

Updated Testimony, June 25, 2020; S. 119 and S. 219

I believe neither of the key new sections of S. 219 (i.e., apart from the data collecting) address core issues of causes of excessive force, and accountability for it.

I believe the highest priority needs to be the relationship between escalation by police and resulting force, including (but not only) deadly force; I think the most significant factors are training and culture, which require a change in standards and in accountability and public oversight. Adrenaline takes over if there is not a deep instinct embedded through training and culture; without them, unconscious internal biases take over, specifically, that black male = heightened danger and that person with mental illness = heightened danger.

There is strong current evidence of the degree of change needed: I saw a Burlington video in the recent past that was promoted as showing the skilled use of de-escalation, in which officers were screaming repeatedly at a driver stopped in a car. I've already referenced the deaths in recent years, and those were only recent examples; many others have been similarly exonerated in spite of a broader context of escalation and discrimination.

These are the most critical changes to address, with addition of the critical piece of citizen oversight panels.

However, these are the core changes where "nothing about us without us" is so deeply embedded in how we need to proceed. What we think of as "obvious" are often perceived very differently by people in communities facing ongoing discrimination. I can only speak as a member of the psychiatric survivor community, but the parallel runs deep with others. Mental health professionals in police barracks sound like a "clear" positive step. Many in my community see the professional mental health community as one of the tools of systemic oppression. While the legislature must make that decision, it needs to hear our voices. That was why I asked on the floor and wanted to verify that we were not adopting that proposal without the opportunity to review any such plan.

All that begs the question: do the new components of S. 219 make sense as immediate interim?

I believe there are still key aspects that need to come first and that require broad stakeholder input. If aspects are passed now, a bill should include mandatory contingencies for review in August and not be implemented until January to allow for adequate training in new policies.

Specifically: body cam mandates should be contingent on legislative review of a policy on their use, with the recommendations coming in August with broad stakeholder input organized by a neutral body. Because the policy will require training, the mandate should not take effect until January; the policy should also apply to all of law enforcement, even if not all use body cams.

The excessive force definition (in particular, the over- and under-inclusive aspects), and related criminal section, requires more time to "get right," with more inclusive input on revised drafts. If included now, there should be a report back in August to allow for potential needed revisions, and the effective date should not occur until January, to allow for education and training.

Thank you,
Rep. Anne Donahue