



Office of
Representative Hannah E. Kane
Commonwealth of Massachusetts

For Immediate Release

Contact: Anna Darrow, 617-722-2810, Anna.Darrow@mahouse.gov

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Rep. Kane opposes police reform bill compromise

BOSTON – State Representative Hannah Kane, R-Shrewsbury, recently opposed a sweeping police reform bill, saying it threatens to compromise public safety by making an already difficult job even more dangerous for Massachusetts law enforcement officials.

Senate Bill 2963, *An Act relative to justice, equity and accountability in law enforcement in the Commonwealth*, was approved by the House of Representatives on a vote of 92-67 on December 1. The Senate also passed the bill earlier the same day on a vote of 28-12.

The police reform legislation represents a compromise between two earlier versions of the bill that were approved by the House and Senate in July and negotiated by a six-member conference committee over the last four months. The committee's report was filed just one day before a vote was taken, leaving members little time to thoroughly review the 129-page document.

In voting against the bill, Representative Kane expressed concerns that it goes well beyond the core policing reforms endorsed by the Massachusetts Black and Latino Legislative Caucus, reforms which she strongly supports. 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 by their colleagues.

While there are policing reforms contained in Senate Bill 2963 that she favors, Representative Kane said the bill contains additional provisions that could deter many qualified candidates from pursuing a law enforcement career while also prompting veteran officers to leave the profession.

Senate Bill 2963 calls for the establishment of a Peace Officer Standards and Training (POST) Commission to set certification standards and decertify officers that violate these standards. Unlike other professional licensing boards in Massachusetts, the new POST Commission would be comprised primarily of individuals working outside the profession it will be responsible for overseeing. The Massachusetts Chiefs of Police Association has warned that a commission made up mostly of individuals with little or no law enforcement background will likely lead to numerous due process challenges.

As was the case with the original police reform bill that passed the House in July, Representative Kane noted that Senate Bill 2963 would eliminate the requirement that schools employ school resource officers and would significantly curtail the ability of schools to share certain information with local police departments. The lack of information-sharing, she said, could severely impair law enforcement's ability to monitor youth gang activity.

Representative Kane said she also shares the concerns raised by law enforcement that the bill would limit officers' ability to defend themselves in situations where their lives may be at risk. The Massachusetts Chiefs of Police Association has argued that the use of force standard in Massachusetts should comply with the national standards set forth in two U.S. Supreme Court rulings, *Graham v. Connor* and *Tennessee v. Garner*. In the former case, the Court ruled that an objective reasonableness standard should apply when determining if

excessive force was used when making a stop or an arrest, while the latter case upheld the prohibition on the use of deadly force when pursuing a fleeing suspect, unless “the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.”

Representative Kane also noted that Attorney General Maura Healey had previously raised concerns about language contained in the original House bill that would prohibit the use of no-knock warrants when a child under the age of 18 or a person over the age of 65 is present within the premises targeted for such a warrant. Healey’s concerns centered around the potential conflicts that could arise in cases involving child sexual exploitation, kidnappings or hostage situations, where the absence of a no-knock warrant could compromise the safety of minors and seniors. Despite these concerns, the restrictive language was retained in the conference committee report.

Senate Bill 2963 now heads to Governor Charlie Baker, who will have 10 days to review the bill.

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