



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

JOSEPH D. MCKENNA
STATE REPRESENTATIVE
18TH WORCESTER DISTRICT

STATE HOUSE, ROOM 33
TEL. (617) 722-2060
Joseph.McKenna@MAhouse.gov

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The Honorable Aaron Michlewitz, Chairman
House Ways and Means Committee
State House, Room 243
Boston, MA 02133

The Honorable Claire Cronin, House Chair
Joint Committee on the Judiciary
State House, Room 136
Boston, MA 02133

Dear Chairman Michlewitz and Chairwoman Cronin:

I write to offer testimony on 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.

Thank you for providing this opportunity to provide feedback and testimony to this bill and for opening such opportunity to the public. Hearing, and genuinely listening to, the concerns of the public is a fabric of the legislative process and I am hopeful that the concerns which have been raised to me and I know to all members of the House are addressed in the language of this bill.

First, I must say that there is much in this bill that I am supportive of. These include the creation of a Police Officer Standards and Accreditation Committee to license law enforcement officers and ensure that proper standards are maintained, though the make-up of such committee remains wanting. The bill before us also incorporates a ban on chokeholds as well as a charge for a law enforcement officer to intervene when witnessing excessive force from another officer, these measures I fully support as well. Additionally, the charge for more and varied training to provide our law enforcement officers with the tools and the ability to do their jobs without the use of physical violence is long overdue. I am hopeful that we will not let this moment pass without finding common ground on these areas for good police reform rather than attempting to focus on more controversial items.

In particular, S.2820 includes sever areas that deeply concern me, and which I fear will irreparably alter police work, stripping our good police officers of the ability to do their jobs safely without concern for frivolous lawsuits. This will lead to a dangerous situation for officers on the job, as well as to many early retirements and a dearth of new recruits.

The issues that I remain genuinely concerned about in this bill include:

- 1- The complete elimination of Police Qualified Immunity. What is not being relayed by the calls to eliminate QU is the fact that currently police are not protected from acts that knowingly violate the civil rights, or that violate the laws or civil rights of others. However, as passed in the Senate, the language removing QI would have wide-ranging implications throughout State and municipal employees. This will lead to an incredible increase of frivolous lawsuits, not just of police officers, and will leave municipalities exposed to monumental financial liability.
- 2- Completely civilian oversight of licensing and disciplinary matters. While I am in support of POSAC in principal, and support having non-law enforcement play a role in that board, having the make-up of any licensing, certification, and disciplinary board be weighed in favor of those with no law enforcement experience is not acceptable to me. Nearly every other profession faces a licensing and disciplinary board made up of peers, police work should be the same
- 3- Due Process and collective bargaining. This bill eliminates the right to appeal and to due process for a police officer faced with a disciplinary decision. While admittedly I am not the loudest supporter unions, I firmly oppose us as a Legislature choosing our Police officers as the profession to begin to strip away collective bargaining rights and powers. Police officers, like everyone, deserve to have the right to appeal suspension and discipline. The bill as passed in the Senate does not provide adequate due process to law enforcement officers.
- 4- Elimination of policing tools and techniques while concurrently and in contradiction mandating de-escalation techniques. I certainly support improved training and the better use of de-escalation techniques. However, this bill seeks to eliminate the very tools necessary to carry out appropriate de-escalation with non-lethal force. Without these tools PO's would only be equipped with their voice and their gun, leaving no room for de-escalation before deadly force is introduced. I do not support taking tools of policing out of the hands of police departments.

I firmly believe that we are acting in response to a national narrative on police brutality that does not exist here in Massachusetts. I have worked closely with the Departments through my district and know them to be made up of genuine and good police officers. While bad officers exist everywhere, they are dealt with appropriately in MA.

Statistics provided at mappingpoliceviolence.org show that we do not have the scope of police brutality and deaths from officer-involved incidents that warrant legislation of this scope to strip our Police Departments of their rights, and the tools they need to keep our communities and themselves safe. Should this bill pass, I fear for the future of policing in the Commonwealth as good officers who feel abandoned by the Legislature will retire, and they will not be replaced by qualified and good recruits.

We have the opportunity before us to pass reasonable reforms providing better training, revised use-of-force standards, and licensing and oversight. I hope that we chose to focus on these attainable goals which will strengthen police work and build a better relationship between the Police and the community. However, this bill targets Police as a malevolent institution in need to reform. If passed as currently drafted it will threaten to further the fear, anger, distrust, and tension that has grown in the past several months between police and the community

Once again I thank you for allowing public comment on this important legislation and am optimistic that by hearing and listening to the stakeholders who reach out, we will be able to pass a balanced and good piece of legislation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe McKenna", with a long horizontal flourish extending to the right.

Joseph McKenna
State Representative
18th Worcester District