



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

DAVID M. ROGERS
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To the Honorable Chairs,
Aaron Michlewitz & Claire Cronin
24 Beacon Street,
Boston, MA 02133

RE: Written testimony for - S.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.

July 17, 2020

Dear Chairs Michlewitz and Cronin,

On May 25, 2020, after the murder of George Floyd by police officers, our world changed. Sadly, this state-sanctioned violence is nothing new and that is why I have been a champion of profound changes to our criminal justice system ever since first joining the Legislature. There have been countless instances of violence against minorities in the United States, but the George Floyd video frightened and angered Americans and showed in horrifying detail why we need police reform now and why racial justice policies cannot wait to be implemented. Even with the importance of our coronavirus response, these racial justice initiatives and police reforms are critically important to ensure the safety of the citizens of the commonwealth. For far too many residents of the Commonwealth, racism – among its many other terrible consequences -- is a public health issue.

I want to thank the Speaker's office and both of you for making this issue a priority and for receiving written testimony from the public. Many of the issues are complex and deserve time for public comment and I applaud the House for holding this hearing. I also appreciate the effort of the members of both the Judiciary Committee and the Committee on Ways and Means, and their staff, in their diligent efforts on these important issues.

My colleagues in the Massachusetts Black and Latino Legislative Caucus have put out an excellent 10-Point Plan to Address Police Violence and Advance Racial Justice. I support this legislative platform and hope we can implement as many reforms as possible. In addition, I hope that the House will consider a series of other issues associated with racial justice and police reform not mentioned in the MBLLC's plan. Separately, I plan to share my views on these other issues with you and other members of the House.

Also, given the renewed and pressing interest in these issues, it shines a new light on a number of legislative initiatives. I believe that a number of bills that may not have had significant traction earlier in the session now deserve a second look while drafting the current reforms.

The policies embodied in legislation that I filed will drive the state forward in dismantling systemic racism and offering greater legal protections to our minority communities. I urge you to consider incorporating these ideas into the broader criminal justice legislation.

I look forward to working with your offices as we take up these legislative ideas. Thank you for your time and consideration.

Sincerely,

David Rogers
State Representative
24th Middlesex District

[*An Act relative to unregulated face recognition and emerging biometric surveillance technologies*](#) –

I filed this bill because – just like in countless other areas of policy – the rapid advance of technology has outpaced the law dramatically in the area of facial recognition. Facial recognition **has been shown to misidentify people of color and women disproportionately**. And so this bill establishes a moratorium on unregulated government use of face recognition and other biometric monitoring technologies, which can screen, identify, and surveil people from a distance without their awareness and without any privacy protections. Obviously serious Fourth Amendment issues are also raised by the use of facial recognition and other biometric technologies. We should press the pause button on government use of these technologies until a body of law and regulation is developed. Frankly, a permanent ban on many uses may well prove to be the wisest course of action.

[*An Act relative to improper and discriminatory police reporting*](#) –

Filed along with our colleague Representative Frank Moran, and in part based on the law passed in New York state in their recent police reform bill, we filed this legislation to ensure that the civil rights of individuals who have been wrongly targeted are preserved. Every citizen in Massachusetts deserves to feel safe in public, regardless of the color of their skin or any other basis of discriminatory bias. This bill ensures that calls to the police based on discriminatory/racist bias will not be tolerated and that individuals who do make these calls can be held accountable.

[*An Act relative to the qualification of voters*](#) –

While the Massachusetts Constitution precludes imprisoned felons from voting in some state

elections, this bill restores one of our most basic civil rights to those incarcerated for low-level, non-violent felonies. Because we know the criminal justice system disproportionately impacts people of color, it follows that policies inside our jails and prisons also disproportionately impact them. Disenfranchising people for low level non-violent felonies is racist. It should end.

An Act relative to clarity and consistency for the Justice Reinvestment Oversight Board –

This bill builds on and modifies data collection requirements in the 2018 Criminal Justice reform law. It harmonizes language in two places in statute, the authorizing language for the new Justice Reinvestment Oversight Board (JROB) and the language outlining the responsibilities of the Secretary of Public Safety regarding data collection and reporting. It also includes the DAs in the list of entities required to collect and report data. It is really important that we have this data if we are to make good on the promise of equal protection of the law.

An Act requiring audiovisual recordings of certain police interrogations –

This legislation requires that custodial interrogations of suspects in the most serious crimes be filmed. With this video record, jurors will be better able to discern false confessions and prosecutors will have accurate evidence when there is an authentic confession.

An Act relative to life without parole –

More than one out of ten prisoners in Massachusetts is serving a Life Without Parole sentence. Denying prisoners the opportunity to ever apply for parole not only robs them of hope and denies their capacity to rehabilitate, it wastes public resources and does little to promote public safety. This bill seeks to address this issue by banning mandatory life without parole, returning discretion to the judiciary to determine on an individual basis that a person eligible for a life without parole sentence may instead be permitted to see the parole board after serving 35 years in prison. This bill will not apply retroactively.
