



"The Only Union for Police Officers and 911 Dispatchers"

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Dear Members of the Qualified Immunity Study Commission:

The Massachusetts Coalition of Police and our 4,600 members would first like to take this opportunity to thank each and every member of the Qualified Immunity Study Commission for your hard work and dedication to seeking a thoughtful result for the task you have been given.

In seeking testimony, you are bound to receive many different opinions and likely a good amount of technical analysis from a variety of experts. We know you have received information from Attorney Leonard Kesten and believe him to be one of the foremost experts on the subject today. He has provided much of the technical information you need to produce an informed product.

Our goal in submitting this testimony is to let you know what qualified immunity means to a police officer and how that translates into better policing and safer communities. As you know, qualified immunity is sparsely used. The concept is far greater than the practice, but the practice is necessary for the entire concept to work. If a police officer finds himself/herself in a split-second life or death encounter, that officer must rely on his/her training and make split-second decisions. The timing of the decision can compromise the safety of not only the officer, but anyone else involved in the situation. Qualified immunity allows the officer to respond to a threat in a timely fashion, and if they are acting in good faith and in accordance with their training, they are shielded from civil liability. If an officer must stop and weigh every single element and option available, it is likely that they or someone else will be injured or killed in the process.

The concept is a simple one, it is about saving lives. Not just the officers, but those in the community who are seeking our help. If officers become paralyzed by the fear of liability, naturally their ability and willingness to put themselves in harm's way is going to diminish. People (and you must remember that police officers are people) cannot make these split-second decisions while worrying that they may be subject to years of litigation and possibly losing the ability to provide for their families.

There are many other negatives in removing qualified immunity and the experts will provide those reasons, but the most important has to be the potential for loss of life. For that reason alone, common sense has to prevail, and this study commission must preserve qualified immunity for law enforcement.

Sincerely,

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