
Planned Parenthood Advocacy Fund of Massachusetts, Inc.

**Testimony in Support of Police Accountability -- Use of Force Standards, Qualified Immunity Reform,
and Prohibitions on Face Surveillance 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 to Testimony.HWMJudiciary@mahouse.gov

Dear Chair Michlewitz and Chair Cronin:

On behalf of Planned Parenthood Advocacy Fund (PPAF), I write in strong support of the many provisions in S.2820 designed to increase police accountability. In particular, our organization urges you to:

1. Adopt strict limits on police use of force,
2. End qualified immunity, because it shields police from accountability and denies victims of police violence their day in court, and
3. Prohibit government use of face surveillance technology, which threatens core civil liberties and racial justice.

PPAF is the advocacy and political arm of the Planned Parenthood League of Massachusetts (PPLM). Formed in 1984, PPAF believes that working within the political process is critical to advancing PPLM's mission to increase equitable access to sexual and reproductive health services and comprehensive sex education for people across Massachusetts.

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 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

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passed, it would update the Massachusetts Civil Rights Act (MCRA) 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. PPAF 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 are engaged in police accountability work or advocacy, and
 - Give POSAC authority to investigate and initiate decertification proceedings.

- **An Act relative to unregulated face recognition and emerging biometric surveillance technologies** (H1538). Authored by Representative David Rogers, this bill would prevent the expansion of police powers and budgets by prohibiting government entities, including police, from using face surveillance technologies. Face surveillance technologies have serious racial bias flaws built into their systems. There are increasing numbers of cases in which Black people are wrongfully arrested due to errors with these technologies. We should not allow police in Massachusetts to use technology that supercharges racial bias and expands police powers to surveil everyone, every day and everywhere we go.

There is broad consensus that Massachusetts must act swiftly and boldly to address police violence, strengthen accountability, and advance racial justice. PPAF is proud to join the ACLU of Massachusetts and numerous other organizations in urging you to pass the strongest possible legislation and to ensure that it is signed into law before July 31st.

Sincerely,
Mehreen N. Butt
Associate Director of Policy and Government Affairs
PPAF