

By email: Testimony.HWMJudiciary@mahouse.gov

July 17, 2020

Honorable Aaron Michlewitz, Chair, House Ways and Means Committee

Honorable Claire Cronin, Chair, Joint Committee on the Judiciary

RE: **Testimony in Support of Police Accountability (S.2820)**

Dear Representatives Michlewitz and Cronin:

Night after night -- after we watched the video-recording of George Floyd's death and learned of a disturbing number of similar incidents -- there were street protests in Massachusetts, in the rest of the nation, and around the world against these injustices. The just-released U.S. Department of Justice report on the Springfield police is a timely reminder that we cannot assume that Massachusetts is immune from such injustices.

The House of Representatives has an historic opportunity to right these wrongs. I hope that you will make maximum use of this opportunity and quickly move ahead a bill modeled on Senate Bill 2820 that was adopted after many hours of debate.

I will highlight a few of the critical pieces of a new police accountability bill, recognizing that many House members have sponsored individual bills that address these issues. I speak from the perspective of an Access to Justice Fellow who has volunteered in support of criminal justice reform in the current and prior legislative sessions.

- ***Specify statutory restrictions on the use of force (e.g., banning chokeholds) with a mandate to intervene to stop misconduct, new police officer training requirements (including de-escalation training), a state Police Officer Standards and Accreditation Committee (POSAC) to investigate misconduct, and a modified***

qualified immunity standard that retains the existing statutory indemnification provision. The police deserve to know what we expect of them; the public needs an oversight body to assure that the standards are followed; and injured parties deserve a fair opportunity to seek redress in our courts.

- ***Ban racial profiling, collect data on all police stops, and educate about our historic racism.*** Equity is a fundamental principle in law enforcement; supervisors and the public need data to know if fair treatment exists in practice; police officers (like all of us) will benefit from an understanding of our past.
- ***Fund justice reinvestment by creating a Justice Reinvestment Workforce Development Fund.*** Corrections costs ought to decline with fewer crimes, fewer prisoners, and a shift toward treatment and diversionary programs away from harsher sentencing practices. The dollars saved should be reinvested in our poorest communities and the people that have been most affected by past practices to build a better future.
- ***End the school-to-prison pipeline.*** Restore school disciplinary systems that are not over-criminalized and adversely affect the future of students. School resource officers (police) should be present only at the school superintendent's invitation, not by a state mandate.
- ***Strengthen expungement of juvenile and criminal records for young offenders.*** A criminal record can ruin lives unnecessarily, especially for young people who have not yet developed impulse control but who will age out of the criminal justice system. The existing expungement rule is unworkable in practice because it is limited to a single charge, while the police often bring more than one charge arising out of a single incident.
- ***Stop facial recognition equipment.*** Evidence shows it is racially biased; more study is essential.

- ***Ban non-disclosure settlement agreements in police misconduct cases.*** A lesson from the child sex abuse scandal in Massachusetts is that secret settlements allow repetitive injuries to go unchecked.
- ***Restrain police use of military equipment.*** Make clear that police departments and communities are not at war with each other.

Thank you for your close attention to these issues. I would be pleased to offer further input if that would be helpful.

Sincerely,

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