



International Brotherhood of Police Officers

A DIVISION OF THE NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES

December 3, 2020

Governor Charles Baker
Massachusetts State House
Boston, MA 02133

Dear Governor Baker:

I am writing to you today on behalf of the International Brotherhood of Police Officers (IBPO), to ask for your consideration in returning Senate Bill 2963 (Police Reform) to the legislature with significant amendments.

As you know, The IBPO has been supportive of many of the proposals that emerged last summer from discussions between the Law Enforcement Policy Group and stake holder groups, including the Black and Latino Caucus on Beacon Hill. The conference committee report that emerged on Tuesday went far beyond the core principles that were discussed, relative to certification/accreditation reforms on the use of force and the duty to intervene.

Three areas of critical concern in the conference committee report relate to due process, qualified immunity and the composition of the POST. Police officers, like all public employees, should be entitled to due process and access to a thoughtful and effective appeal mechanism that allows for case by case deliberation, especially when their job, financial security and future are on the line.

Currently, the POST includes 9 members, only 3 of whom would have a law enforcement background. One of the hallmarks of the discussions between the Law Enforcement Policy Group and the Black and Latino Caucus, which was also reflected in your original draft of this legislation, was equal representation on the board between law enforcement and non-law enforcement. We respectfully request your support for amending the board membership provision so that the certification process will have equal representation and more closely mirror the professional certification process for all other industries in Massachusetts. We understand the need for civilians to be represented on the board and we support the addition of civilian members, however as a professional certification board, there should be equal representation by law enforcement officers at a minimum.

The changes to qualified immunity in the conference report are admittedly narrower than the original Senate Bill, but the changes proposed still have the potential for far reaching, unintended consequences by opening the door much wider to litigation and liability for all police officers that could extend to other public employees. We ask that all changes to qualified immunity be removed from the bill.

In closing, I want to reiterate that the IBPO and law enforcement community's commitment to meaningful police reform remains steadfast. The bill before you will create many more issues

for law enforcement and public safety than it seeks to solve. We need to collectively return to the core focus of our original discussions: certification, reforming the use of force and defining the duty to intervene. Thank you for your consideration and I remain available to you and your staff to discuss the above matters in greater detail.

Sincerely,

A handwritten signature in black ink, appearing to read "David Bernard". The signature is fluid and cursive, with a large loop at the end.

David Bernard
Public Safety Director
NAGE/IBPO