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July 16, 2020

Honorable Aaron Michlewitz, Chair House Ways and Means
Honorable Claire Cronin, Chair House Judiciary Committee
State House, Boston

NASW-MA TESTIMONY on SB2820 Social Work Response and Recommendations on Police Reforms

Dear Honorable Chairs Michlewitz and Cronin and Members of the Committees:

Thank you for taking testimony on SB2820, *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*. There is a disconnect between police and the communities they serve. Community members predominantly interact with police systems over non-criminal matters^[1]. Consider the context by which police may be dispatched: homelessness, substance use, mental illness, domestic disputes, landlord/tenant disagreements, wellness checks, and other related social service issues. These are complicated issues that often require coordinated and trained social service response. However, routine encounters with police responding to calls like these have had consequences as dire as death. This demonstrates that police are ill-equipped to respond to such matters.

The National Association of Social Workers - Massachusetts Chapter (NASW-MA) offers this testimony in support of many provisions with SB2820 and urges the House to adopt these provisions in legislation that would change current practices of police brutality and racist practices embedded in police systems and culture.

Specifically, we ask that the House retain and strengthen provisions of the bill that echo HD5128 and HB3277, two bills NASW-MA has previously endorsed. Both of these policy solutions create police accountability, aim to earn and restore the community's confidence and trust in universal public safety, and advance racial justice. Specifically these provisions:

- Limit qualified immunity
- Create a process for certifying and decertifying police officers
- Require officers to employ de-escalation techniques prior to use of physical force, with physicality being employed only in extreme circumstances proportionate to what is appropriate
- Prohibit the use of deadly force
- Create disciplinary mandates for officers who engage in excessive force

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- Terminate employment of officers who engage in excessive force that results in serious bodily and psychological injury or death
- Restrict re-hiring of officers disciplined for use of excessive force
- Ban the use of chokeholds, tear gas, rubber bullets, and other dangerous weapons and tactics
- Establish a duty to intervene, mandating that officers who witness officer-led excessive force report these incidences
- Publicly release all police disciplinary records

Additional provisions included in SB2820 that NASW-MA asks remain in the House version of the bill:

Make school resource officers optional.

Seventy-one percent (71%) of nationwide public schools have sworn officers installed in the school system^[3]. Data has shown that school police are more likely to refer children to law enforcement, even for benign or less serious offenses^[4]. Even more, the great majority of the students subject to criminal justice discipline are students of color^[5]. This significantly increases the likelihood of children being tracked into the criminal justice system and the school-to-prison pipeline.

Recently, a school police officer's body camera captured the rough handcuffing of a sobbing Black six-year-old girl in Florida^[6]. Similarly, a school officer was found to have physically assaulted an 11-year-old Black boy, by slamming his head into the ground, in an unprovoked response to 'misbehavior'^[7]. These examples are used to draw a comparison to the known incidents of police brutality across the United States. Unfortunately, research shows that having police in schools does not make students any safer. On the contrary, the American Federation of Teachers, in 2018, proposed a resolution to separate school safety and policing^[8]. They did so by acknowledging that students felt infinitely less safe and targeted with officers embedded in the fabric of their school system.

Evidence-based practices have been proposed at both local and national levels, as an alternative to school police. **Restorative justice programs are heralded as an appropriate, continuous, and communal response to student-centered conflict^[9]**. Remarkably, such interventions are known to prevent gun violence, and increase trust between students and staff, allowing students to reach out or speak up if they feel unsafe or at risk. At its core, alternative strategies have been investigated and empirically tested, and are shown to create safer and more welcoming environments for students. **Demonstrable evidence supports the call to remove police from school systems in deference of students' health, safety, and livelihood.** Removing police from schools will also make more resources available for social services, which are ideally delivered by social workers. **The National Association of Social Workers has recommended a minimum ratio of one social worker for each 50-250 students, depending on student need.**

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Require the collection of racial data for all police stops.

As detailed in Social Work Speaks (2018-2020), NASW supports ongoing advocacy to address racial disparities in every aspect of the US criminal justice system. This includes data collection on all traffic stops in an effort to curb racially motivated “routine” traffic stops for “suspicious behaviors.”

Expansion of the youth expungement law.

This expansion would allow for multiple cases on a youth’s record to be considered for expungement. It would also distinguish between cases that are dismissed and cases that lead to convictions. Currently, someone who has had their case dismissed still faces the same collateral consequences as if they were convicted. Social workers know firsthand the difficulties justice involved youth and young adults can experience based on their juvenile records. This expansion has the potential to remove major barriers for thousands of young people including access to jobs, housing, education, and other important services.

Create a Community Policing and Behavioral Health Advisory Council, to which NASW-MA is named, that makes recommendations for creating a crisis response and continuity of care system that delivers non-police alternative emergency services and programs.

Recently, social workers have been called upon to lead an alternative approach to community safety. Social workers are trained to respond to individual problems in the context of their environment and are skilled in partnering with communities to leverage resources for people rather than locking them away. Social work ethics mandate that social workers value social justice, including developing skills related to oppression, cultural humility, and racial diversity. This means that social workers cannot address community needs without community partners and any response that shifts from police to social workers must be in partnership with communities, many of whom are already doing this work.

The disconnect between police and their communities requires a revisioning of how best to ensure community safety. To do so will require addressing the root causes of harm, such as racism, inability to meet basic needs, trauma exposure, and poor health. Investments in racial justice, mental health, social welfare, and restorative justice can and do prevent harm and reduce arrests and incarceration in the long term. Such investment could take the form of:

- Funding housing initiatives to respond to issues of homelessness
- Increasing and expanding the number of trained and available mental health and social workers in communities
- Creating job programs
- Expanding the scope and availability of substance use treatment facilities
- Ensuring availability and access to fresh and healthy food sources
- Ensuring availability and access to community health centers and providing preventative screenings
- Passing legislation to lift kids and families out of deep poverty

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We understand that even in a society where people's basic needs are met and services are available, emergencies and disputes will still arise. However, we also know that historically, the police often respond to such emergencies in a way that exacerbates the conflict. **We must unbundle community calls for help from police work.** Every day, multiple times a day, police respond to calls involving homelessness, mental health, substance use, domestic disputes, child behavioral concerns, and other social service-related issues, none of which police are qualified to triage. To unbundle would be to reposition these calls for help from law enforcement to agencies or units that are uniquely qualified to attend to them. **The creation of an external (non-police) emergency service rapid response team, designed to thoughtfully, empirically, and collaboratively respond to these emergent, community issues will reduce improper police response, while simultaneously better responding to community needs.**

NASW-MA is also advocating for the inclusion of several provisions not included in SB2820, but are core to acknowledging the direct links between racism and the prison pipeline.

Raise the age of juvenile jurisdiction to 21.

We ask that the House end the automatic prosecution of older teens as adults by incorporating elements of HB3420 into SB2820. Massachusetts' youth of color bear the harshest brunt of our legal system with their over-representation in the adult criminal justice system. By raising the age at which a teenager can be automatically tried as an adult, we can hold young people accountable in a more developmentally appropriate setting, giving them a better chance to succeed and turn away from offending and reduce the harms of legal system involvement all while reducing crime in our communities. HB3420 is a priority bill for NASW-MA.

Ban the use of facial recognition technology.

We echo ACLU Massachusetts in asking that the House ban facial recognition technology, which is notoriously bad at recognizing individuals with darker skin. Facial recognition technology is dangerous and lends itself to racist policing. H1538, which is related legislation, is a supported bill for NASW-MA.

Conclusion

Social workers are trained to address the root causes of social problems. Every day social workers confront these problems head-on without the use of weapons or force. Social workers know how to deescalate people when they are feeling volatile, and they know that addressing the environmental and systemic causes of that volatility is the solution. Police reform efforts to-date have failed due to law enforcement's biased and disproportionate impact on people of color in the United States. Current police tactics have proven ineffective, and as such, precise policy aimed at abolishing unnecessary and punitive power wielded by police will prevent future tragic outcomes, as well as encourage and uphold systemic change in law enforcement. **We urge you to join us in imagining a world where social problems can be solved at their root through**

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community-led social change rather than through punishment in the criminal-legal system.

A different way is possible, and we can move toward a safer, healthier society by moving away from our reliance on police and moving toward a broader social welfare system that proactively responds to social problems. There are already people in our communities who know how to implement this vision; it is time to invest in those community members instead of police.

As social workers we are ready to join with our community leaders in the fight for a better future. We ask you to include our recommendations in House legislation that would reform police standards, and build a more equitable and just Commonwealth that values Black lives. The policy solutions detailed here would immediately effect change and improve the health and well-being of disaffected communities.

As a Commonwealth dedicated to improving the lives of all of its residents, we must immediately pass comprehensive police reform legislation that creates police accountability and advances racial justice. Thank you for your consideration.

Sincerely,

Rebekah Gewirtz, MPA
Executive Director

Sarah Coughlin, LICSW, LADC-1
Board President

^[1] https://www.bjs.gov/content/pub/pdf/cpp15_sum.pdf

^[2] <https://www.justice.gov/opa/pr/justice-department-announces-findings-investigation-baltimore-police-department>

^[3] <https://www.edweek.org/ew/projects/2017/policing-americas-schools/student-arrests.html#/overview>

^[4] https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2577333

^[5] <https://www.edweek.org/ew/projects/2017/policing-americas-schools/student-arrests.html#/overview>

^[6] <https://www.nytimes.com/2020/02/27/us/orlando-6-year-old-arrested.html>

^[7] <https://www.buzzfeednews.com/article/juliareinstein/school-resource-officer-slammed-middle-school-north-vance>

^[8] <https://www.aft.org/news/aft-expands-anti-racism-efforts-calls-separating-police-and-schools>

^[9] <https://www.npr.org/2019/11/27/782902802/active-shooter-drills-may-not-stop-a-school-shooting-but-this-method-could>