

Prepared Remarks of Independent Counsel David Meier

On the day that I was appointed as Independent Counsel, I made a commitment to the family of Enrique Delgado Garcia, to the Massachusetts State Police, to the public, and to the criminal justice system that I would conduct the investigation professionally, thoroughly, and independently. I pledged to follow the facts and the law -- to perform my work conscientiously and responsibly -- and to exercise my independent judgment to reach whatever result the facts and the law dictated. I committed not to permit the speed of the investigation, the length of the investigation, or any other outside factors to influence the investigative process. I owed that to the family of Enrique Delgado Garcia, to the Massachusetts State Police, to the public, and to the criminal justice system.

When Attorney General Campbell appointed me, I knew nothing about the facts surrounding Enrique Delgado Garcia's death or about the State Police Training Academy. I had no preconceived notion of the potential outcome of the investigation. With the support of an Investigative Team, my assignment was to gather the facts through any and all available investigative means -- taking as much time as we needed to do things the right way -- and to follow those facts and the applicable law wherever they may lead.

I fully recognize that the investigative process has been lengthy and it has been conducted in silence, without public comment, at least on my part. That silence has been purposeful. It is a direct reflection of the nature of the investigation -- and of my ethical and legal obligations. At the same time, I can assure the public that the investigative process has been searching, it has been exhaustive, and it has been without outside influence.

Given some of the challenges posed by the investigation, early last year I sought judicial approval from the Chief Justice of the Superior Court to empanel a Special Statewide Grand Jury in order to conduct an independent fact-finding investigation into the circumstances surrounding the death of Enrique Delgado Garcia. The empanelment of a Special Statewide Grand Jury enabled us to compel the testimony of witnesses, to memorialize testimony under oath, to subpoena relevant documents and information, and to gather the facts in a formal proceeding before an independent body. At each stage of the process, the Investigative Team and I met with the family of Enrique Delgado Garcia to update them on the status of the investigation. We met with the family this past weekend and we spoke to them this morning.

Over the course of the past nine months, the Grand Jury has heard sworn testimony from over 150 witnesses (the vast majority of whom have been State Police officers) and has reviewed close to 350 exhibits (the vast majority of which relate to policies, procedures, activities, and events at the State Police Training Academy).

The evidence gathered by the Grand Jury has revealed that in the days and weeks prior to September 12, 2024, members of the State Police Training Academy committed a series of wanton and reckless acts in connection with various "Defensive Tactics" and "Physical Confrontation" training exercises conducted at the Academy. The facts and circumstances underlying the wanton and reckless conduct include both (a) affirmative acts by Academy staff and (b) the failure of Academy staff to take certain actions (or "omissions") that they had a legal duty to perform during their daily interactions with the trainees, who were under their care, guidance, and supervision.

The wanton and reckless conduct resulted in Enrique Delgado Garcia suffering concussion-like symptoms as the result of unauthorized, unapproved, and unsupervised boxing-related sparring exercises that occurred during Academy training activities on Wednesday, September 11, 2024. The wanton and reckless conduct culminated in Enrique Delgado Garcia suffering multiple blunt force injuries to the head and massive brain bleeding as the result of the failure of Academy staff to intervene and bring a stop to a competitive boxing match between Mr. Delgado-Garcia and a fellow trainee that occurred during Academy training activities the following morning, Thursday, September 12, 2024. Mr. Delgado Garcia died the following day, September 13, 2024, as a result of the head injuries sustained during the recruit-on-recruit boxing match that Thursday morning.

Based upon the facts and the law, the evidence gathered by the Grand Jury compels criminal prosecution of certain members of the Academy's Defensive Tactics Unit: the Supervisor of the Unit and three full-time instructors. These individuals engaged in ongoing interactions with Enrique Delgado Garcia on September 11 (when he suffered concussion-like symptoms) and September 12 (when he was knocked unconscious). These individuals also had direct management and direct control over the physical training exercises themselves. Factually and legally, each of these individuals owed a duty of care to Enrique Delgado Garcia and his fellow trainees, each of them interacted with Mr. Delgado Garcia and his fellow trainees on a daily basis, and each of them committed a series of wanton and reckless acts and omissions that resulted in Enrique Delgado Garcia's death.

Given their roles and responsibilities on the Defensive Tactics Unit and their control over the training exercises, the wanton and reckless conduct committed by these individuals violated two criminal statutes in particular: G. L. c. 265, § 40 (alleging the crime of Causing Serious Bodily Injury to a Person Participating in a Training Program Involving Physical Exercise) and G. L. c. 265, § 13 (alleging the crime of Involuntary Manslaughter).

In addition, the evidence demonstrated that when the Supervisor of the Defensive Tactics Unit was asked specifically under oath before the Grand Jury when it was that she first learned about Enrique Delgado Garcia's "concussion-like symptoms", she repeatedly responded falsely. Given the circumstances of the investigation and the nature of the information at issue, her testimony before the Grand Jury violated G. L. c. 268, § 1 (alleging the crime of Perjury).

Each of these charges are merely accusations. Each of these individuals is presumed to be innocent unless and until proven guilty in a court of law. The individuals have not been and will not be arrested. I have requested that the Court issue a summons for their appearance at an arraignment hearing to be scheduled in the near future in coordination with the Court and their attorneys.

With respect to each of these charges and each of these individuals, I have intentionally not referred to any of the specific underlying facts that were gathered and considered by the Grand Jury. Given my ethical and legal obligations, this is neither the appropriate time nor place to do so.

Given the paramilitary structure of the State Police Training Academy, various members of the Academy "Command Staff" had the authority and the ability to address many of the circumstances surrounding Enrique Delgado Garcia's death. At the same time, the evidence

before the grand jury demonstrated that the nature and extent of their personal knowledge, personal involvement, and personal participation in the specific acts and omissions that resulted in Enrique Delgado Garcia's death were insufficient to support criminal charges. Based upon the evidence, a reasoned and responsible evaluation of the facts and the law does not support criminal prosecution of any members of the Academy's Command Staff. Nor does my professional respect for and commitment to the rule of law.

Insofar as I have shared with you generally that certain wanton and reckless acts and omissions compel the criminal prosecution of certain members of the Academy's Defensive Tactics Unit, I want to ensure that certain additional facts are made abundantly clear:

Based upon the testimony and the exhibits before the Grand Jury, there is no evidence that Enrique Delgado Garcia was "targeted" in any way. There is no evidence that anyone -- Academy staff, fellow trainees, or any others -- harbored any personal animosity toward Enrique Delgado Garcia. There is no evidence that anyone acted with deliberation, premeditation, or malice.

One final comment. I take no personal satisfaction -- none -- from where the facts have led. But I am confident that the Investigative Team and I have carried out our assignment professionally, responsibly, and independently. And I am confident that we have done so the right way and for the right reasons.