
**DEPARTMENTAL AND INTER-DEPARTMENTAL
CORRESPONDENCE**

City of Springfield, Massachusetts

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| TO: | | |
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| SUBJECT: | USE OF FORCE- REVIEW AND INVESTIGATION | |

I. Purpose

The Springfield Police Department has established procedures to provide a comprehensive approach to both the review and the appropriate investigation of Use of Force events within the Springfield Police Department. Identified roles for supervisors are set forth to gather all relevant and necessary data in relation to Use of Force Levels 1 through 5 for review and submission to investigators for the purpose of thorough inquiry to ensure accountability and transparency.

The manner in which police personnel use both deadly force and less-lethal force is an extremely critical issue to the Department and the community, and one that understandably generates intense public scrutiny. When these incidents occur, they demand a thorough and complete inquiry into all the facts and circumstances surrounding the incident. Only through a comprehensive investigative inquiry can the complete and accurate facts of the incident evolve allowing for public trust and confidence to be maintained.

II. Policy

It shall be the policy of the Springfield Police Department to ensure that officers accurately, thoroughly, and in a timely manner report all uses of

force and supervisors utilize the following Use of Force investigation requirements. As set forth below, supervisors will report to and manage the scene upon being notified of a Level 3, 4, or 5 Use of Force.

III. Definitions

Deadly Force: Force that can reasonably be expected to cause death or serious physical injury. Discharging a firearm is always considered to be deadly force regardless of whether anyone is injured or whether the officer was aiming the firearm at anyone.

Level One (1): References cooperative control tactics used with a non-resistant subject, such as un-resisted handcuffing, hand control or escort techniques (e.g., elbow grasp) and does not constitute a Use of Force.

Level Two (2) Force: Includes (1) uses of force such as wrist lock, arm bar, and single use of OC spray, where there is no reported or observed injury beyond the level of discomfort commonly associated with the use of OC spray, however in the event of a single use of OC spray, all available body worn camera footage will be tagged and investigated within 72 hours; (2) pointing a firearm or Conducted Electrical Weapon (“CEW”) at an individual; (3) “cycling” a CEW as a form of warning (“Displaying the Arc”); (4) pressure point compliance techniques that do not result in injury; and (5) forcible takedowns that do not result in actual injury or complaint of injury. It does not include escorting, touching, or handcuffing a person with minimal or no resistance.

Level Three (3) Force: An intermediate Use of Force that causes or could reasonably be expected to cause an injury greater than transitory pain but does not rise to a Level 4 or 5 Use of Force. Level 3 may include uses of force such as (1) the use of OC spray if there is an injury reported or observed, or if OC spray is used more than once on the same individual; and (2) pressure point compliance techniques.

Level Four (4) Force: A serious level of force including (1) any discharge of a CEW in drive stun or probe mode, aimed at a person, that is not Level 2 or 3 force, including where a CEW is fired at a person but misses; (2) weaponless defense techniques (e.g., elbow or closed-fist strikes, kicks); (3) any discharge of a less-lethal launcher/munition; (4) any canine inflicted injury, except those that would otherwise Level 3 force; and (5) any strike, other than a strike with impact weapon, to the head, neck, sternum, spine, groin, or kidney area.

Level Five (5) Force: The most serious level of force, to include (1) strikes to the head, neck, sternum, spine, groin, or kidney area with an impact weapon; (2) weaponless defense techniques (e.g., elbow or closed-fist strikes, kicks) directed to the head, neck, sternum, spine, groin, or kidney area that results in visible injury, and/or requires medical attention, and/or results in complaint of injury; (3) firearms discharges, including unintentional firearm discharges; (4) applications of three or more CEW cycles on an individual during a single encounter regardless of the mode (probe or drive-stun) or duration of the application and regardless of whether the applications are by the same or different officers; (5) uses of force resulting in death, serious physical injury, loss of consciousness, or requiring hospitalization; and (6) uses of deadly force.

Uninvolved Supervisor: Supervisor not directly engaged in, or present for, the police action in progress (foot pursuit, vehicle pursuit, Use of Force)

IV. Procedures

A. General

1. All Use of Force incidents shall be documented and reviewed by an Uninvolved Supervisor one level above an involved officer in the incident.
2. Incidents will be categorized as a Level 1, Level 2, Level 3, Level 4, or Level 5 Use of Force.
3. Any Uninvolved Supervisor should confirm the Use of Force level based upon the circumstances of the incident.
4. When an incident involves multiple types of force or multiple members, the entire incident will be reported and investigated at the highest Use of Force level by any member during the incident.
5. Whenever a supervisor uses, directs, or is otherwise personally involved in any type of force, the investigation will be conducted by a supervisor uninvolved, at a higher rank than the officer who used the force.
6. If the force as alleged was a Level 3, 4, or 5 Use of Force, or any level of force which necessitates medical attention at a local hospital, the booking sergeant shall ensure that the appropriate personnel conduct an investigation of the force used. The booking sergeant need not interview the subject if they have already been interviewed by someone else.

B. General Supervisory Use of Force Review Responsibilities

1. SPD will ensure that Level 2, 3, 4, and 5 uses of force are appropriately and thoroughly reviewed to identify unlawful conduct, policy violations, and tactical needs.
2. The first-line supervisor or their designee will ensure that the entire Use of Force file is complete, and that all relevant documents (e.g., Use of Force narrative, prisoner injury report, body worn camera footage, witness statements) are compiled in a Use of Force file in Blue Team.
3. Every supervisor in the chain of command is responsible for the accuracy and completeness of the Use of Force review completed by supervisors, and for initiating corrective action if necessary.
4. The Watch Commander will ensure that whenever a supervisor uses, directs, or is otherwise personally involved in any type of Use of Force, including participating in the tactical planning that led to the Use of Force, an Uninvolved Supervisor, of a higher rank will review the Use of Force.
5. The Superintendent or his/her designee may, in their discretion, reassign a review of force to the Internal Investigation Unit (IIU).
6. When a supervisor has any questions or concerns regarding the findings of the Use of Force review (including any concerns that the findings are not supported by a preponderance of the evidence), the supervisor will recommend changes to the findings after consultation with the investigating supervisor and the previous reviewer, and document the specific evidence or analysis supporting the modification.
7. If a supervisor determines that an officer's report reveals evidence of misconduct or potential criminal conduct, including material omissions or inaccuracies, and/or coordination with other officers when writing the Use of Force report, the supervisor will take corrective action, including notifying IIU and the Superintendent within 24 hours.
8. If the misconduct or evidence reveals conduct that is criminal in nature, the Superintendent will direct that the Detective Bureau investigate the criminal matter and the Superintendent will notify the appropriate prosecutorial authority within 24 hours.
9. When it appears to a reviewer that there is additional relevant and material evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings, that supervisor will ensure that it will be included in the investigation.

10. When it appears to a reviewer that the findings are not supported by a preponderance of the evidence, that reviewer will consult with the investigating supervisor and previous reviewers to clarify the discrepancy, and document any modifications, including the specific evidence or analysis supporting the modification

C. Level-Specific Supervisory Responses

1. Level 1 Supervisor Response

Use of cooperative control tactics with a non-resistant subject, such as un-resisted handcuffing, hand control or escort techniques (e.g., elbow grasp) does not constitute a Use of Force. Therefore, no Use of Force report will be drafted and no supervisory response will occur.

2. Level 2 Supervisor Response

- a. A supervisor may respond to the scene upon notification of a Level 2 Use of Force but responding to the scene is not mandatory.
- b. Level 2 uses of force will be reviewed by an Uninvolved Supervisor of the same rank or rank above the involved officer. If there is more than one involved officer, the supervisor who will review the Use of Force will be the supervisor of the officer who first initiated the Use of Force.
- c. A supervisor of the officer(s) employing a Level 2 Use of Force will review and document approval of a Level 2 force, and/or reclassify the Use of Force as a Level 3, 4, or 5 force before the end of the shift during which the force was used and no later than the subsequent shift.
- d. The investigating supervisor will review the documentation as soon as practicable and will direct the officer to provide more information, if needed.
- e. When the supervisor requests revisions, clarifications, or additional information from the involved officer, he or she must detail the requested revisions in Blue Team.
- f. The reviewing supervisor will author a brief summary of their investigation and attach the PDF to the Blue Team entry specific to the event.
- g. When a reviewing supervisor believes that there may have been criminal conduct or a serious policy violation, they will consult with the on-duty captain or lieutenant. If so determined they will:
 - i. notify the Detective Bureau commander or designee when they believe that criminal conduct has occurred. Additionally, they will notify the detective bureau

- commander if information is obtained at any step in the investigation that suggests criminal conduct.
- ii. make the appropriate notifications when they believe a policy violation may have occurred.
- iii. A lieutenant or captain shall relieve the officer from duty, if the situation warrants.
- h. Investigating supervisors will complete their review within 72 hours.
- i. The commander of the shift or unit (captain or lieutenant) will review the Uninvolved Supervisor's Use of Force review of Level 2 force to ensure that the Use of Force report file is thorough, complete, makes the necessary and appropriate findings of whether the Use of Force was consistent with SPD policy. Consideration is to be made whether there are tactical, equipment, or policy considerations that need to be addressed.

3. Level 3 and 4 Uses of Force

- a. Upon notification of a Level 3 or 4 Use of Force, an Uninvolved Supervisor of the officer(s) using force shall respond to the scene.
- b. Level 3 or 4 uses of force will be reviewed by an Uninvolved Supervisor of the same rank or rank above the involved officer. If there is more than one involved officer, the supervisor who will review the Use of Force will be the supervisor of the officer who first initiated the Use of Force.
- c. A supervisor of the officer(s) employing a Level 3 or 4 Use of Force will review and document approval of a Level 3 or 4 force, and/or reclassify the Use of Force as a Level 2, 3, 4, or 5 force before the end of the shift during which the force was used and no later than the subsequent shift.
- d. The investigating supervisor will review the documentation as soon as practicable and will direct the officer to provide more information, if needed.
- e. When the supervisor requests revisions, clarifications, and/or additional information from the involved officer, he or she must detail the requested revisions in Blue Team.
- f. The reviewing supervisor will author a brief summary of their investigation and attach the PDF to the Blue Team entry specific to the event.
- g. When a reviewing supervisor believes that there may have been criminal conduct or a serious policy violation, they will consult with the on-duty captain or lieutenant. If it is determined that there may have been a criminal conduct or a serious policy violation, the reviewing supervisor will:

- i. notify the Detective Bureau commander or designee when they believe that criminal conduct has occurred. Additionally, they will notify the detective bureau commander if information is obtained at any step in the investigation that suggests criminal conduct.
 - ii. notify the Internal Investigations Unit Captain if they believe a policy violation may have occurred.
 - iii. The Superintendent, captain, or lieutenant may relieve the officer from duty, if the situation warrants.
 - h. Reviewing supervisors will complete their investigation within 72 hours.
 - i. The commander of the shift or unit (captain or lieutenant) will review the Uninvolved Supervisor's Use of Force review of Level 3 or 4 force to ensure that the Use of Force report file is thorough, complete, makes the necessary and appropriate findings of whether the Use of Force was consistent with SPD policy; and whether there are tactical, equipment, or policy considerations that need to be addressed.
 - j. The watch commander will ensure that upon arrival at the scene, the Uninvolved Supervisor will identify and collect information sufficient to establish the material facts related to the Level 3 or 4 Use of Force, including the following:
 - i. Locate relevant civilian witnesses including the subject and third parties, and arrange for those witnesses to be interviewed. Interviewing of witnesses will be coordinated with the Detective Bureau officers as set out in paragraph 42 herein. Witnesses need not be interviewed at the scene, but sufficient information to allow identifying and contacting witnesses should be gathered.
 - ii. Separate all officers involved in a Level 3 or 4 Use of Force incident until interviewed, or if that is not possible, advise them to not discuss the matter with other officers.
 - iii. Group interviews will be prohibited. Supervisors will not ask officers or other witnesses leading questions that suggest legal justifications for the officers' conduct.
 - iv. All officers who use Level 3 or 4 force will be asked to provide an oral Use of Force statement in person to the Uninvolved Supervisor.
 - v. Review and flag for retention any, body-worn camera footage capturing any part of the Use of Force incident.
 - vi. Canvass the area for any CCTV or other surveillance cameras in the area, document their locations, and attempt to obtain video voluntarily and review the footage.

- vii. Photograph or arrange to have photographed the scene and location of the incident and identify relevant evidence to be collected if not collected by the supervisor, such as forensic evidence.
- viii. Photograph or arrange to have photographed the subject for identification purposes and all injuries or claims of injury to anyone involved, and denote the lack of injury when applicable.
- k. All Level 3 and 4 uses of force will be thoroughly reviewed by an Uninvolved Supervisor above the rank of the involved officer.
- l. The supervisor conducting the Use of Force review will evaluate in writing all uses of force for compliance with SPD policy, as well as any other relevant concerns (e.g., tactical or threat assessment).
- m. The supervisor should provide timely, constructive feedback, where appropriate.
- n. The Uninvolved Supervisor's Use of Force review will be completed within 72 hours of the Level 3 and 4 Use of Force, unless the supervisor's commanding officer approves an extension. The completed Use of Force review will include documentation of the following:
 - i. A detailed narrative description of the incident
 - ii. The supervisor's actions in reviewing or screening the incident
 - iii. Documentation of all evidence that was gathered
 - iv. A review of the incident, including a discussion and resolution of any material inconsistencies in the evidence; whether the force used was necessary, proportional, objectively reasonable, and otherwise within SPD policy.
- o. For force reviews involving Level 3 and 4 uses of force, the commander of the shift or unit (captain or lieutenant) in the officer in charge's chain of command is the reviewing supervisor.
- p. After the Captain completes the assessment of a Level 3 and 4 Use of Force, the file will be forwarded to the Use of Force Committee ("UFC"). If warranted, the officer's chain of command or the UFC may assign or reassign a Use of Force for investigation to IIU

4. **Level 5 Uses of Force**

- a. Upon notification of a Level 5 Use of Force, an Uninvolved Supervisor will respond to the scene.
- b. SPD will ensure that an Uninvolved Supervisor will respond to and investigate all Level 5 Use of Force incidents; and any other incident as deemed appropriate by the Police Superintendent or their designee.
- c. For any Level 5 Use of Force which may potentially include criminal

charges, the Uninvolved Supervisor will notify the Commander of the Detective Bureau.

- d. The supervisor who responds to the Use of Force will lead all investigative activity regarding the Use of Force, which includes locating and interviewing witnesses, securing the scene and evidence, locating video surveillance that may have captured the incident, and making notifications.
- e. The supervisor will work cooperatively with any other department or division or outside personnel investigating underlying criminal activity at the scene, whether such criminal activity relates to the SPD officer's Use of Force or not, and will make every effort to avoid activities which compromise, impede, or otherwise disrupt the criminal investigation at the scene of the Use of Force.

In responding to a Level 5 Use of Force, a supervisor will:

- a. Assume control of the Use of Force investigation upon their arrival.
- b. Record all interviews with civilian witnesses. If a civilian witness refuses to be recorded, the supervisor will document the refusal and take a written statement from the witness. If recorded interviews of witnesses are being done by other SPD personnel, the supervisor will have access to such interview recordings and can rely on those to lessen the number of interviews a witness is subjected to.
- c. Ensure that the shift commander (the lieutenant or captain) has separated all officers involved in, or who witnessed, a Use of Force incident until they are all interviewed. If it is not possible to separate all officers until they can be interviewed, they will be admonished to not confer, discuss or review the Use of Force incident with others until they are able to be interviewed.
- d. Ensure all video evidence is immediately gathered and assessed; this obligation can be discharged by assuring that other SPD personnel have secured this evidence.
- e. Arrange for a crime lab technician to process the scene and provide photos as soon as practicable; this obligation can be discharged by assuring that other SPD personnel have secured this evidence.
- f. Attempt to interview the person upon whom the officer used the Level 5 Use of Force to obtain the person's account of what happened, if possible, as an audio-recorded interview. They will also photograph or arrange to have photographed areas of injury or complaint of injury; this obligation can be discharged by assuring that other SPD personnel have secured this evidence.
- g. Review body-worn camera or other video which may have recorded all

or part of the incident and describe in the force report what the video shows; this need not be done at the scene but within a reasonable time thereafter.

- h. Seek to obtain voluntary statements from all involved officers. All interviews with officers must be recorded (audio and/or video) and take place as soon as practical.
- i. Arrange for the involved officers to submit Use of Force written reports as soon as practicable after the incident, except in extenuating circumstances, such as when an officer is injured or incapacitated, in which case the officer will submit their written report as soon as the extenuating circumstance allows.
- j. As soon as practical after learning of the Level 5 Use of Force, notify the involved officer's commanding officer, the Police Superintendent, and Deputy Chiefs. This notification will contain basic facts about the incident as they are known at the time.
- k. Complete their investigation within 60 days or as soon as possible thereafter.
- l. If the supervisor uncovers potential administrative misconduct at any point in the investigation, the supervisor will notify the Captain of IIU and the Superintendent's office. If the supervisor uncovers potential criminal conduct at any point in the investigation, the independent supervisor will notify the Superintendent's office who will in turn authorize notifying the appropriate prosecuting authority and providing all relevant information.
- m. When a reviewing supervisor believes that there may have been criminal conduct or a serious policy violation, they will consult with the Watch Commander. If it is determined that there may have been a criminal conduct or a serious policy violation, the reviewing supervisor will:
 - i. notify the Detective Bureau commander or designee when they believe that criminal conduct has occurred. Additionally, they will notify the detective bureau commander if information is obtained at any step in the investigation that suggests criminal conduct.
 - ii. notify the Internal Investigations Unit Captain if they believe a policy violation may have occurred.
 - iii. The Superintendent, captain, or lieutenant may relieve the officer from duty, if the situation warrants.

V. Associated Policies

- a. Use of Force policy (General)-
- b. Use of Force reporting policy-
- c. Forthcoming Force Investigation Team (FIT) policy and manual for reviews and investigations of Level 5 uses of force

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