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For Immediate Release

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Rep. Kane opposes policing reform bill, saying it goes too far

BOSTON – State Representative Hannah Kane (R-Shrewsbury) yesterday opposed a sweeping policing reform bill, saying it goes too far and could ultimately compromise public safety by deterring qualified candidates from pursuing a law enforcement career and prompting other seasoned veterans to leave the profession.

House Bill 4860, *An Act relative to justice, equity and accountability in law enforcement in the Commonwealth*, was engrossed by the House of Representatives on a vote of 93-66 on July 24. The bill's passage comes just 10 days after the Senate approved its own version of the bill (Senate Bill 2820).

The Senate has been criticized for not holding a hearing to solicit public input before passing its policing reform bill, and for not providing police with a seat at the table. Although the House accepted written testimony on Senate Bill 2820 over a two-day period, Representative Kane said this still provided little time to fully vet the many provisions contained in the 89-page bill, and noted that the House version – which is even longer at 93 pages – was not made publicly available until 48 hours before the House began its debate.

The actions taken by the House and Senate were prompted in large part by the national protests that followed the murder of George Floyd by police officers in Minnesota on May 25. Condemning Floyd's murder and acknowledging the need to address systemic racism throughout society, Representative Kane said she supports implementing reforms to help ensure that similar incidents do not happen in Massachusetts, but voted against the bill due to concerns over other provisions that could have long-term implications for law enforcement and potentially make an already hazardous job even more dangerous.

Representative Kane said there was strong consensus among her colleagues for passing sections of the bill that address many of the core policing reforms endorsed by the Massachusetts Black and Latino Legislative Caucus. These reforms include establishing a statewide licensing and certification process for all law enforcement officers, implementing a ban on the use of chokeholds, and requiring officers to intervene if they witness police misconduct, all of which she supports.

But Representative Kane also expressed concerns about other provisions contained in the bill that would make it harder for police officers to do their jobs, including restrictions on the use of no-knock warrants and limits on the ability of law enforcement to be notified by schools of potential problems, including students suspected of being affiliated with gangs. Limiting the use of no-knock warrants, she said, would expose more police officers to potentially life-threatening situations if the individual they are serving the warrant on is armed, while restricting the information reported by schools to law enforcement could result in many potentially volatile situations being allowed to escalate beyond control when earlier intervention could have prevented this from happening.

One of the major points of contention in both bills involves the use of qualified immunity, which protects police officers and other public officials from the threat of civil liability. Although the House takes a less drastic approach than the Senate on this issue, Representative Kane said there is still a great deal of confusion around

qualified immunity, and expressed concerns about making changes to the law without fully understanding the potential implications and unintended consequences that could result from changing the law.

Prior to the bill's passage, the House adopted an amendment calling for the establishment of a special commission to study qualified immunity and report back to the Legislature by March 31, 2021, but left the bill's underlying language related to qualified immunity untouched. An attempt to further amend this proposal by delaying the implementation of any qualified immunity changes until the commission reports its findings was narrowly defeated on a vote of 72-87.

During floor debate on House Bill 4860, Representative Kane co-sponsored and supported several amendments seeking to address members' concerns and improve the bill that failed to pass, including proposals:

- establishing a clear definition of what constitutes unprofessional police conduct, to include excessive use of physical force or repeated and sustained instances of behavior that violates departmental policies;
- protecting police officers from anonymous complaints by requiring that complaints submitted to the Division of Police Standards be from an identifiable complainant and signed under the pains and penalties of perjury;
- mandating that prior disciplinary actions resolved or adjudicated before the effective date of the bill not be considered sufficient on their own to deny an officer recertification, but may be used if the officer becomes the subject of further discipline after the effective date;
- eliminating language that prohibits school officials from sharing information on students who may be involved in gang activity with outside law enforcement agencies; and
- removing restrictive language that prevents individuals with prior law enforcement experience from serving on the new Massachusetts Police Standards and Training Commission.

The House and Senate will now appoint a conference committee that will attempt to reconcile the differences between the two bills.

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