

Qualified Immunity Testimony

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Sun 8/22/2021 5:29 PM

To: Manning, Jacqueline O. (HOU) <Jacqueline.O.Manning@mahouse.gov>

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Dear Ms. Manning,

Please accept this email as my proffered testimony to the Special Commission on Qualified Immunity. While others may have broader comments, I want to focus on something specific.

We were all horrified by the Globe's recent reporting on "The Taking of Cell 15" in which a restrained man was repeatedly bitten by a dog set upon him by DOC guards apparently out of revenge. This is abhorrent conduct. We all turn away from it in horror. Why, then, would we validate a doctrine that protects such conduct?

In Essex County where I am from, Essex sheriffs were granted qualified immunity for having a dog repeatedly bite a detained man even though there were 10 other officers already in close proximity on the scene, including officers actually subduing him, the man was face down, and none of the officers were in imminent danger. Couchon vs. Cousins, D. Mass., No. CV 17-10965-RGS (Aug. 31, 2018).

The stories of abusive conduct, theft, and sexual assault that have been protected under qualified immunity are legion. Good cops don't need it, bad cops don't deserve it.

Sincerely,
David Nathanson

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