



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

July 17, 2020

Delivered via email

House Committee on Ways & Means
Joint Committee on the Judiciary
Massachusetts State House
24 Beacon Street
Boston, MA 02133

Dear Chair Michlewitz, Chair Cronin, and members of the House Committee on Ways & Means and the Joint Committee on the Judiciary,

Thank you for the opportunity to provide written testimony on Senate bill 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.*

The murders of George Floyd and other people of color at the hands of police officers are unacceptably unjust. No less unacceptable are the daily injustices borne by communities of color. No one piece of legislation will remedy that injustice or eradicate racism. There is still so much work to do.

One element of that work, legislation that addresses the need for law enforcement accountability, has been the subject of long-standing collaborative efforts between the Baker-Polito Administration, including the Executive Office of Public Safety and Security, and the Black and Latino Legislative Caucus. Those shared efforts culminated with last month's filing of House bill 4794, *An Act to Improve Police Officer Standards and Accountability and to Improve Training*. The bill establishes a responsible and considered approach to that need for accountability.

The filing letter submitted along with H. 4794 itemizes the initiatives included in the bill , which was recently discharged to the House Committee on Ways and Means. The Senate's bill suggests some significant changes to those core initiatives while proposing several initiatives of its own. First, the Senate included many of the provisions of the bill filed by the Governor in January, Senate bill 2469, *An Act Advancing Reform in the Massachusetts State Police*. Those provisions would improve accountability and discipline within the Department, enhance

diversity in recruitment and promotion, and promote public confidence in the Department while equipping it for future policing challenges.

Some examples of the changes and initiatives proposed by the Senate include providing the Police Officer Standards and Accreditation (POSA) Committee with an independent investigatory function, and shifting its membership away from a balance between those experienced in the profession that it will oversee and the community outside of the law enforcement field. The bill also links decertification to newly proposed definitions of the use of force. Finally, the Senate's legislation would substantively reshape the contours and applicability of the legal doctrine of qualified immunity.

The myriad issues that the Senate bill addresses are weighty, without doubt. Yet the volume of those initiatives may prove challenging to work through with so little time left in the legislative session. Furthermore, some of those initiatives affect important and complicated concepts, resulting in similarly important and complicated effects with far-reaching ramifications. Our concern is that the debate over that volume and complexity will stand in the way of consensus on legislation that creates a long overdue system for certifying law enforcement officers.

Law enforcement in Massachusetts are among the most professional and highly trained in the country. The first and immediately necessary step forward is legislation that builds upon the shared principles, and months of thoughtful consideration and work, of the Black and Latino Legislative Caucus and this administration. We are ready to implement a responsible program for certifying police officers according to a uniform training standard and providing accountability and transparency to the communities that those officers serve.

Respectfully,



Charles D. Baker
GOVERNOR



Thomas A. Turco, III
Secretary of the Executive Office of
Public Safety & Security