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Via email to: [Testimony.HWMJudiciary@mahouse.gov](mailto:Testimony.HWMJudiciary@mahouse.gov)

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 an equitable, fair and just commonwealth that values Black lives and communities of color.

I would like to thank the chairs for this opportunity to offer testimony on the bill under consideration. I fully support the effort to address the concerns of Black community and other communities of color, and applaud the legislatures efforts to address these critical and uncomfortable issues. My concern is that, with the need to seen as having done something, some sections of SB2820 were rushed and perhaps, while well intentioned, not as well thought out as they should have been.

As the Central Mass representative to the Municipal Police Training Committee, I fully support the concept of Massachusetts becoming a POST state. I do have concerns though over the form presented in this bill. Personally, I had hoped that POST (something the Chiefs association has advocated for over a number of years) would have been the natural successor to the MPTC, where it would have been given the ability to certify, and decertify officers for cause. Instead, we are offered a system where the MPTC is still responsible for developing training and a separate bureaucracy will be developed to certify/decertify officers. It seems to me that it would have been a better use of taxpayer money to house that function under the MPTC umbrella.

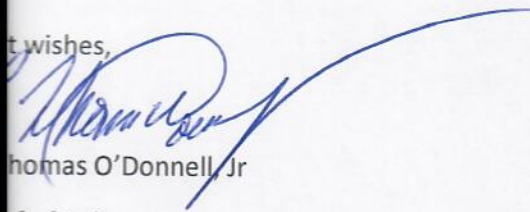
am also concerned with the language around the ability of the POSAC to conduct independent investigations. There is no language on the types of complaints that the POSAC would be able to investigate. Of special concern is the language of lines 487 to 490, that allows the POSAC to take action against an officer without being bound by the results of a local disciplinary hearing, or grievance. I see the possibility of conflicts and litigation arising from different results.

Like many of my colleagues, I do have concerns with the proposed changes to Qualified Immunity. Qualified Immunity was never intended, and does not function as total immunity. Simply, the concept was to protect those who were following established law, or procedure that was later determined to be wrong. It was never meant to, and I don't believe does, protect those whose conduct is clearly egregious. The language presented in SB2820 is very confusing, at least to me. If I understand the reach of the law as well, not only would Qualified Immunity be less available to me, but my wife who is a nurse, and my stepson a paraprofessional in the local school system could be sued without protection. I am concerned that if law suits proliferate, regardless of the merit of them, many of our insurance companies will be forced to indemnify us.

Finally, because I respect the fact that you are under a severe time crunch, I would like to address the issue of various new boards under the bill. In nearly all instances, the MCOPA is limited to one seat at the table. I would respectfully request that consideration be given to having at least 2 seats on any board or committee. Massachusetts has a great diversity in the size of its police agencies. Many of us are from very small agencies (my own is only six full time officers, including myself and three part time officers). Solutions to problems that work well in our major cities and larger towns, may not be possible in the more rural parts of our commonwealth. Having a voice for smaller agencies at these tables is critically important.

Thank you of your time and the opportunity to be heard. I sincerely have a deep appreciation for the work you are about to undertake. It cannot be understated how critically important this is to the residents of the commonwealth.

I wish,



Thomas O'Donnell, Jr

Chief of Police