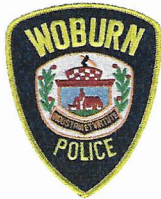


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*"Community Safety Through Regional Partnership"*

July 17, 2020

Via e-mail to: [Testimony.HWMJudiciary@mahouse.gov](mailto:Testimony.HWMJudiciary@mahouse.gov)  
Re: Concerns to Senate 2820 as Amended

Dear Chairman Aaron Michlewitz and Chairwoman Claire Cronin,

Please accept the following testimony with regard to SB2820 – I was able to complete a comprehensive review and thorough reading 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”.

I will choose not to be redundant in articulating the sections that have been expounded upon by my colleagues at The Massachusetts Major City Chief’s and the Massachusetts Chief’s of Police Association, but I would like to emphasize the significance, disappointment and outrage at the attempt of dismantling of Law Enforcement in the Commonwealth of Massachusetts and having received virtually no support from most of our elected officials.

One provision that I shall make comment on is SECTION 10(c). The definition as created, presents a departure from the Federal Standard for Qualified Immunity, though the extent to which is certainly debatable until the SJC provides clarification. Until such a time, and certainly not within the timetable that this change is intended, the Act would provide public employees with substantially less protection than that afforded under the Federal standard. The Senate’s version of “Qualified Immunity” would only apply to state-based claims under the Massachusetts Civil Right Act. What Section 10 proposes is similar to that which has previously been proposed by the 9<sup>th</sup> Circuit Court of Appeals. In those instances where the 9<sup>th</sup> Circuit attempted to lower the standard on Qualified Immunity, the Supreme Court decisively reversed the 9<sup>th</sup> Circuit and actually scolded the court for its attempts. Where there is a clearly established decision, why would Massachusetts attempt the same failed process?

Respectfully,

A handwritten signature in black ink, appearing to read "Robert F. Rufo, Jr.", written over a horizontal line.

Robert F. Rufo, Jr.  
Chief of Police