



July 17, 2020

The Honorable Rep. Aaron Michlewitz
Chair, House Committee on Ways and Means

The Honorable Rep. Claire D. Cronin
Chair, Joint Committee on the Judiciary

Re: Testimony in Support of Police Accountability -- Use of Force Standards,
Qualified Immunity Reform, and Prohibitions on Face Surveillance

Dear Chairs Michlewitz and Cronin,

On behalf of NARAL Pro-Choice Massachusetts, 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.

Our organization's mission is to protect and expand reproductive freedom for all people in Massachusetts. Reproductive freedom is more than the ability to decide if or when to have a family, it is the ability to safely raise a family. Systemic racism undermines this goal. The targeting, over-policing, and state-sanctioned violence against Black bodies is an assault against reproductive freedom that cannot go unchecked.

George Floyd's murder by Minneapolis police brought hundreds of thousands of people into the streets all around the country to demand fundamental changes to policing and concrete steps to address systemic racism. This historic moment is not about one police killing or about one police department. Massachusetts is not immune. Indeed, Bill Barr's Department of Justice recently reported that a unit of the Springfield Police Department *routinely* uses brutal, excessive violence against residents of that city. We must address police violence and abuses, stop the disparate policing of and brutality against communities of color and Black people in particular, and hold police accountable for civil rights violations. These changes are essential for the health and safety of our communities here in the Commonwealth.



Massachusetts must establish strong standards limiting excessive force by police. When police interact with civilians, they should only use force when it is absolutely necessary, after attempting to de-escalate, when all other options have been exhausted. Police must use force that is proportional to the situation, and the minimum amount required to accomplish a lawful purpose. And several tactics commonly associated with death or serious injury, including the use of chokeholds, tear gas, rubber bullets, and no-knock warrants should be outlawed entirely.

Of critical and urgent importance: Massachusetts must abolish the dangerous doctrine of qualified immunity because it shields police from being held accountable to their victims. Limits on use of force are meaningless unless they are enforceable. Yet today, qualified immunity protects police even when they blatantly and seriously violate people's civil rights, including by excessive use of force resulting in permanent injury or even death. It denies victims of police violence their day in court. Ending or reforming qualified immunity is the most important police accountability measure in S2820. Maintaining Qualified Immunity ensures that Black Lives Don't Matter. We urge you to end immunity in order to end impunity.

Finally, we urge the House to prevent the expansion of police powers and budgets by prohibiting government entities, including police, from using face surveillance technologies. Specifically, we ask that you include H.1538 in your omnibus bill. 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 (as well as sloppy police work). 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.

NARAL Pro-Choice Massachusetts proudly supports the health, safety, and well-being of Black communities in our work and in our worldview. We acknowledge the painful and systemic problems caused by over-policing and the strong need for investments in communities, including a focus on healthcare, education, and economic opportunity.

S2820 takes meaningful steps to protect Black lives and reproductive freedom by limiting the use of force, banning tear gas, and limiting qualified immunity to ensure that those who abuse their power through violence and murder can be held responsible and that victims will get their day in court. Without police reform, we cannot achieve the justice and equality that the Black community has long been denied.



There is broad consensus that we must act swiftly and boldly to address police violence, strengthen accountability, and advance racial justice. We urge you to pass the strongest possible legislation without delay, and to ensure that it is signed into law this session.

Sincerely,

A handwritten signature in black ink that reads "Rebecca Hart Holder". The signature is written in a cursive style.

Rebecca Hart Holder
Executive Director
NARAL Pro-Choice Massachusetts