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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:

I am writing on behalf of ADL New England (the “Anti-Defamation League”) to express our strong support for many of the provisions in S.2820 designed to increase police accountability and curb the school-to-prison pipeline.

In particular, ADL New England urges you to:

1. Adopt strict limits on police use of force;
2. End doctrines that shield police from accountability for civil rights violations;
3. Prohibit government use of biased face surveillance technology; and
4. Ensure critical protections to address the school-to-prison pipeline are included in the bill.

As you may know, ADL is a leading anti-hate organization founded in 1913 with a dual mission to stop the defamation of the Jewish people and to secure justice and fair treatment to all. As such, we are committed to working to eliminate bias in the criminal law system, to reduce mass incarceration, and to reform practices that disproportionately impact communities of color, including people of color within the Jewish community. ADL is also a leading non-governmental trainer of law enforcement, training more than 14,000 law enforcement officers on hate crimes, bias, extremism, and terrorism each year. In light of this experience, ADL acutely understands the importance of community trust when it comes to state and local policing efforts.

Here in Massachusetts, we know that fundamental changes to policing are long overdue. This historic moment is not about one killing by the police or about one police department, but rather about the desperate need to dismantle racist systems of oppression that have plagued our nation’s institutions, including our law enforcement

departments, for far too long. We must address police violence and brutality against communities of color and Black people in particular, hold police accountable for civil rights violations, and adopt critical reforms with respect to school resource officers (“SROs”) in K-12 schools. These changes are essential for the health and safety of our communities here in the Commonwealth.

First, Massachusetts must establish strong standards limiting excessive use of 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. This is absolutely essential to building community trust, which in turn is fundamental to public safety. Police must also use force that is proportional to the situation, and the minimum amount required to accomplish a lawful purpose. Several tactics commonly associated with death or serious injury, including the use of chokeholds and no-knock warrants, should be outlawed entirely.

In addition, Massachusetts must take steps to ensure that police can be held accountable for civil rights violations. For decades, the judge-made doctrine of “qualified immunity” has been interpreted far too broadly, making it virtually impossible for victims (and victims’ families) of police brutality to bring civil lawsuits for damages, even in cases involving excessive use of force resulting in permanent injury or death. Limits on use of force are meaningless unless they are enforceable. We can no longer tolerate a qualified immunity doctrine that denies victims of police violence their day in court.

Moreover, we urge the House to prevent the expansion of police powers and budgets by prohibiting government entities, including police, from using dangerous face surveillance technologies. Face surveillance technologies have serious racial bias flaws built into their systems that have yet to be sufficiently studied and corrected. We should not allow police in Massachusetts to use technology that supercharges racial bias in this manner.

Finally, we urge the House to take critical steps to address the school-to-prison pipeline. We know that the presence of police in K-12 schools leads to the disproportionate suspension and expulsion of students of color and students with disabilities from schools, too often for a school discipline violation. These practices not only harm students directly impacted, but also take a toll on the school’s relationship with the entire student body, as well as undermine critical trust between law enforcement and our Commonwealth’s young people. We therefore urge the House to modify the statutory definition of a school resource officer (“SRO”) to ensure that SROs are placed in local police stations, and simply serve as the primary point of



contact for K-12 schools. In addition, we urge the House to ensure that school committees are empowered to decide, by annual public vote, whether to assign police to schools, and that where SROs are assigned, they are mandated to receive training developed in consultation with experts.

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

Sincerely,

Robert O. Trestan  
ADL New England Regional Director