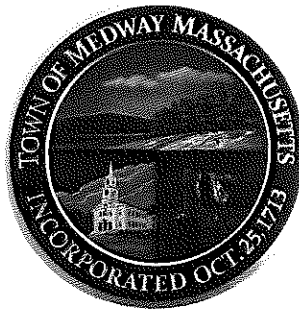


*Board Members*

Dennis Crowley  
Richard D'Innocenzo  
John Foresto  
Glenn Trindade  
Maryjane White



Medway Town Hall  
155 Village Street  
Medway, MA 02053  
Phone (508) 533-3264  
Fax (508) 321-4988

**TOWN OF MEDWAY**  
**COMMONWEALTH OF MASSACHUSETTS**

**BOARD OF SELECTMEN**

September 14, 2020

The Honorable Karen Spilka  
President  
Massachusetts Senate  
State House, Room 332  
Boston, MA 02133

The Honorable Jeffrey Roy  
Massachusetts House of Representatives  
State House  
Room 43  
Boston, MA 02133

The Honorable Brian Murray  
Massachusetts House of Representatives  
State House  
Room 136  
Boston, MA 02133

Dear Senator Spilka, Representative Roy, and Representative Murray:

We, as the members of the Town of Medway Board of Selectmen, are writing to express our concerns with Senate Engrossed Bill S2820 and House Bill H4886, both intended to create so-called "Police Reform" and which are currently in Joint Committee. As a Board, we support legislative efforts to make improvements to policing in Massachusetts and support many of the measures included in these bills, such as the certification of police officers, the exploration of body worn cameras, the improvement and expansion of police response to instances of mental health crisis, efforts to improve training and education, and the strengthening of the relationship between our police and marginalized communities.

Under the leadership of this Board, our Town Manager and our Chief of Police, we have seen the Medway Police Department move in a progressive direction in recent years. The department's advancements have addressed a number of key areas, namely policy development, overall training, and all aspects of Use of Force training: its use, reporting, and investigation. Our department leadership instituted a comprehensive response plan to the opioid crisis through partnerships with multiple resource groups, policy creation and training in the carrying and use of Narcan, and a robust post-overdose response plan. We established an innovative and progressive hate crimes program and created a dedicated domestic violence officer program that improved the department's response to sexual assault crimes and includes participation in the state's new Sex Assault Evidence Kit Tracking program. And, our Community was one of the first in the region in the development of an approach to police response to persons in mental health crisis through the establishment of a successful co-responder jail diversion program, crisis intervention training, and mental health first aid training. As a Board, we have supported these initiatives and are proud that our department is at the forefront of professional policing in this difficult time.

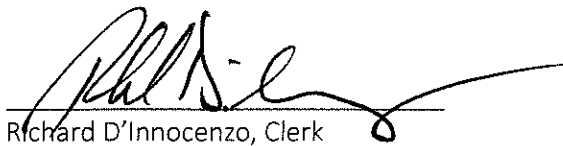

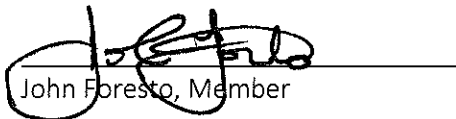
In examining the bills currently in front of the Joint Committee, we see areas of common ground, which we can support as outlined above, and recognize as beneficial across the state. However, we do have areas of significant concern we are hopeful will be addressed by the Committee to truly improve policing and to prevent unintended and detrimental consequences. Specifically, we call your attention to the following:

1. The proposed "Use of Force" language goes too far in limiting our police officers' use of force by restricting it to solely instances of criminal arrest. Our department is service oriented and responds to many instances of non-criminal emergencies where force may be necessary and proper. We fear that disallowing force in instances where it is currently allowed may undercut our Jail Diversion program, our opioid crisis response plans, and any opportunities our officers have to stop crimes in progress, which we believe is not the reform sought by either the legislature or the people it represents. Further, we are concerned that the proposed new State law will conflict with well-established Federal case law and Constitutional obligations. Such conflicts may expose the Town, as well as the State, to increased liability and risk of litigation.
2. We have concerns related to the limiting of qualified immunity. This proposed change requires a full exploration of its effects and the opportunity for experts to provide input. Limiting qualified immunity may create a chilling effect for our officers when faced with using their discretion in emergency situations, and could otherwise have the unintended consequence of impacting our ability to recruit, hire and retain the best talent available for our police department. We have been fortunate as a community to attract highly qualified individuals to our police department and fear the consequences of limiting qualified immunity without proper exploration of the effects this would have. "Fixing" qualified immunity may also expose municipalities and the State to increased litigation and collective bargaining issues.
3. The proposed elimination of the Municipal Police Training Council (MPTC) as currently constructed will have an immediate negative impact. We see value in consolidation and uniformity of training. However, we believe that police professionals must be involved in the creation and implementation of training standards. We see several proposed boards and committees that would be tasked with making decisions related to law enforcement training standards, policies, recruitment, hiring, retention and discipline, including the decertification and termination of police officers through a certification plan. As a Board, we support efforts to certify police officers in Massachusetts and see value in a State process to review, investigate, discipline, and determine certification status related to misconduct. The Massachusetts Chiefs of Police Association has advocated for this for many years. However, we do not see value in creating boards or committees to accomplish these goals that do not include law enforcement and municipal management representation, or appear to not to consider the experiences and perspectives of police officers. We believe the process should be fair to our employees through a more balanced approach to this issue.
4. The cost to implement, train, and move forward with any currently proposed reforms is a major concern, as unfunded mandates will put a strain on town finances that could result in the elimination or reduction of municipal services. Mandated training should include funds being made available to meet the cost. An exploration of the mandated use of body worn cameras should include a cost analysis for cities and towns based on the size of their police departments. This expense alone could seriously hamper our department's efforts to provide service. If the Legislature desires to rapidly implement such a mandate, the Commonwealth may want to consider establishing the necessary technological and data management systems, including required storage space, to allow a more affordable scenario for all communities. Again, we implore our delegation to work closely with our Chief and Town Manager to discuss the mitigation options for any costs that may be incurred here in Medway.
5. Lastly, the Board is concerned about the composition of the Police Officer Standards and Accreditation Committee proposed in Section 221 of Senate Bill 2820, as the representation is not equitable. Of the 14 members, just five are specifically designated to represent law enforcement. Only one of those represent municipalities outside of Boston. The State Police has one representative and 1,500 sworn officers, Boston has one representative and 2,100 officers, the MBTA has one representative for 266 officers. The balance of Massachusetts cities' and towns' police departments is granted one representative for over 14,000 officers. This committee is disproportionately represented based on the number of officers.

Please understand the enormous support and confidence that we as a Board have in our dedicated Police Officers here in Medway. These outstanding men and women are true examples of excellence and professionalism in law enforcement, and we recognize and promote their contributions to our community. It is therefore our hope that the Conference Committee can reach consensus on a bill that addresses the concerns we expressed and those identified by other communities. We are confident the Legislature can produce much needed reforms that are acceptable to all stakeholders. We recognize that events across our nation have highlighted the need for change. We respectfully request that you work with us and our municipal leaders to make that change meaningful, effective and long lasting.

We thank you for your consideration of these issues and invite you to call on us with any questions that you may have.

Very truly yours,

  
Glenn Trindade, Chair  
Maryjane White, Vice-Chair  
Richard D'Innocenzo, Clerk  
Dennis Crowley, Member  
John Foresto, Member

cc: The Honorable Charles Baker, Governor  
The Honorable William Brownsberger, Senator  
The Honorable Sonia Chang-Diaz, Senator  
The Honorable Bruce Tarr, Senator  
The Honorable Claire Cronin, Representative  
The Honorable Carlos Gonzalez, Representative  
The Honorable Timothy Whelan, Representative  
Michael Boynton, Medway Town Manager  
Allen Tingley, Medway Chief of Police