2D192-2D8&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Cp4zmg4sNH1vtKQQkDff1aYGXCjdv_gUxZV_kYGx5Bc&s=MDuhS9EKPLnbZWVFI07GjusixyGLT6Ayl2EIPbLXuUk&e=> .

Sent from my iPhone
From: RICHARD <RS456GTB@comcast.net>
Sent: Friday, July 17, 2020 10:26 AM
To: Testimony HWM Judiciary (HOU)
Subject: Proposed bill S2820

Dear Mass Legislators,

I believe the rush into pushing S2820 without input from our current police force is not a good idea. I do believe here in Mass we have the best trained police and to pull them out of areas they have been present in with adversely do more harm. I believe this bill needs more time and input rather than rushing to pass this during this anti police climate the US is currently under

Thank you
Ann Shaughnessy
259 King Caesar Rd
Duxbury Ma 781-934-9815

Sent from XFINITY Connect App

From: Matthew D <mdepari2018@gmail.com>
Sent: Friday, July 17, 2020 10:26 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820 Opposition

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.
I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:
(1)Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous

impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.
(2)Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolous lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.
(3)POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.
In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Matthew DePari
26 Shady Lane
Holden, MA
From: Heidi Swarts <hjswarts700@gmail.com>
Sent: Friday, July 17, 2020 10:26 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820 - urging support for police reform bill

Subject line: Testimony re S.2820

Dear Rep. Cronin and Rep. Michlewitz,

I am writing to express support for S.2820, the Senate's police reform bill. I urge the House to enact a similar bill as soon as possible, and get it through a conference committee and signed by Governor Baker by the end of July.

I particularly support the Senate bill's approach to the creation of a state-wide certification board and state-wide training standards, limits on use of force, the duty to intervene if an officer witnesses misconduct by another officer, banning racial profiling and mandating the collection of racial data for police stops, civilian approval required for the purchase of military equipment, the prohibition of nondisclosure agreements in police misconduct cases, and allowing the Governor to select a colonel from outside the state police force, as well as all of the provisions requested by the Black and Latino Legislative Caucus.

I support allowing local Superintendents of Schools, not a state mandate, to decide whether police officers (school resource officers) are helpful in their own schools. Municipalities should be able to make this decision for themselves.

I also support the Senate bill's small modifications to qualified immunity for police officers. Under this bill, police officers would continue to have qualified immunity if they act in a reasonable way, and they would continue to be financially indemnified by the tax-payers in their municipalities. Police officers should not, however, be immune to prosecution if they engage in egregious misconduct, even if case law has not previously established that this particular form of misconduct is egregious.

Most importantly, I hope a good police reform bill will be enacted by the end of July. Thank you for giving attention to this important priority, along with all the other important issues the House is addressing.

Heidi Swarts
315-558-819
First Parish Unitarian Universalist of Arlington
Arlington, MA

From: Tori Golden <torigolden@gmail.com>
Sent: Friday, July 17, 2020 10:26 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820

Dear Chair Michlewitz, Chair Cronin, and members of the house ways & means and judiciary committees,

I'm writing in favor of S.2820 to bring badly needed reform to our criminal justice system. I urge you to work as swiftly as possible to pass the bill into law and strengthen it. I believe that the final bill should completely eliminate qualified immunity (a loophole that exists only to help law enforcement avoid accountability), introduce strong standards for decertifying problem officers, and completely ban tear gas (which can't even be used in war zones, why is it allowed to be used here on citizens?!), chokeholds, and no knock raids like the one that killed Breonna Taylor.

Victoria Golden, Boston
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Tori
From: Ladner, Brian <bladner@CityofMelrose.org>
Sent: Friday, July 17, 2020 10:26 AM
To: Testimony HWM Judiciary (HOU)
Subject: S2820 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

Dear Sir or Ma'am,

I am a full-time sworn Police Sergeant at the Melrose PD and would like to introduce myself:

· Husband, father, son, brother, uncle. Police Officer for over 12 years, Supervisor for the last 5 of those years.

· Enlisted Marine Corps Reserves 2000-2013, attained rank of Gunnery Sergeant; 2 Iraq tours. Commissioned Officer in in MAANG Infantry (2013-present), taking Company Command next month of the HHC 1-181 Infantry in Worcester. Our company just finished 75 day orders taking care of Veterans affected by Covid-19 in the Holyoke Soldiers Home and other elders in facilities throughout the Commonwealth.

· BS Marketing, Bentley University 2001; Masters in Criminal Justice, Anna Maria College.

· Board of Directors President, Lt. Norman Prince Veterans of Foreign Wars Post #1506 Melrose; "Big Brother" (Big Brothers Big Sisters of Massachusetts) to Michael.

I have never (not once) deployed any tools on my duty belt outside of training. There have been numerous calls where I could have (according to MPTC training and our department policy) sprayed pepper spray or struck assaultive people with a baton. I've also never had to strike/punch/kick or attempt any other violent action. Melrose Police has zero use of force complaints. Zero allegations of any bias or racial profiling. We receive very few complaints overall, very rare complaints of rudeness (typically resulting from directing traffic) which has improved over the years. I have never charged any person for Marijuana, criminally or civilly. It leaves me wondering what exactly should we be doing different. What are we the police doing wrong in Massachusetts? In the MPTC run Transit Academy in Quincy (23rd MPOC) Oct 2008-Apr 2009 we learned "verbal judo" and command presence. We've been "deescalating" long before it became a buzzword.

I live in Melrose where I work, I love my neighbors. We treat people encountered at work as neighbors. In my duties as an OIC booking prisoners, it is common for people to tell me candidly they've never been treated so good. Kind of a cool concept, we respect people in Melrose and then we usually get respect in return. The beautiful finished product is earned public trust. The badge is not mine, my Melrose neighbors own the badge. They trust me to wear it and speak for them with authority if necessary. The best cops, and leaders in general, are always looking for problems to solve. Interaction with the public which is required for problem solving, will be perceived as just not worth the new unknown risk this legislation will bring. As a Supervisor, it is impossible to force

officers to take that risk. The subsequent suffering is the community's to bear. Especially, in the inner city.

Boston Police are excellent at working with the community and getting guns out of kid's hands. They accomplish this almost daily without anyone getting hurt and while operating within the US and Massachusetts Constitutions. The result is an incredibly low murder rate in comparison to other urban areas around the nation. Boston Police Commissioner Gross said his officers took more than 700 guns off the street in 2019, this resulted in 38 reported homicides, compared to 56 in 2018. 29 of the killings in 2019 were fatal shootings, compared to 48 fatal shootings in 2018 (https://www.bostonglobe.com/2019/12/31/metro/boston-homicides-were-down-2019/ <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.bostonglobe.com_2019_12_31_metro_boston-2Dhomicides-2Dwere-2Ddown-2D2019_&d=DwMFAg&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=FTOxT2VQd1aL8TS15m8JIzNqCDCwx6Ns4har62wTn-c&s=dQZBGuzvN3tBlA_3XGVH5gs3tbuTOVLeVyOIcUgQRuI&e=>). Other states should be reforming to how we in the Commonwealth do business! Please correct me where I am wrong. I write to you on behalf of the kids in our urban areas, as I'm genuinely concerned they will suffer unintended consequences this legislation will inevitably bring.

The POST certifications and additional training are beneficial, please consider removing the changes to qualified immunity. Feel free to contact me any time for further discussion.

Very Respectfully,

Brian Ladner

(781) 820-7905

Sent from my Verizon, Samsung Galaxy smartphone

Please be advised that the Massachusetts Attorney General has determined that email is a public record unless the content of the email falls within one of the stated exemptions under the Massachusetts Public Records Laws.

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From: Janet M Gottler <jgottler@verizon.net>
Sent: Friday, July 17, 2020 10:26 AM
To: Testimony HWM Judiciary (HOU)
Subject: Support Senate Language in the House Police Reform Bill

To: Representative Aaron Michlewitz, Chairperson, House Committee on Ways and Means
Representative Claire Cronin, Chairperson, Joint Committee on the Judiciary
I am Janet Gottler, a resident of Arlington, MA, and an active and motivated volunteer organizer with the Greater Boston Interfaith Organization (GBIO). I am writing to urge you and the House to pass strong police accountability measures that include:

* Peace Officer Standards & Training with certification
* Civil service access reform
* A commission on structural racism
* Clear statutory limits on police use of force
* Qualified immunity reform

PLEASE do adopt the Senate language to reform the legal doctrine of qualified immunity. Currently applicable cases cannot be heard by a jury as they are dismissed because the particular violation of 4th Amendment rights by a public official, such as a police officer, had not been previously contemplated by a statute or a court precedent. Those cases deserve to be heard on their merits, not thrown out using a non-statutory legal doctrine. It is time to put an end to this outrageous injustice preventing those who have suffered from the egregious violations of police officers from getting their day in court.

Do not be swayed by claims that qualified immunity reform will have devastating financial impact on individual police officers as they are indemnified by the municipalities that employ them. Any such claims are not based on fact.
We are calling for real reform to bring justice to our communities.

Thank you.

Janet M Gottler
21 Jean Road
Arlington MA 02474
jgottler@verizon.net

From: Pavlik Mintz <pavlik@mintz.net>
Sent: Friday, July 17, 2020 10:26 AM
To: Testimony HWM Judiciary (HOU)
Subject: I urge you to support police reform

To: Representative Aaron Michlewitz, Chairperson, House Committee on Ways and Means

Representative Claire Cronin, Chairperson, Joint Committee on the Judiciary

Hello, my name is Pavlik Mintz with the Greater Boston Interfaith Organization (GBIO). I live at 23 Turning Mill Rd, Lexington, MA. I am writing to urge you and the House to pass police reform that includes:

* Implement Peace Officer Standards & Training with certification
* Civil service access reform
* Commission on structural racism
* Clear statutory limits on police use of force
* Qualified immunity reform

I realize that Qualified immunity reform is a challenging issue. But it is essential that citizens have recourse based on the facts of their case when they are subject to abuse by the police, without their cases being dismissed out of hand due to the current qualified immunity practices.

Thank you very much.

Pavlik Mintz

Pavlik@mintz.net

781-771-9974

23 Turning Mill Rd, Lexington, MA 02420

From: Daniel Gilbert <dgmontana192@gmail.com>
Sent: Friday, July 17, 2020 10:27 AM
To: Testimony HWM Judiciary (HOU)
Subject: Testimony SB2820

Chairman Michlewitz, Chairwoman Cronin and Members of the House Ways and Means and Judiciary committees,

Please accept this letter as the written testimony of the Worcester Police Patrolman's Union with regards 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, which has been passed by the Senate and is now before your committee

I have been a Worcester Police Officer for 24 years and I am writing to you on my concerns and requesting your assistance with S. 2820. Police are not resistant to change and to make our communities safer that we Protect and Serve. That being said this bill is a toxic anti labor bill and will tie the hands of police officers across the state, which will result in a negative impact on the communities that we serve and protect. If passed this bill will see GOOD police officers retire, Good police officers just walk off the job, and Good police candidates will not take this job and we will be left with those that this Bill is trying to prevent because there will be no choice but to hire anyone willing to work. This bill was thrown together hastily and did not have any open dialogue with the community or law enforcement professionals on how to make policing better. This Bill removes Due Process and Qualified Immunity from Police who make mistakes and are acting in good faith; it also means you can be fired without any appeals process basically removes Civil Services and Collective Bargaining Rights. This also means that attorneys that make a living on suing the police are licking their chops and you will see more frivolous lawsuits and complaints against police officers which will result in terminations because of no due process and Police Officers are sued personally. Police Officers are judged for decisions made in a split second; Police Officers should be judged by a jury of their peers or people with knowledge and have gone through some type of training process in policing so they can make an educated and informed decision.

I have broken down the Bill further for you and added some information about the state of Massachusetts compared to other states.

* changes dozens of laws, creates and funds many new agencies and Commissions
* eliminates collective bargaining rights of police officers
* removes authority from City's and Town's to control their own employees
* removes the rights of police to monitor gang activity in schools
* removes the due process rights of public safety officers
* exposes police officers and their families to personal liability even when acting in good faith
* will open the floodgates for frivolous lawsuits against Municipalities and increase the cost to taxpayers to defend those cases
* puts the lives of police officers in danger unnecessarily
* creates a police licensing board that is staffed by organizations who sue our communities and advocate for the elimination of police services

Why are you considering passing such sweeping changes without a public hearing - what happened to transparency in Government? What happened to the voice of the citizens?

DO NOT OVERLOOK THE SUCCESS OF MASSACHUSETTS POLICING

Don't believe the misinformation about the alleged need for emergency police reform here in Massachusetts – in reality, Massachusetts is a success story on Police Training and use of force results – even according to those groups advocating national police reform. Our educated police force, competitive wages and mandatory training have produced excellent results.

For example, Massachusetts is among the very best in the nation when it comes to police use of deadly force:

* Massachusetts has one of the lowest annual rates for deadly use of force incidents in the Nation - at only 1.2 incidents per million people.

* Massachusetts Cities have excellent records when it comes to deadly force – In Worcester, there have been ZERO deaths caused by police since 2013 (excluding a taser related incident which was ruled a drug overdose)

– in fact, Worcester has an annual citizen complaint rate of only .0002% out of 140,000 calls for service. In Lowell, there has been only one police related death (justified) in that same time period.

* During this span, the police have successfully handled many millions of calls for help, often involving, volatile and violent individuals, without incident.

* Most Massachusetts Towns have had no law enforcement related deaths during the tracked time period.

* When anti-police groups present data of people killed by police, they include people like the Boston Marathon Bomber, and others who murdered police officers during incidents.

Before passing a bill creating new state agencies and destroy the morale and success of our public safety officers – is it too much to ask that you first take a look at how police in Massachusetts are performing? Have you looked at your own constituencies – the Towns in your district to see what needs changing, and what is working?

WHAT DOES THE PROPOSED POLICE REFORM BILL DO?

The proposed massive Police Reform Bill IS NOT BASED ON MASSACHUSETTS performance history and NOT BASED ON MASSACHUSETTS DATA.

The proposed bill will destroy the morale of our police departments, will put our officers' safety at great risk, and will expose them and their families to personal liability, will generate thousands of frivolous lawsuits to be paid for with taxpayer money, and even has provisions to pay the lawyer's fees for people who sue our communities.

For example – the legislation:

* Creates and funds at least 6 new Agencies, Commissions or Committees

* Eliminates Civil Service Protection only for Law Enforcement Officers; (Sections 41-43)

* Prohibits School Department Personnel from Providing Information to Law Enforcement regarding gang activity and affiliation; (Section 49)

* Expands the rights of individuals convicted of multiple crimes to expunge records of those crimes

* Requires that a lengthy record (receipt) be generated related to virtually any interaction between a police officer and a member of the public; (Section 52)

* Creates - but does not fund – mandates upon municipalities to gather, track, organize and report data, as well as unfunded training mandates; (Section 52)

* Creates a Police Officer Standards and Accreditation Committee to govern the conduct of police and judge police officer conduct but – unlike every other professional licensing board – is made up of individuals nominated by groups which openly advocate against law enforcement. It would be similar to staffing the Board of Pharmacy with anti-vaccine advocates or staffing a medical board with lawyers who sue doctors. The Board of Plumbers is made up by a majority of plumbers. The Board of Accountancy is made up by a majority of Accountants. Same goes for nurses, electricians, etc. Law Enforcement should be no different and the committee that can take away our careers should not be populated with nominees that include law firms who claim to have made millions suing cities and towns and their police departments (Lawyers for Civil Rights, Inc.) or the ACLU. (Section 6).

* This bill effectively eliminates collective bargaining rights for police officers – the employees that need it most given the difficulty of their job. This anti-labor, anti-employee bill essentially removes (only for police) the right to be disciplined only where there is just cause – a right enjoyed by virtually every other public employee in our state. (Section 6)

* This bill creates a cottage industry for lawyers and another unfunded mandate upon Cities and Towns by greatly expanding liability on municipalities and officers. Under this Bill, every time a Court grants a motion to suppress evidence - because of any technical violation of the Fourth Amendment for instance – a per se violation of the Massachusetts Civil Rights Act will be created. The proposed Bill even provides for attorney fees to prosecute these actions. (Section 9). Even officers acting in good faith will be liable.

* This bill purports to regulate the Use of Force by Law Enforcement Officers without any recognition that police officers often must make split second decisions, often under extreme stress. Good faith actions will result in lawsuits and can result in the loss of a career. Even if those actions were deemed appropriate by an internal or District Attorney’s review, the new committee can decide on their own to end a career. Nowhere in the bill is there acknowledgement that the reasonableness or necessity of a particular use of force must be judged from the perspective of a reasonable officer on the scene and not from the perspective afforded by 20/20 hindsight. (Section 55). It is easy to make decisions in the comfort of a lawyer’s office with the benefit of video, hindsight and knowledge of the actual outcome of an event. The law has recognized for years that hindsight judgment is unfair and not practical for the officer who may be faced with life or death situations in the heat of the moment.

These are only a few items of concern. Passing this bill without a public hearing, without considering how we are doing here in Massachusetts, without considering the impact of this massive legislation, without even a thought of how it will impact that thousands of police officers and their families, is not only negligent, but will have a residual negative impact that our state and our families cannot afford.

Feel free to contact me and discuss this matter further or if you have any other questions. Thank you for your time and dedication to resolve the challenges we are currently facing.

Respectfully,

Daniel Gilbert

President NEPBA 911

Worcester Police Patrolman's Union

From: L Martinez <l.martinez@neenrollment.com>
Sent: Friday, July 17, 2020 10:26 AM
To: Testimony HWM Judiciary (HOU)
Cc: Gobi, Anne (SEN); Durant, Peter - Rep. (HOU)
Subject: S.2820 opposition

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity

and restrictions on excessive force. These goals are attainable and are needed now.
I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:
(1)?Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.
(2)?Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.
(3)?POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.
In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Lori Martinez
7 Sydney Circle
Charlton, Ma 01507

Sent from my iPhone

Sent from my iPhoneFrom: Branagan, Jesse J
<Jesse.Branagan@newbedfordpd.com>
Sent: Friday, July 17, 2020 10:25 AM
To: Testimony HWM Judiciary (HOU)
Subject: S2820 Bill

Rep. Aaron Michlewitz,

I am sending this email to ask you not to support Bill S2820 in its current form. This bill will have many unintended consequences as it was hastily pushed through as a knee jerk reaction to current events.

The notion that opening individual officers to lawsuits would keep them " honest" is ludicrous. This would only make Officers less likely to do their job and hesitate in a job that often requires split second judgements. This also give criminals an avenue intimidate police from doing their jobs as they will sue any Officers trying time stop crime in the cities and towns they work in. I currently work in a city with a high crime rate, and it would be cities like mine that would be hit hardest if this bill were to pass.

I have been Police Officer for 15 years and can attest to the high level of training which we have received already. I know fellow officers that have transferred to different parts of the country. Those Officers only had to complete two week training courses to familiarize with the local and state laws as our training was already greater than what they would have received in another academy.

I have also been a Use of Force and Defenseive Tactics Instructor, certified by the MPTC. I can say from training and experience that we have a well thought out and comprehensive training policy. As an instructor we welcome the thought of more training and could look at ways to further improve training.

In closing I ask that you reject this bill as it will undo many policies and laws that were written into law over many years and forever change them in a few weeks time. It will removed due process for Law Enforcement and afford criminals tools to benefit their criminal enterprises at the expense of the citizens of the commonwealth.

Jesse Branagan
New Bedford Police Officer

From: Laura Sheppard-Brick <larabug@gmail.com>
Sent: Friday, July 17, 2020 10:25 AM
To: Testimony HWM Judiciary (HOU)
Subject: Testimony

My name is Laura Sheppard-Brick, I'm a Massachusetts resident submitting testimony for the House hearing on the police reform bill.

I strongly support many provisions of the Senate bill and it is imperative that the House include these provisions in their version of the bill:

- The same limits to qualified immunity that the Senate included. This is vitally important to protect the constitutional rights of Massachusetts residents.

- Amendment 80, which gives superintendents and school committees the ability to authorize a school resource officer, rather than the current unfunded mandate for every district to have SROs. Districts should have local control over their own budgets and policies.

- Amendment 108, which prevents schools from sharing personal information about students into local, state, and federal databases. Schools should be safe places for all students.

- Amendment 65, which bans tear gas, a chemical weapon banned in warfare. This chemical weaponry should never be used against humans, especially civilians.

Laura Sheppard-Brick
Malden, MA
617-596-4133From:Erick Bettencourt <justice2526@gmail.com>
Sent: Friday, July 17, 2020 10:25 AM
To: Testimony HWM Judiciary (HOU)
Subject: S2820

To whom it may concern,

I hope this letter finds you well during these troubling times. I know you are faced with many great pressures and difficult decisions. As your constituent, I'm confident that you'll maintain the highest level of integrity in regard to your handling of this bill.

Being a police officer is perhaps the most noble profession in this country. Men and women volunteer to put their lives on the line for us, all of us. Even the ones that despise them.

The death of George Floyd is nothing short of a complete tragedy. I haven't met anyone that disagrees with that. Additionally, I believe that Derek Chauvin should be punished to the fullest extent of the law. I'll repeat that, I believe Derek Chauvin should be punished. We all feel that way.

What we (the silent majority) do not believe, is that we should we should make policing any more difficult than it already is. Police officers are under an incredible amount of stress. Making split second decisions that are put under a microscope and broken down into days and weeks of discussion in courtrooms. These decisions are hard enough to make. An officer acting in good faith should not have to carry the burden of worrying about losing their livelihood to frivolous lawsuits and false accusations. Let's give the men and women protecting YOU and YOUR family the basic legal protections they need to perform their duties.

In regard to licensing and a committee, I believe this could partially be a step in the right direction. However, I think we should be cautious when selecting committee members. We need experts, we need nothing but the best. We need people with law enforcement experience, people familiar with use of force models. Not just a committee made up of citizens who oppose the police.

Policing has always been a constantly evolving profession. Law enforcement agencies have continuously changed policies, procedures, and philosophies to better serve and satisfy their communities. There's no doubt that there's always progress to be made. However, I think we can do a lot

better than a rushed bill that was politically driven and designed for the sole purpose quieting an angry mob of protesters. I live in a city in MA, and I don't want my city to look like the ones on television that are being destroyed. We ALL need the police, including all of you. They need our support.

In the paragraph above I put "silent majority" in parentheses. I did this for a reason. I feel that many of the elected officials have grossly underestimated the amount of people who oppose many aspects of this bill, and fully support the police. The silent majority are the ones shaking their heads in disbelief at reckless behavior that's been accepted all over the country. The silent majority doesn't believe we should cater to an angry mob. The silent majority are the ones talking about which elected officials are supporting this bill.

I'd like to express my gratitude for accepting input from the citizens of the Commonwealth. I'm confident that all of you support law, order, and safety for our families. Thank you for the job that you do.

Sent from my iPhoneFrom: Ellen Miller <ellen.stine.miller@gmail.com>
Sent: Friday, July 17, 2020 10:25 AM
To: Testimony HWM Judiciary (HOU)
Cc: O'Connor, Patrick (SEN); Meschino, Joan - Rep. (HOU)
Subject: S. 2820 An Act to Save Black Lives by Transforming Public Safety

Chairman Michlewitz and Chairwoman Cronin,
I believe that systemic racism is an issue in this country and in this state, and believe that Massachusetts needs to take action to address it. I have been encouraged by people I respect to take a stance supporting this particular bill but have not researched all of its nuances. So I will say what I do support and trust my legislators to put forward whichever legislation best serves.

I do support our police, value their lives, and understand they need some protections.
I do believe that police in this country, however, have been militarized to the point of losing trust and effectiveness.
I do believe we need strong use of force guidelines for police in Massachusetts.
I do believe that we need more universal, systematic (probably statewide) training and licensing of police to better ensure consistent, proper training and accountability.
I do earnestly believe that we need a duty to intervene policy.
I do believe that no-knock warrants, if EVER warranted, should be extremely limited.
I do believe that choke holds should be banned.
I need more information on the use of tear bas and other tools used for crowd control and dispersal crowds and guidelines for their use.
I do believe that in order to earn the trust of its citizenry, the police department needs to be more transparent about discipline. I know that any institution can be difficult to change, and am reminded of Newark which took the drastic step of eliminating its police force in order to reform it.

I do believe that some funds and the services that go with them which now often default to police could more effectively be used by other agencies. I also believe that in today's climate, the legislature and governor need to show that they are listening and responding to the concerns of its citizens, and that they need to be transparent about the decisions they are making and why.

I trust in my legislators to make wise decisions based on more information than I have at my disposal.

Ellen S Miller
206 Linden Ponds Way 733
Hingham MA 02043
From: Rob Mark <revrobmark@gmail.com>
Sent: Friday, July 17, 2020 10:25 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police reform

? To: Representative Aaron Michlewitz, Chairperson, House Committee on Ways and Means

Representative Claire Cronin, Chairperson, Joint Committee on the Judiciary

Hello, my name is Rev. Rob Mark, Pastor of Church of the Covenant Boston with the Greater Boston Interfaith Organization (GBIO). I live at 17 Eliot Ave. West Newton MA 02465. I am writing to urge you and the House to pass police reform that includes:

-Implement Peace Officer Standards & Training with certification

-Civil service access reform

-Commission on structural racism

-Clear statutory limits on police use of force

-Qualified immunity reform

Thank you very much.

Rev. Rob Mark

pastor@cotcbos.org

617-680-7013

17 Eliot Ave. West Newton MA 02465

From: Jennifer Pope <pope.jennifer2016@gmail.com>
Sent: Friday, July 17, 2020 10:25 AM
To: Testimony HWM Judiciary (HOU)
Subject: Please do not get rid of qualified immunity

Good morning,

I am writing to ask that you please vote to keep qualified immunity on any level for our police officers. Removing qualified immunity does not allow police officers to be able to do their job effectively. Please consider the harm and counterproductive measures that this will produce for our community at a time when we need to come together, not further the divide.

Thank you,
Jennifer Pope
290 South St.
West Bridgewater, MA 02379
From: Bruce Butler <butlerb222@gmail.com>
Sent: Friday, July 17, 2020 10:25 AM
To: Testimony HWM Judiciary (HOU)
Subject: Senate Police Reform Bill

Dear Rep. Cronin and Rep. Michlewitz,

I am writing in support of S.2820, the Senate's police reform bill. The House must enact a similar bill as soon as possible, and get it through a conference committee and signed by Governor Baker by the end of July.

I support the Senate bill's approach to the creation of a state-wide certification board and state-wide training standards, limits on use of force, the duty to intervene if an officer witnesses misconduct by another officer, banning racial profiling and mandating the collection of racial data for police stops, civilian approval required for the purchase of military equipment, the prohibition of nondisclosure agreements in police misconduct cases, and allowing the Governor to select a colonel from outside the state police force, as well as all of the provisions requested by the Black and Latino Legislative Caucus.

I support allowing local Superintendents of Schools, not a state mandate, to decide whether police officers (school resource officers) are helpful in their own schools, as municipalities should be able to make this decision for themselves.

I also support the Senate bill's small modifications to qualified immunity for police officers. Under this bill S.2820, police officers would continue to have qualified immunity if they act in a reasonable way, and they would continue to be financially indemnified by the tax-payers in their municipalities. However, if police officers engage in egregious misconducts, they should be immune to prosecution, even if case law has

not previously established that this particular form of misconduct is egregious.

Most importantly, I trust that a good police reform bill will be enacted by the end of July.

Thank you for considering my testimony, and giving attention to this important priority, in addition to all the other important issues the House is addressing at this time.

Sincerely,

Bruce Butler
First Parish in Framingham

508-877-3580

From: Gabriel Garcia Combs Morris <garcia.gab@northeastern.edu>
Sent: Friday, July 17, 2020 10:25 AM
To: Testimony HWM Judiciary (HOU)
Subject: Support for Reform, Shift, + Build Act (S.2800) Support

To Whom It May Concern:

My name is Gabe García and I am emailing my support for S.2800. The Reform, Shift, + Build Act is an important first step towards police reform and is a necessity for our community to move towards future justice.

Best,

Gabe

From: Molly Duran <mollyduran17@gmail.com>
Sent: Friday, July 17, 2020 10:25 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform

Good morning,

I am writing to you today as a resident of Weymouth and as the daughter of a local police officer. I have gained lots of knowledge about the Police Reform Bill that was recently passed by the Senate. The subject of Qualified Immunity is one of the major concerns I have, as well as many law enforcement families. Qualified Immunity is said to protect police officers from "frivolous and "factless" lawsuits while doing their work. If Qualified Immunity is eliminated, officers will be more hesitant to make necessary arrests and actions in fear of being faced with a frivolous lawsuit that will affect them and their families. There are already many safeguards in place (Constitutional laws, federal laws, department regulations, etc.) that police officers have to follow and do a good job doing so. Adding this more stressful consequence will make officers more hesitant to do what needs to be done, which will result in less proactive policing.

By writing to you, I am asking that the Legislature approaches police reform with "common sense" and that the result does not discourage police officers from doing their job. If they are afraid of them and their families being hurt by lawsuits, proactive policing will simply cease to exist.

Respectfully,

Molly Duran

From: Ruth H. <reh468@gmail.com>
Sent: Friday, July 17, 2020 10:25 AM
To: Testimony HWM Judiciary (HOU)
Subject: Additions to House Bill S2820, Section 10, Page 18

To: Chair Aaron Michlewitz
Chair Claire Cronin
From: Ruth Hartnett Guarino
private citizen
617-323-3480
Date: July 17,2020
Re: Written testimony to amend HB 2820

I respectfully request that the following Additions to Section 10, Page 18 be made:

(d) A Police officer with Substance Use Disorder (SUD), protected by the American Disability Act, (ADA), (i) who engages in a pattern or practice of the use of medically unauthorized, legal or illegal synthetic chemical substances or drugs, known to be mind-altering, a compromise to the Police officer's ability to perform his/her professional duties, (ii) will by his/her actions, lose his/her Qualified Immunity status for any serious misconduct alleged. (iii) A Police officer with Substance Use Disorder, protected by the American Disability Act, should be counseled to carry his/her own liability insurance.

(e) If a serious sexual misconduct allegation termed, (i) heinous sexual misconduct or (ii) egregious sexual abuse, is made against a Police officer, and, (iii) if the allegation is supported or sustained by another governmental agency, (iv) such supported allegaton will disqualify the Police officer's Qualified Immunity status in the case of a civil suit. (v) The Police officer should be advised to carry his/her own liability insurance.

From: M. Catherine Hirschbiel <mcatherinehirschbiel@gmail.com>
Sent: Friday, July 17, 2020 10:25 AM
To: Testimony HWM Judiciary (HOU)
Subject: In support of Senate police reform bill, S.2820

Hello, my name is Mary Schneiderman, I live in Malden, MA but I used to live in Medford where the police notoriously staged an offensive Halloween

demonstration in 2016 in which someone wearing a Hillary Clinton mask and an orange prison jumpsuit was handcuffed and hauled away. They posted a picture on Facebook. I think the officers were suspended but no further actions were taken. The people who are supposed to be protecting us should not behave in such a manner.

Police reform is necessary and good. Please pass a strong bill ASAP

Regards,

Mary Catherine Schneiderman
302-229-7932

From: a.polley@comcast.net
Sent: Friday, July 17, 2020 10:25 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police reform

To: Representative Aaron Michlewitz, Chairperson, House Committee on Ways and Means

Representative Claire Cronin, Chairperson, Joint Committee on the Judiciary

Hello, my name is Alice Polley with the Greater Boston Interfaith Organization (GBIO). I live at 865 Central Ave, M203, Needham, MA 02492. I am writing to urge you and the House to pass police reform that includes:

-Implement Peace Officer Standards & Training with certification

-Civil service access reform

-Commission on structural racism

-Clear statutory limits on police use of force

-Qualified immunity reform

Thank you very much.

Alice L. Polley

865 Central Ave, M203

Needham, MA 02492

781-400-2684

617-921-8184 (cell)

From: Michael Reilly <m.reilly@newburypolice.com>
Sent: Friday, July 17, 2020 10:25 AM
To: Testimony HWM Judiciary (HOU)
Cc: lenny.mirra@gmail.com
Subject: Concerns to SB2820

Dear Chair Aaron Michelwitz 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:

I concur with all the excellent points made by Chief Farnsworth and Chie Kyes in their joint response to this bill dated July 16, 2020. I would only add that the collateral damage to all Massachusetts communities should Qualified Immunity be eliminated would be devastating. I envision a mass exodus of first responders, as they will no longer be able to obtain homeowner's insurance. I also envision that the burden of indemnification (for qualified immunity purposes) falling on each community which will in turn drastically increase insurance premiums for the individual communities. As such, operating budgets will need to be slashed to account for the premium increases, resulting in service reductions, or in the alternative, large tax increases.

I would respectfully request that before such drastic measures take place, we take the time to look at the entire picture and debate the long-term consequences of such actions. I see no long-term benefits of passing this comprehensive bill in such a rushed fashion. I would implore the legislature to engage in conversation with your law enforcement professionals on these matters. I think that if you took the time to really listen to what we have to say, you would see that we are not too far apart on many of these important issues. I thank you for your invitation for discourse on these important matters.

From: Ruth Barbosa <ruthb85@gmail.com>
Sent: Friday, July 17, 2020 10:25 AM
To: Testimony HWM Judiciary (HOU)

Subject: Opposition to Bill 2820

Dear Chair Michlewitz and Chair Cronin,

My name is Ruth Barbosa and I live at 61 Hancock St Dorchester, Ma. I work at Suffolk County Sheriff's Department and I am a correctional officer. As a constituent, I write to express my opposition to Senate Bill 2820. This legislation is detrimental to police and correction officers who work every day to keep the people of the Commonwealth safe. In 2019 the Criminal Justice System went through reform. That reform took several years to develop. I am dismayed in the hastiness that this bill was passed but I welcome the opportunity to tell you how this bill turns its back on the very men and women who serve the public.

???????????????? ????????????????: Qualified immunity doesn't protect officers who break the law or violate someone's civil rights. Qualified Immunity protects officers who did not clearly violate statutory policy or constitutional rights. The erasure of this would open up the flood gates for frivolous lawsuits causing officers to acquire additional insurance and tying up the justice system causing the Commonwealth millions of dollars to process such frivolous lawsuits.

???????? ???????? ??????????? ??????????: The fact that you want to take away an officer's use of pepper spray, impact weapons and K9 would leave no other option than to go from, yelling "Stop" to hands on tactics and/or using your firearm. We are all for de-escalation but if you take away these tools the amount of injuries and deaths would without a doubt rise.

???????????????? ????????????????????: While we are held to a higher standard than others in the community, to have an oversight committee made of people who have never worn the uniform, including an ex convicted felon is completely unnecessary and irresponsible. When this oversight board hears testimony where are the officer's rights under our collective bargaining agreement? Where are our rights to due process? What is the appeal process? These are things that have never been heard or explained to me. The need for responsible and qualified individuals on any committee should be first and foremost.

I am asking you to stop and think about the rush to reform police and corrections in such haste. Our officers are some of the best and well-trained officers anywhere. Although, we are not opposed to getting better it should be done with dignity and respect for the men and women who serve the Commonwealth. I ask that you think about the police officer you need to keep your streets safe from violence, and don't dismantle proven community policing practices. I would also ask you to think about the Correction Officer alone in a cell block, surrounded by up to one hundred inmates, not knowing when violence could erupt. I'm asking for your support and ensuring that whatever reform is passed that you do it responsibly. Thank you for your time.

Sincerely,
Ruth Barbosa From: Marian Klausner <shakethetree@rcn.com>

Sent: Friday, July 17, 2020 10:25 AM
To: Testimony HWM Judiciary (HOU)
Subject: Pass SB 2800 Police Reform

Dear Chairman Aaron Michlewitz & Co-chair Rep. Claire Cronin:
My name is Marian Klausner. I am a resident of Brookline and a member of March like a Mother: for Black Lives. I am writing this virtual testimony to urge you to pass SB.2800 the Reform, Shift, Build Act in its entirety. It is the minimum and the bill must leave the legislature in its entirety. I support bans on chokeholds, de-escalation tactics, prohibitions on the use of facial recognition, limits on qualified immunity for police, and redirecting money from policing to community investment.
I urge you to ensure that all aspects of this bill are intact. We are in a historical moment and this bill ensures that we in Massachusetts meet the demand of this movement.
Thank you for your consideration of your request to give SB.2800 a favorable report.
Sincerely,
Marian Klausner
24 Adams Street
Brookline, MA 02446

Shake the Tree
67 Salem Street
Boston, Massachusetts 02113

617-742-0484

From: Lynnae Terrill <lynnaecherie@gmail.com>
Sent: Friday, July 17, 2020 10:26 AM
To: Testimony HWM Judiciary (HOU); Vitolo, Tommy - Rep. (HOU)
Subject: Please pass a strong omnibus bill to increase police accountability

Dear Chairs Aaron Michlewitz and Claire Cronin and Rep. Tommy Vitolo,

I am writing to voice my support for the Reform, Shift + Build Act (S.2800) bill which has recently passed the Senate, and to ask you to include three essential measures in any House legislation on police accountability and racial justice. Please prohibit violent police tactics, impose meaningful restrictions on qualified immunity, and ban the use of discriminatory face surveillance.

Massachusetts is not immune to systemic racism in policing. It’s long been clear that Black people in the Commonwealth are over-policed and under-served. Meanwhile, police are rarely held accountable for corruption or serious misconduct. This moment presents a significant opportunity for racial justice, and we should seize it.

First, please implement strong use of force standards as set out in Rep. Miranda's bill, An Act to Save Black Lives, including complete bans on the most violent police tactics.

Second, impose strict limits on qualified immunity to ensure that police can be held accountable when they violate people's rights. I believe this is absolutely crucial, both as a mechanism of accountability and as a way to further peace and justice in the Commonwealth. A government entity with the power of force which is currently entrusted to the police must be kept in check by the power of the people and communities they serve. The ability to hold members of law enforcement responsible for their actions in a court of law is essential for this balance of powers, and I believe we must have this ability in Massachusetts. Banning violent police tactics is meaningless if there is no way for people to hold the police accountable when they break the rules. Victims of police brutality deserve justice.

Finally, please support an unequivocal ban on the use of dangerous facial recognition technology that would supercharge racist policing. The dangers of face surveillance and systemic racism in policing will not evaporate in mere months. The moratorium on the use of this technology should not be lifted until the legislature enacts meaningful regulation to guard against racial bias, invasions of privacy, and violations of due process.

Massachusetts has an opportunity to be a leader in this nationwide movement—and as your constituent I implore you to take that opportunity to do the right thing. We need to deliver racial justice to all people in our state, and that starts with baseline police accountability through robust legislation.

Please work to include the above provisions in the final version of this bill. Thank you for your time and service to the people of Massachusetts.

Sincerely,
Lynnae Terrill
1454 Beacon Street, No. 742
Brookline, MA 02446
From: Larissa Castro <wrciaofficial@yahoo.com>
Sent: Friday, July 17, 2020 10:24 AM
To: Testimony HWM Judiciary (HOU)
Subject: Bill S2800

Good Morning,

As your constituents, We write to you today to express my strong opposition to many parts of the recently passed S.2820. We hope that you will join us in prioritizing support for the establishment of a standards

and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.
We are,however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:
(1)?Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.
(2)?Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.
(3)?POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.
In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Thank you,
THE WRCIA
West Roxbury Civic Association
617-325-0410
Sent from my iPhone
From: Doherty, Carol - Rep. (HOU)
Sent: Friday, July 17, 2020 10:24 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform Testimony

July 17, 2020

Dear Mr. Speaker and Chair, Representative Claire Cronin,

I feel compelled to weigh in on S2800. As a newly elected House member I have pledged to listen to my constituents regarding issues and ideas they might express that may guide my decision-making. Where we may not always agree, I have the responsibility to know what folks are thinking and be prepared to address their concerns.

Among the several hundred communications I have received regarding Police Reform, talking with the dozens of persons, both police and concerned citizens, I have not received a single message hailing the virtues of this Bill. The focus has been solely on the dangers, in their opinion, of altering Qualified Immunity thus exposing not only police but others to the effects over time. All of these messages obscure the multiple benefits of this legislation regarding Police Reform: training, certification; accreditation; uniform guidelines; use of force; duty to intervene, and so forth. These aspects of the Bill will do so much to put our policing on the right path.

Like others I feel strongly that, to allay concerns, correct misinformation and generally show the good faith of the Legislature to enact a Bill that supports our long term goals, to effectively achieve Police Reform, and to address their concerns we should consider placing Qualified Immunity into a study committee with a time certain within which to bring forth findings.

Respectfully submitted:

Carol Doherty

Representative

3rd Bristol District

From: Joy <joymikhail@gmail.com>
Sent: Friday, July 17, 2020 10:24 AM
To: Testimony HWM Judiciary (HOU)
Subject: Reform, Shift + Build Act (S.2800)

Chair Aaron Michlewitz & Chair Claire Cronin,
My name is Joy Mikhail and I am writing to you to address the Reform, Shift, + Build Act (S.2800). Of major importance within this bill is the point of qualified immunity (QI), which is what made it possible for Derek Chauvin to still wear his badge after facing 17 complaints, one of which was a fatal shooting. It is eventually what allowed Chauvin to brutally murder George Floyd in broad daylight and remain free until the world started demanding justice. It is what prevents victims and their families not to have a day in court. It is what shields the racist cops and allows them to violate the civil liberty of Black and Brown lives. We cannot talk about dismantling systemic racism in policing without reforming the QI. Police accountability starts with getting rid of QI.

I have the honor of serving the city of Boston as an educator in the Boston Public School system. As a member of the Brown and Black communities, both in my own, personal life, as well as in my professional life, I implore you to consider the importance of eliminating QI. I understand there are many issues of systemic racism that will not be completely remediated for my own generation, but I advocate for my young students' and my own children's generation, that they will live a life where some systemic racism is dismantled, especially within an area such as QI, where the answer seems so clear. I advocate so they can live a life with less fear, more power, where their voices are heard, and their lives are valued.

Thank you and I trust you will do what is best for the marginalized in your community.

Best,
Joy Mikhail
From: rbsngrp@aol.com
Sent: Friday, July 17, 2020 10:24 AM
To: Testimony HWM Judiciary (HOU)
Subject: URGENT!! S. 2820

With great urgency I ask that you exercise the utmost scrutiny to the police reform bill before you.

I have never had a complaint filed against me in nearly 20 years of service as police officer in the Commonwealth of Massachusetts. I think that's the type of officer you strive to have in policing. I have boxes of cards and letters from the community and I have kept nearly every

one as a reminder of the positive impact I have on people's lives. Nobody in my family was in law enforcement. Not one person. In fact, most of my family vehemently tried to persuade me against it. Still, after serving 4 years active duty in the U.S. Army, deploying Desert Shield and Desert Storm, I returned to Massachusetts to continue to serve yet again on a local level. When people say they support our troops but hate police, it blows my mind! In many cases, you're talking about the exact same person!

I am one of 3 females on my department. I have always been treated with respect and the utmost dignity. The men I work alongside are professional and respectful to a fault. I'm proud to belong among them in this noble profession.

The public, however has not always been so respectful. I've been called every name you can imagine. Every vulgar thing you can say to a woman has been hurled my way. I've been kicked, punched, spit on, concussed, threatened, and indecently assaulted. My family has vicariously endured this as well. The most that has ever been done over all these years to any person who has physically assaulted me or threaten to kill me and/or my entire family was probation! Even if they were already on probation, guess what happened? Just a little longer probation. What message does that send to the officer? I can tell you; it sends a message loud and clear that we aren't worth anything and our families don't mean much either! Our injuries are not taken into consideration and are "just part of the job". This is entirely unacceptable! Before now, NONE of this made me consider leaving this profession or walk away from my duty.

If you wonder why we are hyper-alert and suspicious of everyone, it's because we lose officers every day across our nation. We get the Officer Down alerts and it feels just a little bit closer. It's because courts are regularly turning people loose who are violent, carrying guns, …stolen guns, repeatedly! We know we will surely be encountering those people; we just don't have the benefit of knowing in advance, it could be anyone at any time. I can't tell you the shock I am in when I encounter someone who is one their 2nd, 3rd, 4th or more illegal gun charge walking around free in society! What!? The public is not aware that this is even happening! We know it's happening and what these folks are capable of, and they have learned that minimal consequences, if any, will follow. The public doesn't have the benefit of this insight unless they unfortunately fall victim. These are people that have no respect or regard for us, the public or even themselves!

The same is true for the soaring mental health problem. What I'm saying is that all of these problems are continuously dumped back on police and the involved agencies are letting us down! We are in a lose-lose situation where we are being set up to fail. Police cannot cure all that ails society, but we sure are taking the bulk of the blame for it,

including race issues and claims that we are not "trained" enough. If I may agree in the training regard that when we routinely are called to a group home or ½ way house for someone that the trained professionals can no longer handle. Are we somehow supposed to be trained beyond the level of mental health professionals in that field? If it's beyond their scope, how would we ever become trained well enough that we surpass the career training of these mental health professionals?

Repeated calls to these situations are often violent and are among the most dangerous and challenging we face. Many group homes are housing people in residential area that are way beyond their ability and scope to treat in that type of environment. We are fully aware that we are likely going to be put in a situation where we need to protect ourselves and others but that any physical contact with these parties will be viewed as unnecessary or excessive. At times we have to take an officer off the road to ride in the ambulance in order to protect the paramedics, while they fight and spit, putting everyone at risk of biological hazards or injury.

Meaningful change needs to occur in our mental health response! Mental health related calls have exploded. They are the bulk of what we deal with now. If there is a belief that some funding should be moved from policing to social programs, and those programs include a SERIOUS mental health initiative, we are on board! Those calls however, need to be shifted away from police and toward those mental health agencies. They need to be removed from police responses, because that's where your calls will go bad and the liability comes in for the officer, agency and community. The things that nobody wants to deal with, routinely land in our lap. Go deal with it, but afterwards, "we don't like how you dealt with it". It's because it should not have been the police dealing with it in the first place.

Mental health is the root of the vast majority of our most serious issues. If you properly deal with mental health, you avoid the consequences of mental health problems. We have a "lack of coping skills" in this country. When people can't properly "cope", they hurt themselves, they hurt others, they abuse drugs and alcohol, self-medicate. This is turn causes people to commit property crimes, get involved in drug activity or commit offenses to accommodate the lifestyle. It all truly comes back to not being able to properly cope in life and the result of that struggle.

Again, I cannot stress enough that we are failing at dealing with this key issue and we have been for a long time! Officers are routinely put in a position to take someone into custody for drugs/alcohol/mental health for a civil commitment against their will.

The revolving door spits these folks back out without any meaningful assistance. I've personally taken some of the same individuals dozens of times. Now they are angry at the family members and they are angry at police. This doesn't make it easier. It makes it a lot harder!

Again, a recipe for disaster that does nothing to help anyone involved, builds frustration and creates a dangerous situation for everyone involved.

This reform bill that threatens qualified immunity and threatens to potentially bankrupt me and my family, makes me want to leave policing immediately.

I know I'm asked a lot of in policing, even risking my life and safety. I went into it knowing that. What I didn't know was that now they'd be asking me to potentially sacrifice my financial security on the whim of someone from the public making a claim against me, who wouldn't hesitate to lie or embellish the incident, after all, they're already willing to assault me and threaten me. Now place some monetary incentive behind it and you can imagine the potential.

How much is too much to ask of someone from their job? Well, I'll tell you that being at risk of criminal charges, and losing your assets when you believe you are doing the right thing, would be your answer. Where is the upside to this profession now? What is the incentive to keep doing the honorable thing when you are constantly vilified regardless of how you conduct yourself? Even when you're right, you could now be wrong based on a point of view from people who don't understand the pressure and circumstances of this job and what people are actually willing to do, even to a female (I'm someone's Mom).

I have been part of the CISM Peer Support Team for about 5 years. I don't get paid for this. I do it because it's important to help people. I care about the mental health of the folks in this profession who see the most gruesome, heinous, unimaginable things out there, all while trying to juggle their own lives and the inevitable struggles that come with it. A lot of folks are suffering from what they have had to respond to. This causes lasting detrimental effects. Poor mental health causes poor decision making. Not a good combination when you must do it quickly and often!

I urge you to rethink this bill and some of the extreme things it's asking of our men and women in blue. I implore you to at the very least, see that this bill includes Critical Incident Stress Mgmt. and Peer Support Programs, and preserve our due process and qualified (not absolute) immunity. Our officers are being vilified for the actions of

officers we've never even met and probably never would. I can think of no other profession that is punished across the board in this manner. We drop everything to come to everyone else’s aid when they need help. Who will come to our aid? Who is helping us?

At the bare minimum, officer mental wellness needs to be a priority. We are going to need it!

I'm a member of our department's hiring board. It's a time consuming, rigorous, careful process. Over the past few years, the quality and quantity of candidates has dropped substantially. The best candidates, not surprisingly are going to jobs with better working conditions, hours, respect and pay. l worry what kind of candidates would now be willing to step up to do this job, as most intelligent, talented people will undoubtedly pass on this.

We welcome opportunities to improve our tactics and raise the standards of our chosen profession. The public needs to bring their standards up as well!

We no longer seem to be teaching respect and law-abiding behaviors. Every call we go on now is a debate or worse. It has become a sport to challenge officers in even the most minor interaction. We didn’t get the benefit of safely working from home, time off or incentive checks during this COVID-19 crisis. We did what was asked of us despite the risk to ourselves and our families. We enjoyed a brief moment of gratitude from the public and then just like that, the sickening act of one distant officer made every single one of us monsters. Is that a best practice for raising the bar in any profession? Is that really how it’s supposed to work?

It makes me sad for society going forward.

There are a lot a good people in our community, and many of them work alongside me. Our communities will lose compassionate, upstanding, professional officers who have years of experience and formal education. Many volunteer in the community or commit quiet acts of kindness that nobody ever hears about.

I ask that you do the right thing and consider the impact this will have on the men and women who give so much to people, who at times care so little for us.

Respectfully,

Kelly A. Chuilli

Bridgewater Police

508-697-6118

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From: Chris Brady <cjoe.brady@gmail.com>
Sent: Friday, July 17, 2020 10:24 AM
To: Testimony HWM Judiciary (HOU)
Subject: Written Testimony for Reforming Police Standards

Hello,

I would like to speak on the part of this bill that limits qualified immunity. I, as well as many vocal classmates of mine, are in wholehearted support of limiting qualified immunity.

We are a law and order society. No one is above the law, not even police officers. While we all respect the work that they do, there are systemic problems with how bad police officers are able to infringe on a person's constitutional rights, and be protected from the justice system they are supposed to enforce.

Cops have been given immunity in cases where they have clearly crossed legal lines. For example, immunity was granted after an officer shot an unarmed 15 year old, shooting a man with cerebral palsy, and killing a teenager due to excessive handcuffing. Qualified immunity almost always allows officers who are in clear violation of the Constitution to face no legal repercussions. That is of course, unless there is a precedent to charge an officer in that situation. But how do you establish this precedent when every officer gets off on qualified immunity?

Imagine if a regular person broke the law, and used, "I didn't know I broke the law" as their defense. That isn't an excuse. Except it is, for the one group of individuals who are supposed to enforce the law.

I applaud the senate for passing this measure and I urge the house to do so as well. Ending qualified immunity allows police officers to be held to the same standard as everyone else. This will allow those most affected by police brutality to be able to collect compensation for instances where their rights are violated.

Thank you,
Christopher Brady
Resident of North Andover, MA.

Citations:
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From: Linda Coville <lulujean61154@verizon.net>
Sent: Friday, July 17, 2020 10:23 AM
To: Testimony HWM Judiciary (HOU)
Subject: Reject Senate Policing bill SB 2820

Dear Members of the Massachusetts House of Representatives:

I am writing to ask you to reject the Policing Bill, SB 2820. It endangers public safety, removes important protections for police, and creates a commission to study and make recommendations regarding policing with a lopsided membership.

Section 49 alters our education laws to prohibit school officials from reporting immigration or citizenship status to any law enforcement authority or GANG MEMBERSHIP.

To think that school authorities would be prohibited from telling the police that a student might be a member of MS-13 or any other dangerous gang is extremely dangerous. Section 49 should be eliminated.

SB 2820 endangers our police by dramatically watering down "qualified immunity" in Section 10. This provision should be eliminated.

Section 52 should also be eliminated as it hinders an officer's ability to protect our roadways as well as him- or herself by not allowing them to ask someone who they have stopped about their immigration or citizenship status.

Section 63 creates a fifteen-member commission to make recommendations on policing. But, only 3 of the 15 are associated with policing. It should have more equal representation of law enforcement officers.

I oppose SB 2820, and at a minimum, it should specifically eliminate any provisions similar to sections 10, 49, 52, and amend Section 63 to have more police representation.

Sincerely,

Sent from Yahoo Mail on Android
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From: Heidi Rossicone <hrossicone@cjbarrett.com>
Sent: Friday, July 17, 2020 10:23 AM
To: Testimony HWM Judiciary (HOU)
Subject: Bill S 2820

To Whom It May Concern,

Please accept this as my written testimony on Bill S 2820.

As I am strongly concerned with many aspects of this bill. Today I will focus on the potential removal of Qualified Immunity.

Although it would be removed for more than one profession, it is clear that it is a direct attack toward police officers. I am so dismayed, disgusted, I just don't have enough words. What is the goal here? To punish police for infractions they have not committed?

Before this came to the table, I wondered why anyone would want to take this position. Police and their families were always targets. Police have always been hated and their families living in fear. Now they have to live in fear of losing everything they work for if they help us. I think about instances where officers perform CPR as they are always first on scene. Will they still do this? At what risk? Everything they do must be reviewed. I would think they only way they would be safe would be in the case of doing absolutely nothing. Overlooking all crime. But can they then be sued for that?

There was an officer in our town who told a business owner to stop what he was doing, as he was taking money from predominantly elderly women. He cried racism. In a case like this, He could own that officer's house if that bill passes. Further, I read posts stating he is still doing it. Who can stop it without losing their livelihood? Nobody. As we all know, there are endless examples just like this.

This bill is detrimental to all citizens. Please think about who is pushing this. What do they contribute in a positive manner? We are always asking police to contribute in a positive manner. Yet we are going to take away their ability to contribute at all.

There is no good work an officer can do without being the target of potential lawsuits. Every person arrested thinks they are innocent. If this ruling passes, the reality is, there will be an increase in crime and a drop in arrests. There will also be a mass exit of qualified officers and a shortage of new, quality officers. If we are attempting to abolish police all together, then I think this must be the correct route.

I am a realtor and I have been hearing all week, "I need to get out of this state." What happens when we lose taxpayers? Are others coming here in droves? I tend to doubt it. Who will pay for the insurance police will have to purchase to cover frivolous lawsuits?

This bill is disturbing, insulting, shameful and and dangerous. I ask that you reject it.

Thank you for your time,
Heidi Rossicone

From: Amy Coe <amyecoe@gmail.com>
Sent: Friday, July 17, 2020 10:23 AM
To: Testimony HWM Judiciary (HOU)
Subject: Support Strong Police Reform

Hello, my name is Amy Coe with the Greater Boston Interfaith Organization (GBIO). I live at 48 Aldworth St. in Jamaica Plain, 02130 . I am writing to urge you and the House to pass police reform that includes:

-Implement Peace Officer Standards & Training with certification
-Civil service access reform
-Commission on structural racism
-Clear statutory limits on police use of force

-Qualified immunity reform

Thank you very much.

Amy Coe
48 Aldworth St.
Jamaica Plain, MA 02130
amyecoe@gmail.com
(617) 901-1143

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Promise me you'll always remember: You're braver than you believe, and stronger than you seem, and smarter than you think.
-A.A. Milne, English author
From: Amy Schectman <amyschectman@gmail.com>
Sent: Friday, July 17, 2020 10:22 AM
To: Testimony HWM Judiciary (HOU)
Subject: constituent input

We hope you will consider our heartfelt input on the Police Reform Bill. We lend our strong voices in support, especially on the provisions for treating youth as youth.

Please have the state recognize the brain-science and data and raise the age at which emerging adults are processed in the juvenile system from 18 to 20 years-old.

This is a key area we see our young people, especially our young men of color, get derailed. In all the many efforts to promote racial justice and reform our criminal justice system, we need to prioritize not pushing our children into adult jail and serving them in a more developmentally appropriate juvenile system. Only 25% of Massachusetts' young adult population is Black or Latino, but 70% of young adults incarcerated in state prisons and 57% of young adults incarcerated in county jails are people of color. We need to get them out and keep them out.

The DYS census (juvenile system) is down and there is existing capacity to do this. The outcomes are better, education is required in the juvenile system, and we prevent young adults from being crippled by CORIs- all of which is better for public safety and the lives of young people.

Thank you, Amy Schectman
From: Anne Hannan <anne.hannan14@gmail.com>
Sent: Friday, July 17, 2020 10:23 AM

To: Testimony HWM Judiciary (HOU)
Subject: Testimony for Police Reform Bill S2820

Distinguished Representatives,

Thank you for making time for citizen input on this bill, S2820. I feel as though I have a unique perspective as a clinical social worker working in the mental health field at a psychiatric unit for children in Brighton, MA.

S2820 will more effectively position law enforcement to act with only the tools, tactics, and mentalities appropriate for the job. My time in social work and in the Boston community informs this position. In my career, I work to deescalate those with mental illness without utilizing physical management. On the unit, we train and re-train all those interfacing with the children and families regarding doing everything we can to not physically mange individuals, as we know this can further re-traumatize them. Our clients often come in after their families have called the police when their children are in mental health crises. Often, unfortunately, they have negative experiences with the police who are not trauma informed and put hands-on quickly as an intervention. Unfortunately, families of color have more negative experiences with the police than other populations I serve. Families in crisis that I work with have also had many dangerous and impactful violence continue to occur and not gotten mental health treatment soon enough due to fear of calling the police and having them come into their homes. Individuals often first encounter the police in a crisis and this can change the trajectory of their openness to continue to get help.

S2820 is an important step forward in the long overdue process to establish officer accountability and modernize and humanize law enforcement. I know that many officers who wear the uniform do so with the best of intentions and a similar desire to myself, to serve the community. However, the fear and anger felt by so many, especially marginalized people, is a predictable consequence from generations of tolerance of cruel and ineffective policing. The distrust that many of my patients and families have of the police manifests in the perpetuation of poverty, generational trauma, and the inability to access community resources and supports. As a Massachusetts citizen who has also dedicated her career to the safety and well-being of her community, I urge you in the strongest possible terms to pass this bill into law.

Thank you for your time and consideration,

Anne Hannan, LICSW

Boston, MA

From: christa chapman <crc1289@icloud.com>
Sent: Friday, July 17, 2020 10:23 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820

Chairman Michlewitz and Chairwoman Cronin,

Massachusetts can take a bold step towards ending systemic racism in policing by passing S. 2820, 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.

We need strong use of force guidelines for police in Massachusetts, public records of police misconduct, a duty to intervene policy, and bans on no-knock warrants, choke holds, tear gas, and other chemical weapons.

Please pass a bill that includes each of these critical reforms.

Christa Chapman
92 Idlewell Blvd
Weymouth, MA 02188

Sent from my iPhoneFrom: brian donaghey <donaghey.brian@yahoo.com>
Sent: Friday, July 17, 2020 10:21 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.

I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:

(1) Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.

(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.

(3) POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Thank you,

Brian Donaghey Jr

139 Norfolk Street

Donaghey.brian@yahoo.com

From: S. Almeda <schoolmeadow@yahoo.com>
Sent: Friday, July 17, 2020 10:22 AM
To: Testimony HWM Judiciary (HOU)
Subject: Oppose S2800

My Name is Susan Almeda. i am a resident of Walpole. I Oppose S2800 The Police Reform Bill.
Police Reform, if necessary, needs to be deliberated for a long time with input from all parties: the police and people in the communities that will be affected. Not just politician looking to make a name for themselves without regard to the fallout.This sweeping legislation will have unforeseen consequences that will affect people in poor neighborhoods far more adversely that those the suburbs. It puts the police as well as the citizenry at risk.
Please stop this bill.
Thank you,
Susan Almeda

1281 Washington St.
Walpole, MA 02081

From: Eric Desrochers <edesro322@gmail.com>
Sent: Friday, July 17, 2020 10:22 AM
To: Testimony HWM Judiciary (HOU)
Subject: Comment on Police Reform Bill

Honorable State Representatives

First and foremost I would like to take this opportunity to thank you for your public service and allowing me to submit written testimony on behalf of your law enforcement community in the Commonwealth relative to Senate Bill 2820.

I have been a sworn police officer in the Commonwealth for sixteen years. I am proud to be a member of this profession and look forward to coming to work every day to serve the citizens of Massachusetts. Some days are better than others, but I have never considered another career. One thing gets lost with the politicization of police reform and the recent events that have occurred in the United States. The vast majority (I'm guessing nearly 100%) of police officers are outraged at the events that occurred earlier this year in Minneapolis, Minnesota. I think you would be hard pressed to find anybody, especially police officers, that don't believe the Officer responsible for the death of George Floyd should be punished and harshly.

Another area that is lost on a lot of people is that in the nature of police work, we often must make decisions with whatever scenario we have in front of us and that decision must be made within minutes if not seconds. We proudly take on this challenge, but it is a challenge that is often forgotten when the events are revisited and replayed days, months, and/or years later with the benefit of time and reflection.

With all of that said I want to share with you that I strongly stand AGAINST S2820 in its current form. The senate version of this bill as written will seriously undermine police officers' ability to do their jobs while simultaneously allowing provisions to protect criminals. Furthermore, the process employed by the Senate to push this through with such haste and without public hearings or input of any king was extremely undemocratic and nontransparent.

With the information I shared with you above regarding the day to day challenges we face, most of us welcome uniform training as well as a uniform set of standards and policies. Quite honestly we have been requesting more training for many years.

The Senate version of a regulatory board is unacceptable as it strips officers of the due process rights that are afforded to every other citizen of the Commonwealth. The regulatory board as proposed also does away with the protections currently set forth in collective bargaining agreements and civil service law. The Senate created a board that is dominated by anti-police groups who have a long-detailed record of biases against law enforcement and preconceived punitive motives toward police. The proposed makeup of the oversight board is one-sided and biased against law enforcement. It is unlike any of the 160 other regulatory boards across this Commonwealth. I do not see how an oversight board of this makeup could be considered to be fair or impartial.

In my opinion what the Senate has tried to do is pass a knee jerk reaction to an incident which occurred half a country away and that as I alluded to, everyone agrees was egregious.

This bill directly attacks qualified immunity and due process. Qualified immunity does not protect bad officers, it protects good officers from civil lawsuits. We should want our officers to be able to act to protect our communities without fear of being sued at every turn, otherwise why would they put themselves at risk? A large majority of law enforcement officers do the right thing and are good officers, yet there is a real push to end qualified immunity to open good officers up to frivolous lawsuits because of the actions of a few who, by their own actions, would not be covered by qualified immunity anyway. It just doesn’t make any sense why we are endangering the livelihood of many for the actions of a few.

Changes to qualified immunity would be unnecessary if the legislature adopted a uniform statewide standard and bans unlawful use of force techniques which all police personnel unequivocally support.

If the senate bill is passed in its current form the costs to municipalities and the State will skyrocket from frivolous lawsuits and potentially having a devastating impact on budgets statewide.

I want to end this message as I began it. I have been a sworn police officer for sixteen years. During those years I have come to work every day and done my job to the best of my ability. I have never been disciplined and take the position I have and the authority granted under it very seriously. I approach every situation and scenario as its own and try to use my discretion to solve a problem not to punish or be punitive.

The legislature of this Commonwealth and quite frankly the United States as a whole, MUST understand that if these types of anti-police bills are passed into law you are punishing a community of almost 800,000 police

officers for the reprehensible actions of a small fraction of this group. I implore you to work WITH the law enforcement community in the Commonwealth. You will find a group of people who welcome training, standards, and even a review or oversight board. But, they must allow us to exercise our rights under collective bargaining and the right to due process.

Despite the negative tone that police reform is being approached with, it does not have to be. Your law enforcement officers ARE part of the solution, not the problem.

Respectfully,

Eric Desrochers
435 Pleasant St, Bridgewater
EDesro322@gmail.com
From: PETER L CARNES <plcarnes@comcast.net>
Sent: Friday, July 17, 2020 10:21 AM
To: Testimony HWM Judiciary (HOU); plcarnes@comast.net
Subject: Written Testimony S2820

Good Morning;

1. I write today as a citizen who has served as a Police Officer in the Commonwealth since 1973, Chief of Police in Wenham, 1984-1995, Chief of Police in Yarmouth 1995-2008, Chief of Police Director of Safety at Stonehill College, 2008-2019. Police Academy Director 2019-2020, and Adjunct Professor at Stonehill College, North Shore Community College and Cape Cod Community College. In addition, I have served as the President of the Massachusetts Chiefs of Police Association, the Essex County Chiefs of Police Association and the Cape Cod Chiefs of Police. Internationally, I have served as a Board Member for the International Chiefs of Police Association. My professional career has brought me to be a Lecturer on Community Policing, Police Ethics and a number of related Policing topics around the Country. As a Consultant, I have worked for over twenty years as an Assessor for the hiring of Command Staff of multiple ranks, in over 200 Police Agencies. I will be brief in my comments in an important effort to provide meaningful information;

2) In 2020, we already, Nationally experience a serious problems and a steady decline in the recruitment and the retention of quality employees. A National expert on the topic recently said, "the hiring pool has now become the hiring puddle" This "knee jerk" attempt at Police Reform legislation in Massachusetts, will certainly drive high quality young people away from the profession. The risk of injury, civil liability, or even the death of the Officer will be perceived as too great, or risky. These quality young people will chose other careers, they will steer away from Public Service, if the proposed legislation passes as written.

3) The Senate Bill view on Qualified Immunity is wrong. The reality of Qualified Immunity is totally misunderstood. Qualified immunity does not serve to protect illegal actions by Police Officers. Rather, it safeguards all public officials in situations where the law was unclear and does not give adequate guidance. A member of the Senate recently wrote to me that the killer of Mr. Floyd in Minneapolis maybe set "free" because he has qualified immunity. That is totally wrong, he is criminally charged and the idea that he could be freed is fueled by the false narrative that is now pushing for the rapid and not well thought out Police Reform legislation.

4) I support the effort for POST (Police Officers Standards and Training) requirements for Police Officers, this Nationally, started in our Country in the 1960's and the Massachusetts has shown little or NO interest in the effort. In the last ten years, I have testified at the State House on POST and have supported the de-certification of rogue Police Officers. The POST efforts were always deferred out to ultimately experience a slow death somewhere in the legislative process. Frustrating at best ! Now we are rushing to accomplish what we should have made law in the 80's or 90's, the current motives are suspicious, at best. Municipal Police Training in Massachusetts has been an embarrassment for years. Always underfunded and constantly operating in a deficit. A study of Local Police training performed by Attorney John Scheft of Law Enforcement Dimensions, several years ago, showed we were the forty ninth lowest, per capita in funding Police Training. Compared to the rest of the Nation, this is deplorable and has now only improved slightly. At the same time Chiefs and Police leaders were testifying yearly for funding increases in the Municipal Police Training budget. Unfulfilled promises followed. Sadly, today we rent or borrow classrooms across the Commonwealth to provide Recruit or In-service training. Most specialty training Programs have been eliminated to lack of funding. The Executive Office of Public Safety and Security did away with Police Accreditation in the 1990's. Thankfully a group of creative Chiefs have restored this effort, away from Government within a private corporation. Suddenly, we are again speaking about the need for Accreditation, decades after not supporting the concept. I find that suspicious, as well.

5) We in Massachusetts have survived while underfunding training, short changing all training programs and our community policing programs. The survival of our Officers and our citizenry has been miraculous and has been due to the fact we have great Police Officers, men and women that go to work 24/7 protecting our communities. They do this so very well, everyday. We are not Minneapolis, or Georgia or Texas. We employ good Use of Force policies that do protect all of our citizens and our Officers alike. Tactics like chokeholds are not found in those policies ! I can accept the need for reform, in our World today we need to listen to and work with the entire Community, everyday. It can be said that the Men and Women of Law Enforcement want reform as well. Please do not make our hardworking Men and Women scapegoats for Racism or years of Government inattention to the real problems and issues of our Society. Your Police

Officers will accept change to build a more, equitable, fair and just commonwealth that values Black lives and communities of color. You cannot thrust these changes forward because of actions that occurred in other States.

6) As a citizen of the Commonwealth, I ask that you take the time, listen to all sides of the issues at hand and have a thoughtful deliberation. Do not rush the process, if you do, the damage will be felt in our profession for decades to come.

Peter L. Carnes
22 Nimble Hill Drive
Yarmouthport, Massachusetts 02675
From: Jim G <jgib00@hotmail.com>
Sent: Friday, July 17, 2020 10:22 AM
To: Testimony HWM Judiciary (HOU)
Cc: Hogan, Kate - Rep. (HOU)
Subject: Massachusetts House Bill S2800

As a resident of Massachusetts and your constituent I very strongly urge you to vote against the Massachusetts Bill to Reform Police, S2800.

I have read much of Massachusetts S280 and I believe that if the public were given the proper chance to voice their opinions you would find that a vast majority of your constituents would oppose many aspects of this bill. Including taking away due process for police, removing qualified immunity, making it more difficult for schools to share data with police and sending "Community Development Professionals" to respond to police calls. I believe these changes, among others, will have grave consequences for the people this bill is intend to help.

I would also like to voice my concerns about how quickly this bill was written and pushed through. Often I hear of many bills, that have far less impact on society and our institutions, that are "held up in committee" or waiting on multiple studies, research, expert testimony and public hearings before a vote is taken. But this bill seems to have skipped the typical process.

Sincerely,

Jim Gibbons
13 Saw Mill Rd, Stow MA
Jgib00@hotmail.com
617-838-2521

Sent via the Samsung Galaxy S7 active, an AT&T 4G LTE smartphone

From: Claudia Mastroianni <claudia.m@gmail.com>
Sent: Friday, July 17, 2020 10:22 AM

To: Testimony HWM Judiciary (HOU)
Subject: S2800 comments

Hello, Representatives!

I'm writing as an individual citizen strongly in favor of the passage of this bill.

I don't know which provisions are in response to specific identified problems in the Commonwealth and which are preventative, but specific aspects of the bill that I enthusiastically support include those bringing more accountability for officer actions:

* limitation of qualified immunity;
* exempting some aspects of personnel records from privacy constraints;
* limitations on no-knock entrance that includes *excluding evidence* obtained improperly through them;
* various "knew or should have known" common-sense phrasings;
* the provision for a statewide certification body and process.

Plans for uniform body cam practice; receipts for traffic stops; banning of chokeholds; restraint on use of chemical weapons, rubber bullets, and dogs; more bars to militarization of LEO resources—these also all strike me as excellent goals, and I hope the bill passes substantially as it stands.

Sincerely,
Claudia Mastroianni
Somerville, MA
857-928-9346

PS: My proofreader's eye caught something but I wouldn't want it to jeopardize the overall passage of the bill: on page 9 there doesn't seem to be anything specified for how the LEO below the rank of sergeant will be nominated. If this is actually a problem it is presumably easily amended later.From: crista nardone <cristanardone17@gmail.com>
Sent: Friday, July 17, 2020 10:21 AM
To: Testimony HWM Judiciary (HOU)
Subject: Testimony letter

Dear Senator,

My name is Crista Nardone and I live at 28 Prince Path, Sandwich MA. As your constituent, I write to you today to express staunch opposition to S.2820, a piece of hastily-thrown-together legislation that will hamper law enforcement efforts across the Commonwealth. It robs police officers of the same Constitutional Rights extended to citizens across the nation. It is misguided and wrong in many ways.

Like most of my neighbors, I am dismayed at the scarcity of respect and protections extended to police officers in your proposed reforms. While there is always room for improvement in policing, the proposed legislation

has far too many flaws. Of the many concerns, three, in particular, stand out and demand immediate attention, modification and/or correction. Those issues are:

(1) Due Process for all police officers: Fair and equitable process under the law. The appeal processes afforded to police officers have been in place for generations. They deserve to maintain the right to appeal given to all of our public servants.

(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously unrealistic lawsuits.

(3) POSA Committee: The composition of the POSA Committee must include rank-and-file police officers. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, law enforcement should oversee law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. Please remember that in 2015 President Obama recognized the Boston Police Department as one of the best in the nation at community policing. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Sincerely,

Crista Nardone

From: NICHOLAS ZEOLI <nzeoli14@comcast.net>
Sent: Friday, July 17, 2020 10:21 AM
To: Testimony HWM Judiciary (HOU)
Cc: Cronin, Claire - Rep. (HOU)
Subject: Public Comment Police Reform Bill

Honorable Members of the Massachusetts House of Representatives:

I am writing you in hopes that you will consider my position on bill S. 280.

My name is Nick Zeoli and I am a Lieutenant for the Rockland Police Department as well as the Union President for the Superior Officers, Local 175 NEPBA.

You have before you a bill that will have considerable negative implications for Law Enforcement for years to come. This bill as written is seriously flawed and in my opinion is a "knee jerk" reaction to events that have occurred in other parts of the country and does NOT reflect policing as we know it in the Commonwealth of Massachusetts.

I am asking that you NOT support this bill as written since it changes Qualified Immunity to the detriment of Police Officers. These changes will create large numbers of state law claims against public employees in state courts, claims that could easily be dismissed by Federal judges but could now cost cities and towns significant monies which will further strain already tight municipal budgets.

I am also troubled by the statements of legislators who say that local indemnification will protect officers. This is not true. Indemnification is DISCRETIONARY for municipal police officers.

I also do not feel that the due process rights of officers should be put in the hands of political boards made up with members, many of whom have no Law Enforcement background. These boards should have as a majority, appropriate Law Enforcement Professionals. This would be consistent with the make-up of other professional boards.

I have been a police officer for nearly 27 years and have found it to be a rewarding and honorable profession. The Officers that I work with are true professionals and work hard every day to protect the citizens and property of our community. We continue to do our job day in and day out to the best of our ability and under some of the most challenging circumstances. This bill however will put an unnecessary burden on an already strained profession and for the first time I have started to hear Officers question whether it is worth staying in Law Enforcement.

I ask that you Honorable Ladies and Gentlemen consider what I have mentioned and have the courage to stand up for what is right and judge the Law Enforcement Community of Massachusetts using factual data garnered from events in Massachusetts and not on events that have happened outside of the Commonwealth nor misinformation about alleged need for emergency police reform.

Respectfully submitted,

Lt. Nicholas P. Zeoli

Rockland Police Department

From: Lena Murphy <lmurphy@suburbanelec.com>
Sent: Friday, July 17, 2020 10:21 AM
To: Testimony HWM Judiciary (HOU)
Subject: Bill No. S2820 Police Reform

I am writing to you today regarding the police reform bill which unfortunately passed in the MA Senate and is now in the House of Representatives for debate.

In Massachusetts, we have been very fortunate that the overwhelming majority of our local police officers are not prejudice and treat everyone equally.

We do NOT want our state to become like the radical states of California, New York, Minnesota, Oregon and Washington, and the City of Chicago!!

I understand many items that will be included in this bill, and it is way too extreme and needs to be reviewed and openly discussed in detail. For example:

* Removing authority from cities and towns to control their own employees
* Removing the rights of police to monitor gang activity in schools….REALLY??? I guess the Senate didn't care about protecting our children!!
* Removes protecting our police officers from personal liability when they are acting in good faith and under extreme duress. How many of us put on a uniform every day that makes us a target for any and every unstable person out there?
* Removes their collective bargaining rights

This bill is pandering to a radical group of the public who do NOT represent the majority of the citizens of Massachusetts.

Our public safety will be dramatically and negatively affected because we will lose many of those dedicated members of law enforcement as a result of the unfair treatment. This bill also

makes them unable to perform their duties of keeping us safe.

I will not be able to support any incumbent who supports this bill in its current state or any similar radical bill such as this.

I hope the House of Representatives is able to make many needed changes to the Bill they received from the Senate that will protect the police officers' rights as well as the public.

Thank you.

Lena Murphy
35 Page Street, Canton, MA 02021

Email: lmurphy@suburbanelec.com
Cell: Lena: 781-760-3968 / John: 617-694-2785

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For more information please visit http://www.symanteccloud.com

From: Chuilli, Kelly <KChuilli@bridgewaterma.org>
Sent: Friday, July 17, 2020 10:20 AM
To: Testimony HWM Judiciary (HOU)
Subject: Re: URGENT!!

Dear Madams and Sirs,

With great urgency I ask that you exercise the utmost scrutiny to the police reform bill before you.

I have never had a complaint filed against me in nearly 20 years of service as police officer in the commonwealth of Massachusetts. I think that's the type of officer you strive to have in policing. I have boxes of cards and letters from the community and I have kept nearly every one as a reminder of the positive impact I have on people's lives. Nobody in my family was in law enforcement. Not one person. In fact, most of my family vehemently tried to persuade me against it. Still, after serving 4 years active duty in the U.S. Army, deploying Desert Shield and Desert Storm, I returned to Massachusetts to continue to serve yet again on a local level. When people say they support our troops but hate police, it blows my mind! In many cases, you’re talking about the exact same person!

I am one of 3 females on my department. I have always been treated with respect and the utmost dignity. The men I work alongside are professional and respectful to a fault. I'm proud to belong among them in this noble profession.

The public, however has not always been so respectful. I've been called every name you can imagine. Every vulgar thing you can say to a woman has been hurled my way. I've been kicked, punched, spit on, concussed, threatened, and indecently assaulted. My family has vicariously endured this as well. The most that has ever been done over all these years to any person who has physically assaulted me or threaten to kill me and/or my entire family was probation! Even if they were already on probation, guess what happened? Just a little longer probation. What message does that send to the officer? I can tell you; it sends a message loud and clear that we aren't worth anything and our families don't mean much either! Our injuries are not taken into consideration and are "just part of the job". This is entirely unacceptable! Before now, NONE of this made me consider leaving this profession or walk away from my duty.

If you wonder why we are hyper-alert and suspicious of everyone, it's because we lose officers every day across our nation. We get the Officer Down alerts and it feels just a little bit closer. It's because courts are regularly turning people loose who are violent, carrying guns, …stolen guns, repeatedly! We know we will surely be encountering those people; we just don't have the benefit of knowing in advance, it could be anyone at any time. I can't tell you the shock I am in when I encounter someone who is one their 2nd, 3rd, 4th or more illegal gun charge walking around free in society! What!? The public is not aware that this is even happening! We know it's happening and what these folks are capable of, and they have learned that minimal consequences, if any, will follow. The public doesn't have the benefit of this insight unless they unfortunately fall victim. These are people that have no respect or regard for us, the public or even themselves!

The same is true for the soaring mental health problem. What I'm saying is that all of these problems are continuously dumped back on police and the involved agencies are letting us down! We are in a lose-lose situation where we are being set up to fail. Police cannot cure all that ails society, but we sure are taking the bulk of the blame for it, including race issues and claims that we are not "trained" enough. If I may agree in the training regard that when we routinely are called to a group home or ½ way house for someone that the trained professionals can no longer handle. Are we somehow supposed to be trained beyond the level of mental health professionals in that field? If it's beyond their scope, how would we ever become trained well enough that we surpass the career training of these mental health professionals?

Repeated calls to these situations are often violent and are among the most dangerous and challenging we face. Many group homes are housing people in residential area that are way beyond their ability and scope to treat in that type of environment. We are fully aware that we are likely going to be put in a situation where we need to protect ourselves and

others but that any physical contact with these parties will be viewed as unnecessary or excessive. At times we have to take an officer off the road to ride in the ambulance in order to protect the paramedics, while they fight and spit, putting everyone at risk of biological hazards or injury.

Meaningful change needs to occur in our mental health response! Mental health related calls have exploded. They are the bulk of what we deal with now. If there is a belief that some funding should be moved from policing to social programs, and those programs include a SERIOUS mental health initiative, we are on board! Those calls however, need to be shifted away from police and toward those mental health agencies. They need to be removed from police responses, because that's where your calls will go bad and the liability comes in for the officer, agency and community. The things that nobody wants to deal with, routinely land in our lap. Go deal with it, but afterwards, "we don't like how you dealt with it". It's because it should not have been the police dealing with it in the first place.

Mental health is the root of the vast majority of our most serious issues. If you properly deal with mental health, you avoid the consequences of mental health problems. We have a "lack of coping skills" in this country. When people can't properly "cope", they hurt themselves, they hurt others, they abuse drugs and alcohol, self-medicate. This is turn causes people to commit property crimes, get involved in drug activity or commit offenses to accommodate the lifestyle. It all truly comes back to not being able to properly cope in life and the result of that struggle.

Again, I cannot stress enough that we are failing at dealing with this key issue and we have been for a long time! Officers are routinely put in a position to take someone into custody for drugs/alcohol/mental health for a civil commitment against their will. The revolving door spits these folks back out without any meaningful assistance. I've personally taken some of the same individuals dozens of times. Now they are angry at the family members and they are angry at police. This doesn't make it easier. It makes it a lot harder!

Again, a recipe for disaster that does nothing to help anyone involved, builds frustration and creates a dangerous situation for everyone involved.

This reform bill that threatens qualified immunity and threatens to potentially bankrupt me and my family, makes me want to leave policing immediately.

I know I'm asked a lot of in policing, even risking my life and safety. I went into it knowing that. What I didn't know was that now they'd be asking me to potentially sacrifice my financial security on the whim of someone from the public making a claim against me, who wouldn't hesitate to lie or embellish the incident, after all, they're already willing to assault me and threaten me. Now place some monetary incentive behind it and you can imagine the potential.

How much is too much to ask of someone from their job? Well, I'll tell you that being at risk of criminal charges, and losing your assets when you believe you are doing the right thing, would be your answer. Where is the upside to this profession now? What is the incentive to keep doing the honorable thing when you are constantly vilified regardless of how you conduct yourself? Even when you're right, you could now be wrong based on a point of view from people who don't understand the pressure and circumstances of this job and what people are actually willing to do, even to a female (I'm someone's Mom).

I have been part of the CISM Peer Support Team for about 5 years. I don't get paid for this. I do it because it's important to help people. I care about the mental health of the folks in this profession who see the most gruesome, heinous, unimaginable things out there, all while trying to juggle their own lives and the inevitable struggles that come with it. A lot of folks are suffering from what they have had to respond to. This causes lasting detrimental effects. Poor mental health causes poor decision making. Not a good combination when you must do it quickly and often!

I urge you to rethink this bill and some of the extreme things it's asking of our men and women in blue. I implore you to at the very least, see that this bill includes Critical Incident Stress Mgmt. and Peer Support Programs, and preserve our due process and qualified (not absolute) immunity. Our officers are being vilified for the actions of officers we've never even met and probably never would. I can think of no other profession that is punished across the board in this manner. We drop everything to come to everyone else’s aid when they need help. Who will come to our aid? Who is helping us?

At the bare minimum, officer mental wellness needs to be a priority. We are going to need it!

I'm a member of our department's hiring board. It's a time consuming, rigorous, careful process. Over the past few years, the quality and quantity of candidates has dropped substantially. The best candidates, not surprisingly are going to jobs with better working conditions, hours, respect and pay. l worry what kind of candidates would now be willing to

step up to do this job, as most intelligent, talented people will undoubtedly pass on this.

We welcome opportunities to improve our tactics and raise the standards of our chosen profession. The public needs to bring their standards up as well!

We no longer seem to be teaching respect and law-abiding behaviors. Every call we go on now is a debate or worse. It has become a sport to challenge officers in even the most minor interaction. We didn't get the benefit of safely working from home, time off or incentive checks during this COVID-19 crisis. We did what was asked of us despite the risk to ourselves and our families. We enjoyed a brief moment of gratitude from the public and then just like that, the sickening act of one distant officer made every single one of us monsters. Is that a best practice for raising the bar in any profession? Is that really how it's supposed to work?

It makes me sad for society going forward.

There are a lot a good people in our community, and many of them work alongside me. Our communities will lose compassionate, upstanding, professional officers who have years of experience and formal education. Many volunteer in the community or commit quiet acts of kindness that nobody ever hears about.

I ask that you do the right thing and consider the impact this will have on the men and women who give so much to people, who at times care so little for us.

Respectfully,

Kelly A. Chuilli

Bridgewater Police Dept.

508-697-6118

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From: Kimberly Cuozzo <Klcuozzo@outlook.com>
Sent: Friday, July 17, 2020 10:21 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820

Dear Mr Cyr,

My name is Kimberly Cuozzo and I live at 53 Falmouth Sandwich Rd Mashpee Ma. <x-apple-data-detectors://0> As your constituent, I write to you today to express staunch opposition to S.2820, a piece of hastily-thrown-together legislation that will hamper law enforcement efforts across the Commonwealth. It robs police officers of the same Constitutional Rights extended to citizens across the nation. It is misguided and wrong.

Like most of my neighbors, I am dismayed at the scarcity of respect and protections extended to police officers in your proposed reforms. While there is always room for improvement in policing, the proposed legislation has far too many flaws. Of the many concerns, three, in particular, stand out and demand immediate attention, modification and/or correction. Those issues are:

(1) Due Process for all police officers: Fair and equitable process under the law. The appeal processes afforded to police officers have been in place for generations. They deserve to maintain the right to appeal given to all of our public servants.

(2) Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolously unrealistic lawsuits.

(3) POSA Committee: The composition of the POSA Committee must include rank-and-file police officers. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, law enforcement should oversee law enforcement.

In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. Let me remind you that in 2015 President Obama recognized the Boston Police Department as one of the best in the nation at community policing. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve. There is a silent majority that supports our officers which I hope will be considered when it come time to show your support.

Sincerely,

Kimberly Cuozzo

Sent from my iPhone
From: Fran Godine <godine@comcast.net>
Sent: Friday, July 17, 2020 10:20 AM
To: Testimony HWM Judiciary (HOU)
Subject: Pass Police Reform

Dear Rep Michlewitz and Rep Cronin,

Please pass police reform that includes:

* Implement Peace Officer Standards & Training with certification (POST)
* Civil service access reform
* Commission on structural racism
* Clear statutory limits on police use of force
* Qualified immunity reform

By using the current Senate language to reform the legal doctrine of qualified immunity the individual officer will not suffer devastating financial impact since the cities that employ them have indemnified them. This will actually encourage the types of structural fair and safe protection practices appropriate for 2021 and beyond.

The few applicable cases being allowed to be heard by a jury without dismissal due to 4th amendment rights on the basis of it never having been heard previously by a statue or court precedent seems an outrageous offense to those who may have suffered extreme police violations and then again punished by not tbeing allowed judicial review in our democracy.

Please base your vote on the facts of current indemnity by municipalities as above as you consider the police reform so essential at this time.

Thank you.
Frances Godine
19 Crofton Rd
Newton,MA 02468

Greater Boston Interfaith Organization Strategy TeamFrom:
marie.f.hurd@gmail.com
Sent: Friday, July 17, 2020 10:20 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform Testimony

To: Representative Aaron Michlewitz, Chairperson, House Committee on Ways and Means
Representative Claire Cronin, Chairperson, Joint Committee on the Judiciary

Hello, my name is Marie Hurd with the Greater Boston Interfaith Organization (GBIO). I live at 7 Alward Rd, Boston Massachusetts 02132 . I am writing to urge you and the House to pass police reform that includes:

-Implement Peace Officer Standards & Training with certification
-Civil service access reform
-Commission on structural racism
-Clear statutory limits on police use of force
-Qualified immunity reform

Thank you very much.

Marie F Hurd
marie.f.hurd@gmail.com
617-469-8465
7 Alward Rd
West Roxbury, MA 02132

Sent from my iPhone
From: Andy Medina <arojasmedina@gbls.org>
Sent: Friday, July 17, 2020 10:12 AM
To: Testimony HWM Judiciary (HOU)
Subject: Pass a Strong Police Accountability Bill with Key Provisions from S.2820

Dear Chairs HWM & Judiciary,

I urge you to pass legislation that establishes real oversight and accountability for police.

Our law enforcement system is rife with systemic racism that manifests in poignant police murders of unarmed black people, brutality and excessive use of force, unlawful arrests, and unnecessary police contact. The House of Representatives and Senate should ultimately pass a bill that ends qualified immunity in most instances, reduces and oversees police use of force, removes police from schools, expands juvenile expungement, and establishes funds to improve re-entry from incarceration.

The shielding of law enforcement from accountability for violating people's rights through qualified immunity is unacceptable and irresponsible. Police should be held to professionalism standards that limit misconduct similar to doctors or lawyers, who cannot commit malpractice with impunity. Additionally, we need to stop surveilling juveniles with police in schools, collect data, and let young people expunge records related to mistakes they made as a child. If we invest in communities of color and hold police accountable for their misuse of power, then we will have safer communities, less crime, and more respect for the justice system.

This is an urgent matter. Please pass a bill that includes at a minimum the provisions of the senate bill.

Sincerely,

Andy Medina
310 Tappan St
Brookline, MA 02445
arojasmedina@gbls.org

From: Meghan Murphy <meghan.murphy.5@bc.edu>
Sent: Friday, July 17, 2020 10:10 AM
To: Testimony HWM Judiciary (HOU)
Subject: Pass a Strong Police Accountability Bill with Key Provisions from S.2820

Dear Chairs HWM & Judiciary,

I urge you to pass legislation that establishes real oversight and accountability for police.

Our law enforcement system is rife with systemic racism that manifests in poignant police murders of unarmed black people, brutality and excessive use of force, unlawful arrests, and unnecessary police contact. The House of Representatives and Senate should ultimately pass a bill that ends qualified immunity in most instances, reduces and oversees police use of force, removes police from schools, expands juvenile expungement, and establishes funds to improve re-entry from incarceration.

The shielding of law enforcement from accountability for violating people's rights through qualified immunity is unacceptable and irresponsible. Police should be held to professionalism standards that limit misconduct similar to doctors or lawyers, who cannot commit malpractice with impunity. Additionally, we need to stop surveilling juveniles with police in schools, collect data, and let young people expunge records related to mistakes they made as a child. If we invest in communities of color and hold police accountable for their misuse of power, then we will have safer communities, less crime, and more respect for the justice system.

This is an urgent matter. Please pass a bill that includes at a minimum the provisions of the senate bill.

Sincerely,

Meghan Murphy
44 Cummings Rd
Brighton, MA 02135
meghan.murphy.5@bc.edu

From: Carlos L <lopezrodriguez.carlosg@gmail.com>
Sent: Friday, July 17, 2020 10:20 AM
To: Testimony HWM Judiciary (HOU)
Subject: Support for Reform, Shift, + Build Act (S.2800)

Dear Chair Aaron Michlewitz and Chair Claire Cronin,

My name is Carlos Lopez and I am a resident of Somerville, MA. I work in healthcare in Burlington, MA, and I attended school at Tufts University in Medford, MA.

I am writing to support Bill No. S2820 to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color.

I am a Latinx person, and it brings me to tears seeing all the instances of police misconduct, and misuse of force that end up unnecessarily hurting and killing disproportionately Black people and Latinx people. I do not feel safe calling the police in case of an emergency, because I fear the police will escalate things rather than de-escalate a situation. I fear police will hurt someone or kill someone that should have rather been arrested or taken to the hospital immediately for care.

This is why it is important to pass this bill to hold police in MA accountable for their actions by limiting qualified immunity in use of excessive force. It is also important to defund the police departments and fund social programs that will benefit Black communities and communities of color.

I urge you to pass this Bill as a start to equitable justice, and that more reform keeps coming to the floor.

Thank you for your time and service,
Carlos Lopez
From: helena vesterman <helenavest@gmail.com>
Sent: Friday, July 17, 2020 10:19 AM
To: Testimony HWM Judiciary (HOU)
Subject: reforming s2820

I object police reforme
From: Pamela Underwood <pamu350@icloud.com>
Sent: Friday, July 17, 2020 10:20 AM
To: Testimony HWM Judiciary (HOU)
Subject: S2820

Esteemed Representatives,
I am writing you to express my concern about Bill S2820. As a law enforcement professional for 32 years I feel eminently qualified to offer an opinion on this groundbreaking opportunity to literally change the face of law enforcement. I recognize minority concerns as a minority within law enforcement. As a female I have sought injunctive relief in the past and welcome inclusivity and diversity.

This is an opportunity to improve recruitment and training making this bill a positive force. In Massachusetts we have avoided many of the issues that have occurred in our country by virtue of our highly educated and trained officers. In the past our state encouraged these dedicated professionals to seek higher educational degrees through pay incentives. Our academy training is accepted throughout much of the country as it exceeds most other state’s requirements. That being said, we welcome any and all training opportunities which make us better at our jobs.

Qualified immunity is essential to police officers being able to perform their duties. We are tasked with difficult situations without the benefit of time to contemplate options. Allowing diminished protection from frivolous civil law suits allows us to act without hesitation. Hesitation can endanger ourselves and the public we swore an oath to protect.

Eroding the long standing collective bargaining nature of employment fails to protect the hardworking members of law enforcement. Eliminating competitive entrance examinations and allowing alternative entrance requirements fails to provide the most qualified candidates for employment. Please focus on more recruitment efforts to seek out qualified candidates. Phillips Academy in Andover has a program for summer education of inner city youths in Math and Science (MS Squared). This pool of talented driven inner city youth striving to succeed is a pool of untapped candidates who may not have considered a career in public service, more specifically in law enforcement. After school outreach programs and internships offer an opportunity for youth to interact with law enforcement in a positive context rather than the negative ones that are more prolific. Encourage individuals to be the change from within actually change the literal face of law enforcement to reflect diversity not by insulting people by lowering standards but rather by encouraging a greater pool of qualified applicants.

Allowing promotions to be arbitrary in nature by dropping several candidates below on the list created by competitive examinations allows for further politicization of our command staff. The competitive examination process was created to lessen the impact of politics within what should be a separate entity. The unique nature of Massachusetts as a long standing supporter of organized labor makes an outside appointment of a titular head of the State Police a thinly veiled attempt to erode collective bargaining and further politicize law enforcement. The inclusion of Chapter 22C revisions is ill advised.

Any review board should encompass people with a background within the particular field they are being tasked with reviewing. A basis of knowledge within the applicable field is essential in making accurate, fair and equitable assessments as to whether the actions being reviewed are reasonable from a reasonable officer’s standpoint. This is in compliance with at least four US Supreme Court decisions. 20/20 hindsight with unlimited time is an unfair advantage. Allowing review by appointees without a basis of knowledge would be akin to allowing someone with no medical knowledge to serve on a medical review board for a malpractice issue.

Racial profiling statistics on traffic stops have been kept by the State Police for over twenty years. A report is generated to each unit/station commander each month and any officer assigned to their command whose statistics exceed 2 standard deviations above the statistical population demographic for their permanent assignment require review. The commanding officer must look at each issued citation, determine the location etc and determine if that officer is in violation. For example I am stationed at Belchertown, I have been assigned a federally funded speed enforcement detail on Route 2 in Fitchburg. The issued citations during this

assignment result in my statistics being more than two standard deviations above statistics for Belchertown. Upon review the location of Fitchburg is noted and an analysis of the demographic for that area indicated that the results are within the acceptable mean. For twenty years these statistics have been kept and analyzed.

This profession is a technical one, but we can not lose sight that it is at times an extremely dangerous and physical one as well. Training is key. Education is key. Recruitment is essential.

When called upon we proudly stand and serve. When hated we still stand and serve. We are the same people the public loved and venerated after the Marathon Bombing. I urge you all to resist the temptation to create knee jerk reaction, quickly crafted legislation, which often times is not effective and creates ineffective faulty laws. You have the advantage of time and resources please use that time wisely.

Respectfully,

Pamela J Underwood
9 Ragged Hill Rd
West Brookfield, Ma 01585
774-200-1455
pamu350@icloud.com

Sent from my iPhone
From: Jamie Burkinshaw <jlburkinshaw@yahoo.com>
Sent: Friday, July 17, 2020 10:17 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820 Opposition

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.
I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:
(1)?Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.
(2)?Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity

protects all public employees, as well as their municipalities, from frivolous lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.
(3)?POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.
In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Jamie DePari
26 Shady Lane
Holden, MA

From: Michelle Heeney <miheeney@gmail.com>
Sent: Friday, July 17, 2020 10:19 AM
To: Testimony HWM Judiciary (HOU)
Subject: Testimony in Support of S2820

Dear Chair Michlewitz and Cronin,

I am writing to you to voice my support for S2820. It's imperative that we make this first step toward racial justice. We've seen too many times abuses of our neighbors at the hands of law enforcement. I have also been personally affected by a lack of accountability in law enforcement. I ask that you preserve the language creating an independent and civilian majority police body, limit qualified immunity, and reduce the school to prison pipeline by removing barriers to expunge juvenile records. People of color, the youth, and so many more groups deserve better.

I also ask that you strengthen the use of force standard, fully prohibit facial surveillance technology and lift the cap of the justice reinvestment fund.

Thank you for taking the time to review my input

Michelle Heeney
Hopkinton MA

From: JANET FILORAMO <jpfiloramo@aol.com>
Sent: Friday, July 17, 2020 10:18 AM
To: Testimony HWM Judiciary (HOU)
Subject: S2820

I am writing in regards to the the bill being proposed allowing police officers to be sued in a civil suit. We are going to lose good officers which will put us all at risk. In today's anti police climate this is only going to make things worse. The vast majority of our police officers are good honest people who risk their lives to keep us all safe. There are people who make a living suing people and this will be an open invitation to go after law enforcement looking for a payday. Why would anyone want to choose law enforcement for a career if this is allowed?

Janet Filoramo
Sent from my iPad
From: deanna dodge <mike.deanna@verizon.net>
Sent: Friday, July 17, 2020 10:19 AM
To: Testimony HWM Judiciary (HOU)
Subject: RE. BILL ON POLICING

To Whom It May Concern:

My wife and I are writing about the bill that was just passed and urging Representatives in MA to allow this bill to be reworked with feedback from more people than those that passed it without making it public.

We firmly support Black Lives Matter but we also know there are many public servants that could be negatively affected by this recent bill - changes need to be made but it needs to be done properly and thoughtful - making positive change and protecting all of the people involved.

Thank you for your time,

Michael D. Dodge

Deanna B. Dodge

Reading, MA
From: Lubna Omar <o.lubna@gmail.com>
Sent: Friday, July 17, 2020 10:18 AM
To: Testimony HWM Judiciary (HOU)
Subject: Adrian.Madaro@mahouse.gov, Gloribel.Rivas@mahouse.gov, Steven.Gingras@mahouse.govPass SB.2800, Reform, Shift, Build Act

Dear Chairman Aaron Michlewitz & Co-chair Rep. Claire Cronin:

My name is Lubna Omar. I am a resident of East Boston and I am writing this virtual testimony to urge you to pass SB.2800 the Reform, Shift, Build Act in its entirety. It is the minimum and the bill must leave the legislature in its entirety.

I am supporting this because the safety of my community depends on it. I live in an overly policed neighborhood and we don't feel safe with the police. The power of the police remains unchanged and unchecked. I have a 9-year-old Black boy and it is painful to have such hard conversations on police brutally when he shouldn't be worrying about that. But unfortunately, that is the reality of Black mothers in this country. We

are EXHAUSTED and it is time to act and pass this bill to keep Black boys like my son. Everyone now wants to tackle systemic racism. That conversation starts with reforming the police and holding them accountable.

This bill bans chokeholds, promotes de-escalation tactics, certifies police officers, prohibits the use of facial recognition, limits qualified immunity for police, and redirects money from policing to community investment.

I urge you to ensure that all aspects of this bill are intact. We are in a historical moment and this bill ensures that we in Massachusetts meet the demand of this movement.

Thank you for your consideration of your request to give SB.2800 a favorable report.

Sincerely,
Lubna Omar
East Boston, MA 02128
From: JUDITH M FLYNN INSURANCE <Judie@jflynnins.com>
Sent: Friday, July 17, 2020 10:18 AM
To: Testimony HWM Judiciary (HOU)
Subject: S2820 should not pass

My name is Stephen Ryan and I live at 43 Kelly Way, Canton, Ma. My phone number is 617-293-3117. and I am a private citizen expressing my dissatisfaction with Bill S2820.
1) This conversation is too important to "rush" into without proper AND extensive debate and dialogue. Public hearings are part of our democracy and the idea that an email received by a certain deadline provides little opportunity for the public to be heard on this issue.
2) While I agree there is room for a discussion on policing improvement, this bill simply goes too far. We should respect those that put themselves in harm's way every day and afford them the same Due Process as every other citizen.
3) Ironically, this bill will MANACLE the very people who have been hired to protect and serve our communities.
4) The POSAC (Police Officer Standards and Accreditation Commission) would be made up of far too many lay people (especially because those appointed would be from historically anti-police groups). In my opinion, POSAC should be made up of only other law enforcement members. Would a surgical review board involve a bookkeeper to determine if a surgeon did or did not perform correctly? To think that members of the general public could put themselves in the officers' positions on the streets and dictate what the proper response should be is outrageous and ridiculous!
5) Finally, the most offensive part of this bill changes the "Qualified Immunity". If officers are going to be held personally responsible, there will be a mass exodus from law enforcement and far fewer candidates to replace the departed. Officers that remain on the job will be restrained and therefore reluctant. This bill will seriously undermine public safety by limiting police officers' ability to do their job. Crime WILL GO UP and our communities WILL BE LESS SAFE.

There is no doubt that the events surrounding George Floyd horrified our nation but this bill is an attempt to “punish” all of the great men and women in law enforcement for the bad act of one.
I urge you to vote AGAINST S2820.
Thank you for your time and consideration,
Stephen M Ryan
617-293-3117

Get Outlook for iOS <https://urldefense.proofpoint.com/v2/url?u=https-3A__aka.ms_o0ukef&d=DwMF-g&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=Vn0N5xwSI0DemyyQCVsSnBHJsLvRqtAfZOPY2hBKnBc&s=4GB-YlIoK4z-mF6fI74PKzOzKvFDzXdPvtZbKMfrSwU&e=>
From: Melanie Lafavre <mlafavre@thomchild.org>
Sent: Friday, July 17, 2020 10:19 AM
To: Testimony HWM Judiciary (HOU)
Subject: Support for Senate Police Accounability Bill

To whom it may concern,

I am a 20 year resident of Massachusetts, and for the past 10 years have worked in the City of Boston as an early intervention specialist. I am writing in support of the senate police accountability bill, especially section 10 regarding qualified immunity. On June 16th, the Supreme court declined to reexamine qualified immunity. This move makes it clear that the court feels it is the responsibility of congress and/or individual states to act on this matter. Qualified immunity erodes our communities access to life and liberty, and weakens the safety of all of our community, especially people of color. Our own high court said in 2016 that black men may have cause to run from police. Of course they do, the police are armed with guns and can shoot to kill with immunity. Who does that protect other than the police themselves? The police are charged with saving and protecting lives, so are doctors. We have the right to file a malpractice lawsuit when a doctor makes a mistake that leads death or injury. How can we not have the same right when police make mistakes that lead to the same consequences? I have personally supported countless Black and Latinx mothers and fathers to raise their children to meet their highest potential. How can they do so as they move through life in fear that the people who are charged to protect them can and do kill them with immunity? Police violence against Black and Latinx community is a public health crisis that must be addressed in our country. Ending police immunity is a vital step in that process.

Melanie LaFavre, MS OTR/L, CEIS, CLC

Occupational Therapist/ Team Leader

Certified Early Intervention Specialist

Certified Lactation Counselor

Certified to provide: Newborn Behavioral Observation (NBO)

617.383.6522 X214 (office)

617.935.7109 (work cell)

Preferred pronouns: she/her/hers

From: michael barton <mtb1241@gmail.com>
Sent: Friday, July 17, 2020 10:18 AM
To: Testimony HWM Judiciary (HOU)
Subject: S2820

I am sending this email to support many of my friends who are law enforcement officers in this state. I also believe this is the right thing for all of our citizens.

I would like to weigh in on the bill that is currently in the House, S. 2820. As it stands, the Senate dropped the ball by keeping police wide open for frivolous law suits by eliminating qualified immunity. As you know, unlike absolute immunity which is something you all are given and enjoy, qualified immunity is given to police officers who do their job the right way. Not rogue officers or cops who break the law. Because of that, I urge you not to pass this bill, but if you must, I ask you to keep qualified immunity.
Another ball dropped by the Senate was something that is rightfully given to all citizens of the commonwealth and this great country, and that is due process. Essentially, by eliminating due process in their bill, the Senate has deemed all police officers second class citizens. That's is outrageous, bogus and downright wrong. Please do not pass this bill, but if you must keep all due process in and please do not deem us second class citizens. In a time when the bad guy is the good guy and the good guy is the bad guy, we need your help.
I pray that you have the courage to be a beacon in a time of darkness and be the anti-panderer and keep these two important aspects in this bill if you must pass it.
Please do no be anti police, please do not open all cops in the commonwealth to frivolous law suits, please be a leader and hear the voices of your constituents and do the right thing.
Thank you ALL for your service.

Michael Barton
13 Lovers Lane
Harvard, Ma 01451
Sent from my iPhoneFrom: Fernanda Gomez <nandabv07@hotmail.com>
Sent: Friday, July 17, 2020 10:18 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820

As your constituent, I write to you today to express my strong opposition to many parts of the recently passed S.2820. I hope that you will join me in prioritizing support for the establishment of a standards and accreditation committee, which includes increased transparency and

reporting, as well as strong actions focused on the promotion of diversity and restrictions on excessive force. These goals are attainable and are needed now.
I am, however, concerned at the expansion of this legislation, targeting fundamental protections such as due process and qualified immunity. This bill in its present form is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage. Below are just a few areas, among many others, that concern me and warrant your rejection of these components of this bill:
(1)?Due Process for all police officers: Fair and equitable process under the law demands the same rights of appeal afforded to all citizens and fellow public servants. Due process should not be viewed as an arduous impediment, but favored as a bedrock principle of fundamental fairness, procedure and accountability.
(2)?Qualified Immunity: Qualified Immunity does not protect problem police officers. Qualified Immunity is extended to all public employees who act reasonably and in compliance with the rules and regulations of their respective departments, not just police officers. Qualified Immunity protects all public employees, as well as their municipalities, from frivolous lawsuits. This bill removes important liability protections essential for all public servants. Removing qualified immunity protections in this way will open officers, and other public employees to personal liabilities, causing significant financial burdens. This will impede future recruitment in all public fields: police officers, teachers, nurses, fire fighters, corrections officers, etc., as they are all directly affected by qualified immunity protections.
(3)?POSA Committee: The composition of the POSA Committee must include more rank-and-file police officers and experts in the law enforcement field. If you're going to regulate law enforcement, up to and including termination, you must understand law enforcement. The same way doctors oversee doctors, lawyers oversee lawyers, teachers oversee teachers, experts in law enforcement should oversee practitioners in law enforcement.
In closing, I remind you that those who protect and serve communities across Massachusetts are some of the most sophisticated and educated law enforcement officials in the nation. I again implore you to amend and correct S.2820 so as to treat the men and women in law enforcement with the respect and dignity they deserve.

Sincerely,
Fernanda Gomez
57 Forest st
Wilmington Ma

Sent from my iPhoneFrom: Steph Ataman <sataman13@yahoo.com>
Sent: Friday, July 17, 2020 10:16 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform Bill S.2800

Dear Chairman Michlewitz and Chairwoman Cronin,

I am writing to you today as a wife and daughter of law enforcement officers to express my extreme concern with the passing of this Bill. As

a resident of Bridgewater, I strongly believe that the passing of this Bill will not only put my family at risk, but it will deteriorate the relationship that men like my husband and father have worked so hard to create with the community. Police officers are respected people that put their lives and the lives of their families second to protect the lives of others in need. My two year old son deserves to grow up in a state where other children can learn to idolize those who help the public just as he does. In clear conscience, I felt as though I needed to express my opinion as this Bill does not only effect the lives of the men and women that wear a uniform, but it also effects their husbands, wives, children and other family members.

I understand that progress needs to be made in this state as a whole, but as the Bill stands today I am asking you to vote NO.

I thank you for your time and consideration with this decision.

Regards,
Stephanie Hamilton

From: Steve Paschal <spaschal@berklee.edu>
Sent: Friday, July 17, 2020 10:18 AM
To: Testimony HWM Judiciary (HOU)
Subject: SB2820

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".

MACLEA seeks to include a representative of the Association to serve on the Police Officer Standards and Accreditation Committee created by section 6 of Senate Bill 2820. MACLEA's member departments are responsible for the safety and wellbeing of the hundreds of thousands who live, learn, work, and visit our member institutions. We are in favor of the creation of a Police Officer Standards and Accreditation Committee (POSAC) and our representation on this committee would add valuable insight and information. It would also ensure that the safety and security of all of those on campuses across the Commonwealth are the highest priority.

--

Steve Paschal

Police Officer
Berklee College Police
155 Massachusetts Ave, MS-155 PS
Boston, MA 02215
O- 6177472321
Email- spaschal@berklee.edu
From: Melissa <cyberfrog@verizon.net>
Sent: Friday, July 17, 2020 10:18 AM
To: Testimony HWM Judiciary (HOU)

Subject: Senate Police Reform Bill

Dear Senate Members,

I am a municipal employee for 34 years and for the last 25 years have been working as a 911 operator/dispatcher. My personal experience with Police, Fire and EMS is extremely positive. I am part of a proud team joining together with the same goal to save lives. We are a family working professionally 24/7 to get the job done.

The Senate Police Reform Bill is destructive to public safety. There are incompetent people working today in every profession. This bill will never right any harmful, injurious act done in the past. It is sure to raise the statistics of police officers killed within our own state of Massachusetts. These men and women go to work everyday to protect you. The Senate has the opportunity now to protect all of us.

Someday you or your family may have to call 911. The excellent response time and service you now receive may disappear. What is their incentive? Police, Fire, EMS and 911 dispatchers should never fear being sued or having to lose their homes just trying to do their jobs. What is next? Are we going to terminate the Good Samaritan Law?

Please consider the large groups of genuinely hard working, law abiding people who will be hurt by this bill. We do not deserve to be the victims of a reactive government and suffer life changing consequences.

In Unity,

Melissa Sullivan
Newton PD

From: Rose Marie Cardarelli <rcardar001@gmail.com>
Sent: Friday, July 17, 2020 10:17 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform Bill

Dear Mr. Michlewitz and Ms. Cronin,

My name is Rose Cardarelli. I had written to my rep Ken Gordon to ask him to oppose Bill S2800. He told me to write to you before 11 am today in order to provide testimony.

I am strongly opposed to this bill, as I believe it seriously impacts how police officers can perform their duties as well as public school personnel. These are my reasons:

I currently work in a public school in the town of Lexington. This bill also affects the staff of any public school with the current language of eliminating school resource officers. It also provides for the qualified immunity protections to be removed from school staff. I honestly don’t know who will want to go into any of these service

vocations if they do not have the protection that they need. School resource officers play an important role within the school community. I also have been a court reporter in Middlesex County for over 30 years and I know too well the level of crime in many cities throughout the Commonwealth. These resource officers have helped troubled youth and gang members over the years, and as such, have improved the relationship between the police and these young men and women. Removing them is a horrible decision.

I also have a daughter who is a teacher, and she lives in South Boston. I remember the days when you never went to Southie, as it was more of an Irish mob type of place, as well as the North End of Boston. Back then the mob made sure they took care of their own, and this bill will bring that right back into our society. I am worried for the safety of my daughter and for the future of my other children as well as grandchildren.

I also ask that it be debated in the light of day and not voted on in the dark of night.

This bill is troubling in many ways and will make an already dangerous and difficult job even more dangerous for the men and women in law enforcement who serve our communities every day with honor and courage.

It will cause many good officers to leave due to the new burdens and make it harder to recruit individuals into law enforcement. S 2800 establishes a review committee with overly broad powers, including the power of subpoena, in active investigations. The current language sets the groundwork for unconstitutional violations of a police officer's 5th amendment rights against self-incrimination (see Carney vs Springfield) and constitutional protections against "double-jeopardy".

Qualified immunity protections are removed and replaced with a "no reasonable defendant" qualifier. This removes important liability protections essential for the police officers we send out on patrol in our communities and who often deal with some of the most dangerous of circumstances with little or no back-up. Removing qualified immunity protections in this way will open officers up to personal liabilities so they cannot purchase a home, a car, obtain a credit card, or other things for the benefit of them and their families. Good luck with police recruitment. I was with a Somerville police officer this past weekend who told me that basically they have been told not to arrest anyone. This is just great. What happened to if a criminal commits a crime, they are arrested! When did we become a society that lets anything go, tearing down of statues, defacing religious artifacts, etc. When will it stop? I'm scared. Do we want Boston to become like New York City is right now? Where police officers are assaulted doing their jobs but the criminal gets bail immediately. I do not want this in our beloved Commonwealth. I want officers to be able to do their jobs without fear of being prosecuted In criminal court AND civil court.

In addition S 2800 failed to follow normal and appropriate legislative process of holding public hearings to accept testimony from citizens and experts.

I ask that you vote NO when S.2800 comes to the House of representatives for the reasons stated above, and others.

I agree that police reform is important and needs to be addressed but passing a poor bill for the sake of passing a bill is not in the best interest of the Commonwealth.

The actions of one bad police officer should not warrant what is going on now in our country. He was arrested and charged. The police department he works for should also be charged, as he was accused of 19 other infractions. Why was he still on the force?

I appeal to you as a mother and a public school servant, as well as a court reporter for the Commonwealth of Massachusetts to vote against this bill.

Thank you,

Rose Marie Cardarelli
Rcardar001@gmail.com

From: Boris Katsnelson <gssb11@gmail.com>
Sent: Friday, July 17, 2020 10:17 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820 Reforming Police Standards

Dear representative Aaron Michlewitz and representative Clair D. Cronin,

I strongly object to the provisions in the Police Reform Act that will restrict qualified immunity for police in Massachusetts. This is a disaster in the making.

Please consider changing the incoming legislation in a way that does not have extremely negative consequences.

Respectfully

Boris Katsnelson,
154 Mill St, Newton MA 02459
tel #617-969-1335.

From: Robert Noone <rmnoone@icloud.com>
Sent: Friday, July 17, 2020 10:18 AM
To: Testimony HWM Judiciary (HOU)
Subject: Written testimony RE:S2820

?Good morning,

Thank you for an opportunity to submit a written testimony regarding S2820. As a proud and dedicated police officer for the town of Paxton, and union President, I am saddened and concerned for the future of my profession and the ability to serve my community in a safe and protected manner.

We go out everyday to protect the peace and tranquillity that our ya paying residents expect. We do that by the obvious reactive policing, but also through our efforts to reduce possible future crime through proactive efforts.

A small minority of people with a lot of attention right now are doing everything they can to turn this country upside down through anarchy. They're not your voting base. We, the good, the kind, the calm, the quiet

voters of all ages, races, religions, political affiliations want safe communities to simply raise our families and live in peace. The good people of this state don't want to handcuff their police by undue and uninformed regulation by people who have no idea what how to police or how to keep a community safe.

Decertification process:
Taking away our full due process rights through the current POSAC process is wrong. This erosion of our due process essentially gives the suspects we arrest more protections than we're afforded. Since when do we consider the police guilty until proven innocent?
Makeup of the board:
Any responsible person would agree that a board such as what's being proposed in this legislation must be made up of those who know the role they're overseeing, not in concept but in actual experience.

Qualified Immunity:
Taking away my qualified immunity is taking away my processional protection from the ability to frivolously bring financially impactful personal lawsuits that affect my ability to earn and the ability to provide for my family. Like so many other propositions that are brought forth for consideration this one cannot be rammed through without study. Doing so would be misguided and reckless. This matter must be put to a study which will show that it protects good officers. The bad officers like Chauvin And others in Minneapolis who murdered George Floyd would not have been protected by our QI, not should they have been. A study will show this.

This is the chance for our elected officials to show they believe in reasonableness and that they protect those good men and women that protect them by putting their lives on the line everyday. We always want to do what's right and still do it even though it's often dangerous and perilous to our personal safety. We believe in something bigger than ourselves. Help us continue to do this without fear.

Respectfully,

Robert Noone
Patrolman, MASSCOP Local 290 President
Town of Paxton
Resident of Holden
Sent from my iPhone
From: Marc Quitadamo <mquitadamo1@gmail.com>
Sent: Friday, July 17, 2020 10:17 AM
To: Testimony HWM Judiciary (HOU)
Subject: S.2820

Dear House Committee on Ways and Means,

Hello my name is Marc Quitadamo and I have been a Worcester Policer Officer for approximately 5 years. I thank you to allow public written testimony relative to House Bill S.2820. Unlike the Massachusetts Senate, it is important to allow public testimony, without narrow time constraint, to allow all sides to be heard when the legislature attempts to deal with such an important like Law Enforcement Reform. All too often rushed legislature typically results in ineffective legislature/statutes.

As a police officer and registered voter I ask that you support the following issues of S.2820;

* Qualified Immunity (QI) – The Senate Bill significantly alters the language would eliminate Qualified Immunity for Police Officers and many more public employees (i.e. correctional officers). At minimum a committee should be established to study the resulting profound effect on Law Enforcement if QI was eliminated. The Senate bill significantly alters language that has been historically supported by federal case law.
* Due Process / Collective Bargaining for Police Officers – The Senate Bill as written will remove the right of due process for police officers. It will eliminate the right to be heard by an independent and neutral arbiter which has been the our right for more than 50 years.
* Police Officer's Standards & Accreditation Committee (POSAC) – The proposed Senate Bill establishes the aforementioned committee which will have power to decertify an officer when complaints are filed, reviewed, and adjudicated. My issue with this proposal is the make-up of the committee, which will be mostly civilians with no experience or knowledge of law enforcement practices. Like all other professions (doctors, dentists, teachers, and all public employees) our goal is to ensure the make-up of the committee (at minimum the majority) include law enforcement <https://urldefense.proofpoint.com/v2/url?u=https-3A__www.google.com_maps_search_30-2BLeela-2BLane-2B-2B-250D-250A-2BRochdale-2C-2BMA-2B01542-3Fentry-3Dgmail-26source-3Dg&d=DwMFaQ&c=lDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=uoevGInjCfTlguYncQubxpi5R6db_gq1YmKr0SCk2EnIiuk13zIs16rchf_GkGDD&m=tCPJ22ry5Xi2Rqw0zuzuaVGof-QdERLl2OOqSFhDemM&s=nwA6FTCgbvJYcAsGxGCjrW7h86PD5dMu4zXuWs_6XAA&e=> representatives and/or civilians with law enforcement background, degrees, and/or experience.

Respectfully,

Marc Quitadamo

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(774) 272-0057

From: Hilary Waitner <hilary.waitner@gmail.com>
Sent: Friday, July 17, 2020 10:17 AM
To: Testimony HWM Judiciary (HOU)
Subject: Opposition to Bill S.2800

To whom it may concern,

I am writing to you in opposition of Bill S.2800 as it currently stands.

I do agree with a certification program, as I am a Nurse Practitioner and understand the importance of upholding certain standards to maintain my professional license. I also agree with the additional training and standards set regarding our minority populations. I feel our entire country needs additional teaching on racism, sexism, ageism, gender identity, and sexual identity.

However, I am very much concerned about the limitations on a police officer’s qualified immunity. I feel that there needs to be legal protection on these officers in some way. Just as there is malpractice insurance place for medical professionals, police officers deserve the same amount of protection. If an officer is put in a situation that requires a split-second decision for their own safety or the safety of others, they should not be penalized in a way that could put their family, finances, and personal safety in harm’s way.

I am also concerned about this bill taking away and/or limiting certain tactics required to subdue a dangerous person, such as pepper spray, tear gas, and physical maneuvers. I do feel that strict training requirements are necessary for proper use and understanding of these tactics, as they have the potential to be used inappropriately. However, many towns and cities of Massachusetts do not have partnered officers in their cruisers. Therefore, these officers are acting alone in many situations until back up can assist, if they can even reach for their radio to call for back up. These officers need to make quick decisions to maintain the safety of themselves, any bystanders, and the person that they are dealing with. They need to be able to use certain physical tactics in these situations. Talking to dangerous people in an attempt to calm them down is not enough, and in many situations can make things much worse. I also feel that all officers should be paired up in cruisers, not only for immediate back up, but also as an extra pair of eyes and a "whistle blower" should an officer inflict unnecessary force on another human being.

I do understand and absolutely agree that it is time for reform, however I feel this bill is being rushed through without enough thought and guidance by those who have performed the job day in and day out. However, as the wife of a police officer who is truly in this field to serve and protect, and deserves protection himself, I urge you to give more consideration to this bill before allowing it to pass. I truly believe there will be serious unintended consequences to the police force should this bill pass as written.

Thank you for your time.

Sincerely,

Hilary Flynn

Quincy, MA 02171

From: Siyan Daniel Li <lidansiyan@gmail.com>
Sent: Friday, July 17, 2020 10:16 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform Constituent Public Testimony

To: Representative Aaron Michlewitz, Chairperson, House Committee on Ways and Means
Representative Claire Cronin, Chairperson, Joint Committee on the Judiciary

Hello, my name is Siyan Li with the Greater Boston Interfaith Organization (GBIO). I live at 872 Massachusetts Ave Apartment 410, Cambridge, MA

02139. I am writing to urge you and the House to pass police reform that includes:

-Implement Peace Officer Standards & Training with certification
-Civil service access reform
-Commission on structural racism
-Clear statutory limits on police use of force
-Qualified immunity reform

Thank you very much.

Siyan Li
lidansiyan@gmail.com
734-709-1476
872 Massachusetts Ave, Apartment 410
Cambridge, MA 02139
From: Barbara Burg <b.ann.burg@gmail.com>
Sent: Friday, July 17, 2020 10:17 AM
To: Testimony HWM Judiciary (HOU)
Subject: Testimony on S.2820

To: Representative Aaron Michlewitz, Chairperson, House Committee on Ways and Means

Representative Claire Cronin, Chairperson, Joint Committee on the Judiciary

Hello, my name is Barbara Burg, with the Greater Boston Interfaith Organization (GBIO). I live at 59 Chesbrough Road, West Roxbury, MA 02132. I am writing to urge you and the House to pass police reform that includes:

* Implement Peace Officer Standards & Training with certification
* Civil service access reform
* Commission on structural racism
* Clear statutory limits on police use of force
* Qualified immunity reform

I urge you to adopt the Senate language to reform the legal doctrine of qualified immunity. This reform will allow the few applicable cases to be heard by a jury without being dismissed because the particular violation of 4th amendment rights by a public official, such as a police officer, has never been previously contemplated by a statute or a court precedent. Those cases deserve to be heard on their merits, not thrown out using a

non-statutory legal doctrine. It is simply outrageous that those who have suffered from the egregious violations of police officers can not get their day in court.

In addition, it is clear that qualified immunity reform will not have devastating financial impact on any police officers as they are indemnified by the municipalities that employ them. Any such claims are not based on fact and should not be considered as you consider this reform.

Thank you very much.

Barbara Burg

59 Chesbrough Road

West Roxbury, MA 02132

b.ann.burg@gmail.com

From: Dawn Kelley <dkelley@lamacchiarealty.com>
Sent: Friday, July 17, 2020 10:17 AM
To: Testimony HWM Judiciary (HOU)

To Whom It May Concern:

I am writing today to state my strong opposition to Bill S.2820. This bill contains many poor features that would be devastating to our state. Crime rates will rise drastically!!! Thank you.

Best Regards,

Dawn Kelley
REALTOR®, ABR, C2EX, Military Relocation Specialist
Licensed in MA and CT
2019 Top Producer Award - Realtor Association of Central MA
Cell: 774.200.7312
Main: 781.530.4736
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Learn more about me, click here:
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From: Scott O'Brien <1775obrien@comcast.net>
Sent: Friday, July 17, 2020 10:16 AM
To: Testimony HWM Judiciary (HOU)
Subject: S2800

Good Morning,
I am writing to to express my opposition to Senate Bill 2800. I am a lifelong Mass resident and democratic voter. I believe this bill goes too far. I do understand the pressure lawmakers are under to pass a Police reform bill. This bill is more of an Anti-Police Bill. Our Law Enforcement Officers do a great job. Several Months ago they were praised for their work. What changed in Massachusetts? Nothing! We can not judge a whole proffession because the action of a few. There are over 800,000 Officers in the U.S.. There are millions of encounters everyday. We only hear about the very few that we all agree are terrible. We would not disband or defund our legislature because of corrupt officials in other states. Please think about the ramifications of this bill. I believe it will negativly impact the people it is desienged to help. I know you will have tough choices to make over the next week or so. Good luck.

Scott O’Brien

From: mary valerio <freehnow@gmail.com>
Sent: Friday, July 17, 2020 10:17 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police Reform Bill

My name is Mary Valerio. I am a resident of Clinton at 13 Candice Street. I am writing to ask that you craft a bill similar to the version from the Senate on police reform. There needs to be accountability and clarity in policing. I would also ask that you add corrections officers to this as well as abuse has happened in our prisons as well, Our prisons in Massachusetts are nearly 60% Black and Brown. It is time that we took seriously the calls for reform. Clarity and.oversight are badly needed. Please act to remedy the situation that exists now. This will restore confidence in the police and will make us all safer. I have confidence that you will act.
Mary Valerio (978)365-6493 13 Candice St. Clinton, mMass.

From: Sarah Cowles <sarahcowles17@gmail.com>
Sent: Friday, July 17, 2020 10:16 AM
To: Testimony HWM Judiciary (HOU)
Subject: Public Testimony

To: Representative Aaron Michlewitz, Chairperson, House Committee on Ways and Means

Representative Claire Cronin, Chairperson, Joint Committee on the Judiciary

Hello, my name is Sarah Cowles and I am with the Greater Boston Interfaith Organization (GBIO). I live at 173 Hampshire Street Apt 7, Cambridge. I am writing to urge you and the House to pass police reform that includes:

-Implement Peace Officer Standards & Training with certification
-Civil service access reform
-Commission on structural racism
-Clear statutory limits on police use of force
-Qualified immunity reform

Thank you very much.

Sarah Cowles
Sarahcowles17@gmail.com
781-879-0894
173 Hampshire Street Apt. 7, Cambridge, 02139
From: Thomas Pratt <thomaspratt1966@gmail.com>
Sent: Friday, July 17, 2020 10:16 AM
To: Testimony HWM Judiciary (HOU); Michlewitz, Aaron - Rep. (HWM); Cronin, Claire - Rep. (HOU)
Subject: S2820, Please Read

Sirs and Ma'am,

My name is Thomas Pratt, and I am writing to ask for consideration with house bill S2820, especially in relation to the issues of qualified immunity, due process, and the makeup of the POSAC board.

I am a Sergeant Detective with the Boston Police Department. As a middle manager, I feel this bill will be detrimental to the City of Boston, citizens of the Commonwealth, and visitors and tourists. As a supervisor in the police department, I am tasked with motivating the officers in the busiest district in the city, if not the state. This bill crushes the morale of honest, hardworking police officers who genuinely want to help the community they serve.

Qualified immunity is protection against frivolous lawsuits against police officers. Though many people do not understand what it means, it is a protection for police officers who act within the scope of their office. This does not protect officers who break the law or violate someone's civil rights.

Our country and our state were built on the idea of due process. Why are we now trying to deny that same due process to police officers?

The POSAC board will include persons who have a well-known dislike of police officers. As an accused party in the Commonwealth of Massachusetts, you are given the opportunity to challenge jurors who will decide your fate, putting people on a board just because of their affiliation to an organization goes against the ideology of being judged by a jury of your peers.

Other professions in the Commonwealth who have licenses are judged by their peers, nurses by nurses, doctors by doctors, lawyers by lawyers, people with experience in their field. Why will this board be so biases that a police officer won’t be given the same rights as someone who is accused of rape or murder? People in these other professions do not have to make a split-second decision, which can affect so many people's lives. They are given the opportunity to be judged by a jury of their peers, people with experience in their chosen fields.

I am asking you to look at this bill with an open mind and see that this hastily thought out bill is just that, hastily thought out. This bill not only includes police officers but every municipal employee in the Commonwealth. This is meant to crush organized labor and contracts that were bargained for with a give and take.

This is just a brief summary. If you have any questions, please reach out to Michael Muse, our legislative assistant. Mr. Muse has been working at the State House for decades and is well versed in all of these issues and more.

Thank you for taking the time to read this. I am also available if you have any questions, please feel free to reach out.

Respectfully,

Thomas N. Pratt

561 East 8th Street

South Boston, MA 02127

617-548-7571

From: Tisya Mavuram <tisya.m@gmail.com>
Sent: Friday, July 17, 2020 10:16 AM
To: Testimony HWM Judiciary (HOU)
Subject: Public Testimony - S.2820

Dear Chair Michlewitz, Chair Cronin, and members of the House Ways & Means and Judiciary Committees,

My name is Tisya Mavuram and I'm a Cambridge resident. I'm writing to demand the legislature pass S.2820 as quickly as possible to bring badly needed reform to our criminal justice system. I urge you to work as swiftly as possible to pass this bill into law and strengthen it.

I believe the final bill should eliminate qualified immunity (a loophole which prevents holding police accountable), introduce strong standards for decertifying problem officers, and completely ban tear gas, chokeholds, and no knock raids like the one that killed Breonna Taylor. In this crucial moment in history, it's more clear than ever that we need to fundamentally change the relationship between our communities and the police, and nothing less than these reforms will do.

Tisya Mavuram, Cambridge

--

Tisya Mavuram
she/hers
(732) 593-7395
tisya.m@gmail.com
From: Jeannie Vineyard <jeanniev ineyard@gmail.com>
Sent: Friday, July 17, 2020 10:16 AM
To: Testimony HWM Judiciary (HOU); Kate Hogan
Subject: S.2828

Dear Chair Michlewitz, Chair Cronin, and members of the House Ways & Means and Judiciary Committees,

I'm writing to express my support for Senate Bill S.2820, to reform our criminal justice system. The bill as it stands today is a good first step in the very much needed reform of our policing practices.

I believe that during the debate in the Senate on S.2820 and their review of many amendments to the legislation, they have crafted a bill which shows an excellent compromise over the most controversial portions of the legislation. While I would prefer to have a bill which completely eliminates qualified immunity, the use of teargas, chokeholds and no-knock raids, I believe that adoption of S.2820 as passed by the Senate is an excellent step toward the type of policing that all Massachusetts citizens wish to see.

Thank you for all of the work that you are doing during the pandemic. Since there are so many issues which need to be resolved, I also hope that you seriously consider continuing the Legislative Session past the July 31st deadline so that you have the ability to address the issues that we are facing with the opportunity for fully-considered debate.

Jeannie Vineyard
Hudson

From: Ted Greenwood <tedgreenwood@msn.com>

Sent: Friday, July 17, 2020 10:16 AM
To: Testimony HWM Judiciary (HOU)
Subject: Testimony on S.2820

To: Representative Aaron Michlewitz, Chairperson, House Committee on Ways and Means

Representative Claire Cronin, Chairperson, Joint Committee on the Judiciary

Hello, my name is Ted Greenwood with the Greater Boston Interfaith Organization (GBIO). I live at 66 Winchester Street, Brookline, MA 02446. I am writing to urge you and the House to pass police reform that includes:

* Implementation of Peace Officer Standards & Training with certification
* Civil service access reform
* Commission on structural racism
* Clear statutory limits on police use of force
* Qualified immunity reform

I urge you to adopt the Senate language to reform the legal doctrine of qualified immunity. This reform will allow the few applicable cases to be heard by a jury without being dismissed because the particular violation of 4th amendment rights by a public official, such as a police officer, has never been previously contemplated by a statute or a court precedent. Those cases deserve to be heard on their merits, not thrown out using a non-statutory legal doctrine. It is simply outrageous that those who have suffered from the egregious violations of police officers cannot get their day in court.

In addition, it is clear that qualified immunity reform will not have devastating financial impact on any police officers as they are indemnified by the municipalities that employ them. Any such claims are not based on fact and should not be considered as you consider this reform.

Thank you very much.

Ted Greenwood

66 Winchester St.

Brookline, MA 02446

617-505-5071 (h)

646-715-2082 (c)

tedgreenwood@msn.com

From: CaptJack24 <zporter473@gmail.com>
Sent: Friday, July 17, 2020 10:15 AM
To: Testimony HWM Judiciary (HOU)
Subject: Police reform

Good morning,
Hi, my name is Zachary Porter. I have been a Police Officer for 10 years in the Town of Middleboro. I am writing to you today out of concern for the proposed reform bill. I am very concerned with the ideas that are being proposed and how to change police work.

Police work is an extremely difficult profession, we are required to not only enforce the law, but we are now social workers, mental health workers, peace officers, and EMT's. There are many hats the modern day police officer wears and there is a lot to be expected of us.

There are many situations that we rely on good faith to help people or make the right decisions. Qualified immunity protects us and gives us the confidence that we need to make split second decisions that are extremely hard for us to make.

Things that concern me are simple, such as, I could be called to a house by a husband or wife who is being abused. There is visible evidence that someone had just been assaulted, such as welts, bruising, or cuts. So as a Police Officer I do what is required of me by the state of Massachusetts and arrest the abuser. I have done what the State has told me and now have taken away someone's civil liberties and rights by placing them under arrest.

Now we end up in court, and the spouse who was the victim decides that they do not want to testify and the case gets thrown out. Now, without a doubt I will be sued by the arrested person for taking away their rights because, technically nothing happened the night they were arrested.

This bill opens Pandora's box and allows the good men and women in Police, Fire, and the schools. To have their lives stripped from them for doing work in good faith.

I believe in change, I really do. But, let's be logical about this. The criminal justice system is extremely weak here in Massachusetts. There are many instances where you arrest someone on Friday and you arrest them again on Monday because nothing happens. This is a vicious cycle. We

continually deal with the same people because the courts do not hold them accountable. Why do we not hold those who commit crimes accountable? If we did Officer Sean Gannon and Officer Michael Chesna would still be alive.

Police have been vilified over the past 6-8 years. There are thousands of cops who do a phenomenal job day in and day out. With that being said, at these times i do not want to be a Police Officer. I signed up to make a difference in my community, I did not sign up to be hated. I do understand there are bad apples in every bunch but the vast majority of cops are good at what they do.

If this bill passes, I will resign and find something else to do. Those are just the facts. We work long hours, nights, weekends, and holidays to provide for our families I will not put everything that I worked hard for achieving for my wife and son on the line because I did my job.

Thank you for your time,

Zachary Porter
Middleboro Police Department

From: Santangelo, Nicole <Nicole_Santangelo@DFCI.HARVARD.EDU>
Sent: Friday, July 17, 2020 10:12 AM
To: Testimony HWM Judiciary (HOU)
Subject: Thoughts to share on Police Reform Act

Importance: High

To the Members of the House Committee on Ways and Means:

I am writing to voice my concerns on the Police Reform Act that is about be debated in House. I am the wife of a law enforcement officer we have a sweet 2 year old daughter who deserves to be considered as part of this reform as well. I think what many people don't understand about police is that it is a family commitment. This is not just a 9-5 job that you go to and come home like everyone else. This is a commitment a family makes to the citizens of this state. We sacrifice a lot for the greater good and I hope that is not lost on you or any other trusted legislator. While reform is something the system so desperately needs to address years and years of systemic racism, I beg you to think critically about ALL the items that are in this bill before you decide to cast your vote. I believe there are some well-intentioned items in this bill and there are also some not-so-well-thought-out plans included, which is what I really want you to consider.

As legislators it is your duty to ensure bills are fair, well-researched, with good intention, and above all change things for the better. I have reached out to Senator Crighton's office and Rep. RoseLee Vincent to share these thoughts as well. As a law enforcement family our biggest concerns are Qualified Immunity and non-police review boards.

All I ask is that you put yourself into a police officer's shoes for a moment. Think about all the dangers and/or tough decisions they must make daily to uphold their Oath to protect the public. In a moment's notice and without hesitation many of these officers must make decisions with nothing but a moment's notice. They put their lives on the line daily to ensure you and everyone else in the Commonwealth are safe, even if this means risking bodily harm or even worse their life. I would hate to see these officers have to add another complicated layer into their split second decision making. Should their Qualified Immunity be revoked, they would have to think of all the possible ramifications if they act because they could be subject to personal liability for their actions. This affects not only the officer, but potentially their family. How could my husband, who is well-educated, well-trained, and well-intentioned ever do his job properly if he were constantly worried about a frivolous lawsuit? Would we really want police to stop acting or hesitate because of this? Why should they be personally liable for doing their job? This does not exist in other professions, why should it exist in policing? For instance, are doctors personally liable for their malpractice cases? Physicians are personally protected from their professional actions by their insurance – what mechanism would there be for police to protect their assets/family should Qualified Immunity be removed? I think you can see where I am going with this, I beg you to think critically about this amendment.

My second concern is regarding non-police review boards. How could people who are not trained and/or educated in policing police actions? Should police actions be reviewed ABSOLUTELY, but do we let just anyone make those judgement calls? For instance, medical review boards contain medical professionals that assess a physician's actions based on their experiences and education which seems appropriate. Having a board to review police actions is not inherently a problem it's the composition of the review board that is worrisome. If these review boards exist they must contain those who are experienced and educated in law enforcement for that process to remain fair. If every day citizens want to make police-related choices they should take the civil service exam and apply. It would be completely unfair to expect an ordinary citizen to be able to assess a situation when they have no point of reference. My point being, we are all looking for reform but does that mean we make the process unfair to one group to make a statement?

We need reform to address systemic racism, but I don't think rushing a bill through is a good way to obtain lasting results. There needs to be more research and more input from stakeholders before something like this is passed through. We are not against reform, we welcome it. The police officers in this state are some of the most educated in the country. We beg you to consider these facts before you decide to act with a vote for a quick fix. These problems need more than a band aid.

Most sincerely,

Nicole Santangelo

617.308.8822

5 Lewis Street

Saugus, MA 01906

Nicole Santangelo

Division of Population Sciences

Dana-Farber Cancer Institute

44 Binney Street

Boston, MA 02115

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