

Amendment 3 Membership of Police Standards and Training Commission Rep Silvia

This creates a fairness in the nominating process for all the police labor groups.

Membership of Police Standards and Training Commission

Mr. Silvia of Fall River move to amend the bill, as amended, in Section 29 by deleting in section 2 the following “1 shall be a chair of the Massachusetts Law Enforcement Policy Group, Inc. and 1 shall be selected from a list of 3 persons submitted by the Massachusetts Coalition of Police, Inc.” and adding in its place thereof the following “2 persons shall be selected from a list of nominations, one submitted by the Boston Police Patrolman Association Inc., one submitted by the International Brotherhood of Police Officers, one submitted by Massachusetts Coalition of Police, Inc, one submitted by Massachusetts Police Association, Inc. and one submitted by New England Police Benevolent Asssocation, Inc.”

Amendment # 52 MassPort

Rep Golden

Simply adds MassPort to the definition of law enforcement agency for purposes of the new Certification process.

Amendment # 61 CLARIFYING REACH BACK Rep Lombardo

This amendment protects the due process rights of thousands of employees who have resolved, accepted, settled by agreement or adjudicated past employment disputes. It would not be fair to use such matters – all of which relied upon the prior state of the law – as justification to decertify officers going forward. This amendment proposes that past instances alone, occurring prior to the effective date of this legislation, shall not be sufficient reason to deny certification. The amendment does allow such matters to be considered in the future in the event that new incidents of misconduct occur.

Amendment # 72 County Correction Officers Rep Robertson

This legislation added the term County Corrections Officers to the definition of Law Enforcement Officer, which would result in the application of this legislation to that group of officers not previously included. This is problematic for several reasons.

First, there are technically no county corrections officers, as all such officers became employees of the Commonwealth with the elimination of county government. Second, if the employees of Sheriff’s Departments are the intended subject of this effort, there is an entire section of this legislation dedicated to the study of how any reforms might be implemented in the corrections system, and this legislation bypasses that effort by including a large number of corrections officers and agencies in this bill. Next, there is no framework for such officers and agencies to

comply with such training as outlined in this bill, which is all currently designed for police agencies.

The inclusion of county corrections officers should be eliminated.

Amendment # 73 INDEMNIFICATION Rep Robertson

Many reform advocates, including legislators, have stated that police officers need not worry about any expected onslaught of litigation from this bill. The assurance they give officers is that the state indemnification law – GL c. 258, Sec. 9 – will ensure that they will be defended and indemnified. That is not true.

Under c. 258, only certain people get mandatory indemnification – including state legislators and executive branch employees (i.e. all of the people involved in this legislation). Also, State Police are automatically indemnified under Sec. 9A of c. 258. Meanwhile, municipal employees get only discretionary defense and indemnification. This amendment simply puts municipal employees on the same level playing field as everyone else, and provide for indemnification for all but egregious civil rights violations (which remain excluded from indemnification).

Amendment # 79 COLLECTIVE BARGAINING RIGHTS Rep DeCoste

As currently written, the House bill serves as an end-around to an officer's right to a fair hearing on disciplinary matters. Under both collective bargaining agreements and Civil Service law, officers have the right to be free from discipline absent "just cause." This is a protection that all other public employees enjoy. This bill removes that protection by in some areas eliminating the right to appeal altogether, and in other areas, eliminates the impact of any successful appeal to an arbitrator or civil service (i.e. what good is a successful appeal if the committee decertifies an officer, and then prohibits any appeals based on that unchecked decertification).

So – this amendment provides that no decertification will be final until such time as an officer exhausts appeal rights under a CBA or Civil Service Law, and that any such appeal findings and discipline recommendations will constitute prima facie evidence in any decertification hearing.

