



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

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The Honorable Aaron Michlewitz, Chair
House Ways and Means Committee
State House, Room 243
Boston, MA 02133

The Honorable Claire Cronin, House Chair
Joint Committee on the Judiciary
State House, Room 136
Boston, MA 02133

Dear Chair Michlewitz and Chair Cronin:

We write to offer testimony on Senate Bill 2820, An Act to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color.

First, we want to thank you for the opportunity to provide input on this far-reaching piece of legislation, and your willingness to open the bill for public comment. Sadly, the process followed by the Senate in crafting and passing this bill was sorely lacking in true public participation and left many interested parties out of the discussion and unable to voice their support and concerns.

The central pieces of any police reform bill should reflect a focus on the core principles of reform outlined by our colleagues in the Black & Latino Legislative Caucus. Some of these principles are addressed in Senate Bill 2820, including the creation of a Police Officer Standards and Accreditation Committee to license all law enforcement officers and ensure that proper standards are maintained. The Senate bill also incorporates a ban on the use of chokeholds, which we fully support, as well as language requiring police officers to intervene when one of their colleagues crosses the line, without fear they will face retaliation for reporting misconduct. While there may need to be modest changes to the Senate bill in these areas, directionally there is agreement.

But the Senate proposal also contains many troubling aspects. One amendment adopted during floor debate would severely limit the ability of school officials to inform police about gang activity in schools, preventing potentially volatile situations from being addressed early on, before they are allowed to escalate.

There has also been a great deal of confusion surrounding the issue of qualified immunity, and how to make sure we avoid rushing into any changes that may negatively impact all public officials or have other unforeseen consequences. The level of confusion and uncertainty around this one issue demands we proceed with caution on any changes. We believe a more effective approach to take would be to create a focused Commission to delineate the issue's history and its impact on policing and public service, and to conduct a review of what effects, both beneficial and harmful, changes to the existing law might entail. The Commission should draw former jurists and people on both sides of the issue to

undertake a rigorous and transparent analysis and report back to the legislature with clear and understandable recommendations for all to evaluate and consider.

The murder of George Floyd is an American tragedy that has laid bare the ongoing issue of racism in our country. Our nation's history of slavery and the poor foundation it left for racial relations in the United States will forever be a stain on the history of our great country.

While we need to acknowledge the historic and persistent racial problems within policing and our society, we also need to recognize the vital role police play across a myriad of fronts to protect the public, and must be careful not to weaken or jeopardize public safety while implementing needed reforms. We must also be sure that whatever legislation we pass does not have the unintended consequence of inspiring good police officers to leave the profession, and does not serve as a deterrent to those applicants we want to join the profession.

It would be naive to think that any reform bill we pass will completely eliminate the problems associated with those individuals who are unable or unwilling to comport themselves in a manner that respects the laws of our Commonwealth, and refuse to respect individual rights and property. However, we must not lose sight of the fact that we can and must do better. As we pursue these reforms, we need to have a dynamic dialogue that engages those we expect to run towards danger so that others can flee it to ensure we are making the strides we all want to see occur, and that we do so in a productive and meaningful manner.

Sincerely,

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