



# Town of Marion

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## Police Department

John B. Garcia  
Chief of Police

July 17, 2020

Sent via e-mail

Dear Chair Aaron Michlewitz and Chair Claire Cronin,

Please accept the following testimony with regard to SB2820 - An Act to reform police standards and shift resources to build a more equitable, fair and just commonwealth that values Black lives and communities of color.

There are several areas of the bill that create concern. The list that follows corresponds to the Section Numbers in Senate 2820 with the applicable line numbers:

SECTION 4 (line 230): Under (iv), the provision states that there shall be training in the area of the “history of slavery, lynching, racist institutions and racism in the United States.” Is this to imply that law enforcement is a racist institution? Will other areas of government including educators also be required to receive such training or is law enforcement being singled out? I view this as an insult to all law enforcement officers across the Commonwealth.

SECTION 6 (line 272): In terms of the establishment of a POST (Peace Officer Standards and Training) Program, the various police chief’s organizations here in our state wholeheartedly support the general concept. I am opposed to the title, POSAC (Police Officer Standards Accreditation and Accreditation Committee). This is causing a great deal of confusion with MPAC (Massachusetts Police Accreditation Commission) which is the organization that oversees police department accreditation in Massachusetts. The acronym POST is used across the country, it would be less confusing to conform to the rest of the country.

SECTION 6 (line 321): It appears from the language of the POSAC provision that the committee shall have the power to conduct what is referred to as “independent investigations and adjudications of complaints of officer misconduct” without any qualifying language as to how that would be implemented in terms of what type of alleged misconduct (law violations, use of force, injury, rude complaints, etc.) and when and under what circumstances will adjudications be subject to review resulting in a proposed oversight system that could easily be viewed as arbitrary and capricious at some point and subject to a high level of scrutiny and criticism.

SECTION 10(c) (line 570): Section 10. The concept of qualified immunity is often misunderstood. Qualified immunity does not protect officers who committed illegal actions. It safeguards all public officials from being found personally liable for a violation of civil rights unless that official violated “clearly established statutory or constitutional rights of which a reasonable person should have known”. The elimination

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of Qualified immunity will have a detrimental effect on the ability of departments to retain officers as well as recruit new officers out of fear of being personally responsible for frivolous law suits.

SECTION 49 (line 1101-1115): This provision prevents school department personnel and school resource officers (who actually work for police departments), from sharing information with law enforcement officers –including their own agency –when there are ongoing specific unlawful incidents involving violence or otherwise. I can't believe this is even being considered. It would be highly irresponsible to prohibit any educator who learns of a potential crime or a crime that has been committed to report that information to law enforcement.

SECTION 55 (line 1272) So called “choke holds” have been prohibited in Massachusetts for some time now. There does need to be an exception to allow a “chock hold” in situations where lethal force is justified.

I appreciate the opportunity to express my concerns and recommendations and hope that you would give due consideration to what has been outlined above.

Please do not hesitate to contact me should you have any questions or need additional information.

Respectfully,

A handwritten signature in black ink, appearing to read "John B. Garcia", with a long horizontal flourish extending to the right.

John B. Garcia  
Chief of Police  
508-748-3594