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# MASSACHUSETTS AFL-CIO

PRESIDENT  
*Steve A. Tolman*

SECRETARY/TREASURER  
*Louis A. Mandarini, Jr.*

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July 17, 2020

Dear Representative,

We thank you for your work on the pressing issues our society is facing, including systemic racism. To achieve economic justice, we must stand together and actively fight for racial justice in our workplaces, our homes, and our communities. We know that good policing and racial justice aren't mutually exclusive and both are crucial to creating a just and fair society centered in the public good. That's why we at the AFL-CIO are having the conversations with each other needed to forge a common understanding of the history, meaning, and impact of structural racism in our country, and to come up with new ways that we as an organization and as a movement can put an end to it. We applaud the effort of both chambers for taking up SB2820, which is a bold bill to fix long overdue injustices. We do have three suggestions to strengthen this bill so that we are protecting our communities without risking the livelihoods of all dedicated public servants.

We support the effort to provide revocable certifications to law enforcement. However, we are concerned at what we see as inadequate due process when those certifications are revoked. The law now calls for the creation of a hearing process that would comport with Chapter 30A. However, the ultimate agency decision is placed in the hands of what is called the Police Officer Standards and Accreditation Committee ("POSAC"), which is comprised of many management-level police personnel. We strongly believe that when a decision is made by the POSAC that could threaten to end the employment of a law enforcement officer, that officer should have an opportunity for a review process.

We also recognize the Senate bill seeks to address the difficulty that victims of police brutality have in obtaining justice through civil litigation. As written, the bill would amend the Mass. Civil Rights Act (M.G.L. c. 12, sections 11H and 11I). The MCRA applies to all public employees, not just police officers. The changes in this bill would inevitably create civil liability for many public employees, more than just police officers, where none existed before. We illustrate this point with the full understanding of the civil rights of every member of our community, particularly in egregious situations.

It is also imperative that the Legislature require all public employers to indemnify their employees against all lawsuits. Currently, almost all public employers indemnify their employees already, and it would therefore impose no practical burden on public employers.

The Massachusetts AFL-CIO is committed to continuing the work of creating lasting systemic change to fight racism in all of its forms. This bill is just one step. Racism is institutionalized in every aspect of our society. There is so much work to be done to achieve worker justice, housing justice, immigration justice, environmental justice, and we're glad to be partners with you in that effort. Thank you for your public service.

Respectfully,

Steven Tolman, President

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