

July 15, 2020

Testimony in Support of Police Accountability in S.2820

Dear Rep. Cronin, Rep. Michlewitz, and members of the Committee,

I write in strong support of the accountability measures in S.2820. Above all, I urge you to **retain or strengthen the modification to qualified immunity and the bans on use of force, including chokeholds, tear gas, and no-knock warrants, as well as the moratorium on facial recognition software.**

I also strongly support repealing the state mandate to have police officers in schools and the expungement of criminal records for youth.

We in Massachusetts are not immune to police brutality, as the US Department of Justice exposure of Springfield most recently demonstrated. Police brutality and racist harassment can happen anywhere (the latter happened in Arlington, where I live.)

We need to correct the flaws in the state's qualified immunity bill so that the courts can rule on cases presenting new situations. No woman should ever fear that she will be forcibly taken by the police to a hospital for an invasive search of her vagina only to have her claims of redress denied.

While I strongly support these provisions to increase accountability in the Senate bill, I have concerns that I hope the House will be able to address:

- 1) Review of police misconduct and possible decertification should be removed from the Police Officer Standards and Accreditation Committee and vested in an independent civilian review board. The current set-up, as I understand it, has the Committee making decisions about whether to decertify officers, and the Committee has 6 of 14 members from law enforcement. **Successful civilian review boards need to be independent from law enforcement.**
- 2) The evidence on whether body cameras improve the outcomes of police-civilian encounters is lacking. The millions of dollars anticipated for body cameras would be better spent in the community reinvestment fund.

Thank you for your attention to this testimony. ***I hope that the Legislature will pass strong police accountability measures this session.***

Sincerely,

Rachel Roth  
Arlington MA

Cc: Rep. Dave Rogers, Rep. Carlos Gonzalez (Chair of Black and Latino Caucus)

References:

On police misconduct that escaped review under Massachusetts qualified immunity standards, see *Rodrigues v. Furtado*, 575 N.E.2d 1124 (Mass. 1991).

On overall concerns with police reform proposals, see the Massachusetts chapter of the National Association of Social Workers: <https://www.naswma.org/news/516947/Statement-Social-Work-Response-and-Recommendations-on-Police-Reforms.htm>

On the lack of evidence for police-worn body cameras, see the American Public Health Association: <https://apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2019/01/29/law-enforcement-violence>

Excerpt:

“Increased funding for body-mounted cameras is often put forth as a measure to reduce law enforcement violence because of the presumed increase in transparency and accountability offered by these devices. An oft-cited example of body cameras’ success is in Rialto, California, where reports of use of force by law enforcement dropped by 50% in the first year of body camera implementation and citizen complaints dropped by 88%. However, more representative studies have shown harmful associations of use of force with body camera use or no associations at all. A national study of more than 2,000 departments revealed a statistically significant association between wearable body cameras and a 3.6% increase in fatal police shootings of civilians and no significant association with use of dash cameras. The largest and most rigorous randomized controlled trial on the use of body cameras, conducted by the District of Columbia’s Metropolitan Police Department, showed that wearing body cameras had no statistically significant effect on use of force, civilian complaints, officer discretion, whether a case was prosecuted, or disposition.

Issues related to policy, protocol, and intentional sabotage raise additional questions about the efficacy of body- and dashboard-mounted cameras in decreasing law enforcement violence or increasing accountability for perpetrated violence. One third of police departments using body cameras do so without written policies, which may give officers discretion over their use and lead to selective recording. Most existing policies on body cameras do not guarantee that law enforcement agencies must make footage publicly accessible, and many other policies are inconsistent or unclear. Recordings may also be deleted by police; in Chicago, 80% of dash-camera video footage was missing sound due to error and “intentional destruction.” Even when key events are recorded, these videos do not necessarily increase accountability because of the cultural, institutional, and structural barriers described above.”

(Research is cited in the endnotes to the APHA document linked above.)

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