



Massachusetts Advisory Committee to the U.S. Commission on Civil Rights Issues Statement in Regard to Police Killings and Police Practices

June 23, 2020

The members of the Massachusetts Advisory Committee to the U.S. Commission on Civil Rights applauded the June 12 [statement](#) by the unanimous Commissioners condemning the killings of Ahmaud Arbery, Breonna Taylor, and George Floyd.¹ That same day, the Tennessee Advisory Committee issued a [statement](#) mourning the “precious lives taken before their time ... [and] are appalled by the cruelty, injustice and despair surrounding the circumstances of their deaths.” The Minnesota Advisory Committee also issued a [statement](#) demanding justice “for the killing of Ahmaud Arbery, Breonna Taylor and countless other Black, Indigenous and people-of-color at the hands of law enforcement personnel.”²

Less than 12 hours after these statements were issued another Black man, Rayshard Brooks, was shot in the back and killed by Atlanta police.³

We are appalled by these murders and the countless others, both named and unknown, by members of law enforcement as well as private actors throughout our history.

On June 17, Governor Charlie Baker filed the police reform bill, “An Act to Improve Police Officer Standards and Accountability,” calling it the “first step in a process that we hope will create a package of reforms that accomplishes the goals that we all share.”⁴

¹ U.S. Commission on Civil Rights, *U.S. Commission on Civil Rights Unanimously Condemns the Killings of Ahmaud Arbery, Breonna Taylor, and George Floyd and Calls on the Department of Justice to Enforce Federal Civil Rights Laws that Protect Americans from Unconstitutional Policing Practices*, June 5, 2020, <https://www.usccr.gov/press/2020/06-05-Pattern-or-Practice-Statement.pdf>.

² U.S. Commission on Civil Rights, Minnesota Advisory Committee, *Minnesota Advisory Committee to the U.S. Commission on Civil Rights Urges Police Reform based on 2018 Report on Police Practices*, June 8, 2020, <https://www.usccr.gov/pubs/2018/03-22-MN-Civil-Rights.pdf>.

³ The systemic abuse of power by police disproportionately impacts communities of color and is a continuing violation of fundamental human rights. According to the Washington Post, “black people have been shot and killed by police at disproportionate rates.” https://www.washingtonpost.com/investigations/protests-spread-over-police-shootings-police-promised-reforms-every-year-they-still-shoot-nearly-1000-people/2020/06/08/5c204f0c-a67c-11ea-b473-04905b1af82b_story.html. See also University of Chicago Law School - International Human Rights Clinic, “Deadly Discretion: The Failure of Police Use of Force Policies to Meet Fundamental International Human Rights Law and Standards” (2020), International Human Rights Clinic 14 (noting that the “human rights at stake in policing — the right to life and personal security as well as the freedom from discrimination— are bedrock guarantees, essential for the enjoyment of other fundamental human rights ...” and yet none of the police departments studied “met the minimum standards established by human rights law.”).

⁴ An Act to Improve Police Officer Standards and Accountability and to Improve Training, H. 4794, 191st Gen. Court (Mass. 2020). The Committee notes that on June 19, the Commissioners of U.S. Commission on Civil Rights, by majority vote, supported certain measures in the House of Representatives bill, Justice in Policing Act of 2020. The Commission called it “consistent with the Commission’s call to ensure that every community resident should be able to live, work, and travel confident in an expectation that interactions with police officers will be fair, consistent with constitutional norms, and guided by public safety free from bias or discrimination, as stated in our 2018 report,

The Committee is encouraged that Governor Baker is addressing the practice of policing in the Commonwealth, and we hope this bill is indeed a first step in re-training and re-certifying police and toward insuring accountability for abuses. The Committee acknowledges that Massachusetts has not experienced the same type of lethal police abuses towards unarmed Black victims experienced in other states in recent years.⁵ At the same time, however, there are [reports of continued racial profiling](#)⁶ by the Boston police, four years after the Supreme Judicial Court ruled such policing was widespread enough that “an individual, when approached by the police might just as easily be motivated [to flee] by the desire to avoid the recurring indignity of being racial profiled as by the desire to hide criminal activity.”⁷ Policing in the Commonwealth is seeing its legitimacy threatened and it will take more than one bill to regain it.

We recommend the Commission encourage a thorough review of police practices and labor agreements⁸ by every agency within the Commonwealth and an overhaul where appropriate, as well as an overhaul that considers going beyond reform and actually changes the approach to creating and sustaining safe and healthy communities. This new approach must recognize the need to address the myriad other factors that contribute to making and keeping the public safe. Such rethinking must begin with policing but also include the long-term allocation of funds and policy changes to address the troubling social determinants of health that affect our communities, as well as the repeal of laws that do not increase public safety but result in increased and unnecessary interaction between law enforcement and communities of color. Most important, such change must respond to the direct needs expressed by residents to make themselves safe.

We must also be clear that these broader changes, repeatedly requested by residents, cannot and must not await police changes. What is required here is a rethinking of justice that is aligned with the lived experience of those so long over-policed in current practice. Such a re-alignment must include fully and aggressively supporting increased funding and policy changes that result in improvements in health care, education, employment, transportation, environmental conditions, violence and substance abuse prevention programs. Reforming police practices is necessary but not sufficient. If policing is to increase its legitimacy it can only be as one of many tools as we employ to build a more equitable and just Commonwealth.

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Police Use of Force: An Examination of Modern Policing Practices.” U.S. Commission on Civil Rights, *U.S. Commission on Civil Rights Supports Policing Reform Measures in the Justice in Policing Act of 2020*, June 19, 2020, <https://www.usccr.gov/files/2020-06-19-USCCR-Supports-Justice-in-Policing-Act.pdf>. The Act provides for greater transparency through data collection and publication. It prohibits certain police practices, like racial profiling and no-knock warrants in drug cases. Nonetheless, the United States “lacks a comprehensive and effective national legal framework that places specific conditions on the use of force and establishes mechanisms of accountability.”

“Deadly Discretion,” *supra* note 3.

⁵ “Fatal Force,” *Washington Post*, <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/> (accessed June 23, 2020).

⁶ “City Must Confront Racial Bias of Stop-and-frisk,” *Boston Globe*, June 17, 2020, <https://www.bostonglobe.com/2020/06/17/opinion/city-must-confront-racial-bias-stop-and-frisk/> (accessed June 23, 2020).

⁷ *Commonwealth v. Warren*, 58 N.E.3d 333, 342 (Mass. 2016).

⁸ “Don’t Let Labor Agreements Thwart Police Accountability,” *Boston Globe*, June 4, 2020, <https://www.bostonglobe.com/2020/06/04/opinion/dont-let-labor-agreements-thwart-police-accountability/> (accessed June 23, 2020).