



Grafton Police Department

28 Providence Road • Grafton, Massachusetts 01519
Telephone (508) 839-8517 • Fax (508) 839-8562
www.graftonpolice.com

Normand A. Crepeau, Jr.
Chief of Police

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

Re: Concerns to Senate 2820 as Amended

Dear Chairwoman Cronin and Chairman Michlewitz:

I write to you today to express my concerns and share my opinion regarding 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.

I have been a police officer for thirty-nine years, serving the last sixteen as chief for the Town of Grafton. I have dedicated my career to law enforcement and the concept that all citizens are treated fairly with the respect and dignity that is deserved and expected. As police officers and community leaders, we have embraced the changes society has demanded of us and ensured that the mission and core values to which we have espoused are followed each and every day. Every police officer wants to improve their community and is ready to face any challenge that may be encountered.

I realize that you must be inundated with correspondence regarding the aforementioned bill as proposed and I will endeavor to keep my comments brief and to the point. I also realize that the MA Chiefs of Police Association and the Major City Chiefs Association have submitted their comments as a whole and that I agree with their remarks wholeheartedly. In this regard and for your convenience, I wish to convey my thoughts by addressing some of the more important passages of the bill from my viewpoint.

- **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). By amending or removing qualified immunity, you are placing not only law enforcement but other public employees at risk, making their jobs more difficult and always casting a shadow of doubt on their day to day tasks.

By allowing suits against individuals, police officers may hesitate in performing their duty when they are unsure if they will be protected by the qualified immunity standard. This hesitation, especially

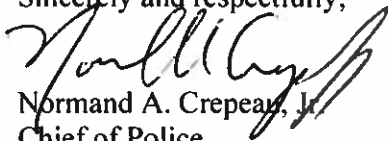
for police officers could be dangerous and fatal, not only to the officers, but to the victims they are sworn to protect. I urge you to carefully review this section and allow qualified immunity to stand. The fear that police officers, not to mention public employees, have free reign to act recklessly, endangering the lives and liberties of citizens is unfounded and, has many times over, been proven to be a useful protection from a litigious society. Qualified immunity has a system of checks and balances and should not be rewritten or abolished as a hasty reaction to the actions of the few rogue individuals who abuse the privilege. The courts have proven this time and time again and I believe we should trust our judiciary to determine when this doctrine should not apply.

- **SECTION 39 (line 1025):** I am in agreement that the appointing authority and the local legislative body should be aware of the purchase of any equipment that serves to enhance public safety. I do not believe that the general public has a need to know what specialty equipment police departments have available as this would serve to put the safety of communities in jeopardy by individuals using this knowledge to circumvent police tactics and operations. This will jeopardize the lives and safety of law enforcement and possibly other first responders.
- **SECTION 49 (line 1101-1115):** This provision prevents school department personnel and school resource officers (SRO), from sharing information with law enforcement officers, including their own agency, when there are ongoing specific unlawful incidents involving violence or the potential for violence. In order to ensure the safety of students, faculty and staff, SRO and school staff need to share information to provide a learning environment that is free from violence and the perceived threat of violence. One of the most important credos of the past few years has been “see something – say something.” This philosophy stands today and is necessary to provide a safe and healthy atmosphere for all individuals within the school campus.
- **SECTION 52 (lines 1138-1251):** Several recommended changes have been proposed to data collection and analysis regarding motor vehicle and pedestrian stops. The Hands-Free / Data Collection Law contains a comprehensive system of data collection, benchmarking, review, analyses and potential consequences. 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. 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):** The MPTC does not teach, train, authorize, advocate or condone in any way that choke holds or any type of neck restraint that impedes an individual’s ability to breathe be used during the course of an arrest or physical restraint situation. The discussion is an important one however, it is applicable to Massachusetts law enforcement? Under part (d) the language states that “[a] law enforcement officer shall not use a choke hold...” We feel that this language should also include a 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. This is important to all Massachusetts law enforcement as it would ensure that the best possible candidates would be available to train and educate future police personnel. To lose the expertise of practiced and qualified individuals who have their experience and knowledge offer, limited only by pension constraints, should be addressed.

I thank you for your consideration in reviewing my concerns and I hope that my comments have been clear and concise on these matters. I appreciate your taking the time to accept this testimony and I am happy to answer any questions you may have regarding my remarks. I realize you have a daunting task before you and I am sure that your decisions will be based on the safety and wellbeing of all who will be affected by the outcome of this legislation.

Sincerely and respectfully;



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