

July 17, 2020

Chair Aaron Michlewitz, House Committee on Ways and Means
Chair Clare Cronin, Joint Committee on the Judiciary
State House
Boston, MA 02133
Via email

Re: Testimony on S2820 – Reform Qualified Immunity and Use of Force; Establish Strong Certification/Decertification Program; Decriminalize Driving

Dear Chair Michlewitz and Chair Cronin:

In response to the horrific deaths of George Floyd, Ahmaud Arbery, Breonna Taylor and the countless other Black people who have been the targets of police violence and murder, a national and statewide movement has erupted, calling for an end to the structural racism that allows police brutality against Black residents to continue. In the midst of a global pandemic that has exposed and exacerbated racial health inequities, addressing structural racism in our state policies is more urgent than ever.

The legislature must answer this call by passing legislation to strengthen police accountability.

We write on behalf of the Task Force on Coronavirus & Equity, a coalition of nearly 100 organizations that are working together to identify and promote policy solutions to prevent and respond to health and economic inequities in the impact of the COVID-19 pandemic. We have seen all too clearly that communities that are already facing marginalization are being hardest hit by the virus and its economic repercussions, starkly exposing inequities across Massachusetts and the nation driven by racism, poverty, and xenophobia.

The structural racism in our structures of policing is the same structural racism that gives rise to racial health inequities and leads to the disproportionate impact of COVID-19 on communities of color. We call on the Massachusetts House of Representatives, to include language contained in the following bills as part of a legislative package to strengthen police accountability:

- **An Act to Secure Civil Rights through the Courts of the Commonwealth** (H3277). This important bill, introduced by Representative Michael Day, would strengthen existing state law to hold enforcement officials accountable for violation of people's rights. If the legislation is passed, it would update the Massachusetts Civil Rights Act and place limits on the doctrine of qualified immunity—a judicially created loophole in the law that has made it virtually impossible for

police officers to be held responsible for any wrongdoing, no matter how egregious. Fixing the MCRA is critically important to ensure that any new use of force standards, as set out in *An Act Relative to Saving Black Lives*, can be enforced.

- **An Act Relative to Saving Black Lives and Transforming Public Safety** (HD5128/SD2968). Authored by Representative Liz Miranda and Senator Cindy Creem, this bill would establish baseline use of force standards that are missing from Massachusetts laws. It would require police to de-escalate and use minimal force, and would ban extremely violent tactics, such as chokeholds, rubber bullets, attack dogs, tear gas, and other chemical weapons. It would also create a “duty to intervene” when officers witness an abuse of force, ensure that police misconduct investigations and outcomes are public record, establish oversight from the Attorney General for data collection and reporting, and direct MDPH to promulgate regulations for healthcare providers to report officer-involved injuries and deaths.

- **An Act to Improve Police Officer Standards and Accountability and to Improve Training** (H4794), subject to recommended changes. Filed by Governor Baker, this bill would establish a Police Officer Standards and Accreditation Committee (POSAC). While an important first step in requiring police certification and ensuring higher standards for police training, additional measures must be added to the bill in order to guarantee real accountability. The Task Force on Coronavirus & Equity is joining the ACLU of Massachusetts in recommending substantial improvements to H4794, including:
 - Prevent retroactive certification of current officers with serious disciplinary records
 - Remove financial incentives for advanced training,
 - Expand the scope to include all law enforcement officers (i.e. corrections officers, probation officers, and parole officers),
 - Guarantee compliance with a strong enforcement mechanism,
 - Fix the balance of power on the revocation panel by including 4 non-law enforcement members, 2 law enforcement members and 1 representative from the officers’ bargaining unit,
 - Increase transparency by creating a database, subject to the public records law, to be made available online,
 - Mandate revocation of certification for criminal convictions that carry a penalty of firearm revocation,
 - Allow greater discretion to hold police accountable for conduct that jeopardizes public trust,
 - Require that non-law enforcement appointments to the POSAC represent organizations or academic experts engaged in police accountability work or advocacy, and
 - Give POSAC authority to investigate and initiate decertification proceedings.

- **An Act Relative to Work and Family Mobility** (S2641/H3012). This bill, filed by Reps. Farley-Bouvier and Barber and Sen. Crighton will cut off a key pipeline to deportation and family

separation by ensuring that all state residents can apply for a standard Massachusetts driver's license, regardless of immigration status. By barring residents without status from accessing driver's licenses, the Commonwealth is creating barriers to their achieving full inclusion, economic stability, and dignity. Black lives are under attack, and that includes Black immigrant lives. Our immigrant community includes Black immigrants from Brazil, Haiti, Cape Verde, the Dominican Republic and Jamaica, to name a few. Each of these are among the top 15 home countries for undocumented immigrants in Massachusetts. Passing the Work and Family Mobility Act would dismantle part of the structural racism that immigrants face in our Commonwealth and ensure that all families' have the ability to access basic necessities such as health care, groceries, childcare and employment without fear.

We are counting on the legislature to take strong action now by including these provisions in legislation enacted before July 31st.

Sincerely,

Carlene Pavlos, **Massachusetts Public Health Association**

Anna Leslie, **Allston Brighton Health Collaborative**

Filipe Zamborlini, **Rosie's Place**

Enid Eckstein, **Jamaica Plain Progressives**

Mehreen N. Butt, **Planned Parenthood League of Massachusetts**

Cindy Rowe, **Jewish Alliance for Law and Social Action**

Heather McMann, **Groundwork Lawrence**

Rebekah Gewirtz, **National Association of Social Workers - MA Chapter**

Stephanie Ettinger de Cuba, **Children's HealthWatch - Boston Site**

Kelly Turley, **Massachusetts Coalition for the Homeless**

Marie-Frances Rivera, **Massachusetts Budget and Policy Center**

Sasha Goodfriend, **Mass NOW**