
SPRINGFIELD POLICE DEPARTMENT GENERAL ORDER

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SUBJECT: Use of Force, Reporting, Review & Investigation	

I. Purpose

The policy and procedure of the Springfield Police Department regarding the use of force, including less-lethal and deadly force, are outlined in this order to provide officers with specific guidelines on when an officer may use force. The goal is to use only the amount of force that is objectively reasonable, necessary, and proportional to accomplish a lawful objective.

II. Policy

The Springfield Police Department values the sanctity of life and the bodily integrity of all individuals. The Springfield Police Department prioritizes the dignified and respectful treatment of all members of the public, as well as the safety of officers. In accordance with these principles, the Springfield Police Department and its officers shall implement this policy and sub-policies in a manner that is fair and unbiased, consistent with M.G.L. c. 6E, §1. 1.1.1

Officers shall seek to de-escalate and obtain voluntary compliance from individuals at all safe and feasible opportunities. If force is warranted, officers shall use only the amount of force that is necessary and objectively reasonable to accomplish lawful objectives and proportionate to the resistance or threat encountered.

There is a compelling public interest that officers' use of force complies with the law. Officers who use excessive force degrade the confidence of the community that they serve, undermine the legitimacy of an officer's authority, and hinder the agency's ability to provide effective law enforcement services to the community. Accordingly, officers who use excessive force may be subject to the following consequences:

- Agency discipline, up to and including termination;
- Action on their certification by the Massachusetts Peace Officer Standards and Training Commission, up to and including decertification;
- Criminal prosecution; and/or
- Civil liability.

III. Definitions 1.1.2

Agency: The Springfield Police Department.

Authorized Agency Personnel: Agency personnel, both sworn and non-sworn, who the agency authorizes to possess, carry, and use agency-approved weapons or force.

Authorized Weapons: Weapons that meet agency specifications that officers or authorized agency personnel are permitted to carry and for which officers or authorized agency personnel have successfully completed proficiency and safety training.

Chokehold: As defined in M.G.L. c. 6E, §1 and 555 CMR 6.03, the use of a lateral vascular neck restraint, carotid restraint, or other action that involves the placement of any part of a law enforcement officer's body on or around an individual's neck in a manner that limits the individual's breathing or blood flow with the intent of or with the result of causing bodily injury, unconsciousness, or death.

Commission: The Massachusetts Peace Officer Standards and Training Commission, as established in M.G.L. c. 6E, §2.

Deadly/Lethal Force: As defined in M.G.L. c. 6E, §1 and 555 CMR 6.03, physical force that can reasonably be expected to cause death or serious bodily injury.

De-escalation: Proactive actions and approaches used by an officer to slow down, stabilize, and reduce the intensity of an encounter in an attempt to avoid or mitigate the need to use force and to avoid or reduce threats, gain the voluntary compliance of the individual involved in the encounter, and safely resolve the encounter without further jeopardizing the safety of the officer or any individual present or involved in the encounter.

De-escalation Tactics: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, proactive actions and approaches used by an officer to stabilize a law enforcement situation so that more time, options and resources are available to gain a person's voluntary compliance and to reduce or eliminate the need to use force including, but not limited to, verbal persuasion, warnings, slowing down the pace of an incident, waiting out a person, and requesting additional resources to resolve the incident including, but not limited to, calling in medical or licensed mental health professionals, as defined in M.G.L. c. 111, § 51½(a), to address a potential medical or mental health crisis. De-escalation tactics shall include, but are not limited to, issuing a summons instead of executing an arrest where feasible. De-escalation tactics include the use of critical thinking skills to evaluate options and tactics consistent with 555 CMR 6.00 and the Commission's guidance entitled *Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children* (2021).

Dog: As defined in 555 CMR 6.03, a K-9, canine, or police dog.

Electronic Control Weapon (ECW): As defined in 555 CMR 6.03, a portable device or weapon, regardless of whether it passes an electrical shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse, wave, or beam is emitted that is designed to incapacitate temporarily by causing neuromuscular incapacitation or pain so that an officer can regain and maintain control of the individual. For purposes of this policy, "ECW" shall also mean a "stun gun" as that term is defined in M.G.L. c. 140, § 121.

Excessive Force: Force that is not necessary, proportionate, or objectively reasonable.

Firearm: As defined in M.G.L. c. 140, § 121, a stun gun, pistol, revolver, rifle, shotgun, sawed-off shotgun, large capacity firearm, assault-style firearm and machine gun, loaded or unloaded, which is designed to or may readily be converted to expel a shot or bullet; the frame or receiver of any such firearm or the unfinished frame or receiver of any such firearm; provided, however, that “firearm” shall not include any antique firearm or permanently inoperable firearm.

Force: As defined in 555 CMR 6.03, the amount of physical effort, however slight, required by police to compel compliance by an unwilling individual. For purposes of this policy, “force” includes:

1. Any physical strike or attempted strike;
2. Any intentional contact with an individual through the use of a weapon (e.g., baton, OC, ECW, chemical weapon, kinetic impact device);
3. Any significant physical contact that restricts movement (e.g., takedown, hard empty-hand techniques, chokeholds);
4. Pointing a firearm, ECW, or chemical weapon at an individual; and
5. Deployment of a police dog resulting in contact.

“Force” does not include physically escorting or handcuffing an individual who offers minimal or no resistance.

Trained Investigator: A group of designated SPD investigators, assigned to the Detective Bureau, tasked with conducting investigations of Type III Force. The supervisors shall not be involved in any way in the underlying incident.

Harm: Injury inflicted upon an individual, whether visible or not.

Impact Weapons: Agency-approved tools designed to assist officers in gaining and maintaining control of an individual when empty-hand control techniques are insufficient.

Implicit Bias: Unconscious attitude or stereotype that affects how people perceive and interact with others.

Kettling: As defined in 555 CMR 6.03, confinement or corralling by law enforcement of a group of demonstrators or protesters in a small area without any means of egress as a method of crowd control, management, or restraint.

Kinetic Impact Device: Less-lethal projectile-based tools designed to assist officers in gaining and maintaining control of an individual when empty-hand control techniques are insufficient.

Law Enforcement Officer/Officer: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, a sworn member of the agency, including the Department Agency Head.

MPTC: Municipal Police Training Committee established in M.G.L. c. 6, § 116

Non-Deadly/Less-Lethal Force: As defined in 555 CMR 6.03, any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.

Oleoresin Capsicum (OC) Spray: An inflammatory agent that irritates the mucus membranes and eyes to cause tears and pain.

Passive Resistance: As defined in 555 CMR 6.03, an individual who is noncompliant with officer commands and who is nonviolent and does not pose an immediate threat to the officer or the public.

Public Safety Statement: A statement by an involved or witness officer that describes the type of force used, the direction and approximate number of shots fired by the involved officer (or officers) and the suspect (or suspects), the location of an injured person, the description of outstanding suspect(s) and the direction of the suspect's flight, the time lapse since the suspect was last seen, whether the suspect is armed, any other information that could assist in the apprehension of outstanding suspects, description(s) of any victims or witnesses, description and location of any known evidence, and any other information to ensure officer and public safety. Public safety statements will be recorded on the body-worn camera.

Reviewing Supervisor: An uninvolved Unit Commander (or Acting/Temporary Watch Commander) responsible for reviewing the use-of-force complete investigation packets as outlined in this policy.

Serious Bodily Injury: As defined in M.G.L. c. 6E, § 1 and 555 CMR 6.03, bodily injury that results in:

1. Permanent disfigurement;
2. Protracted loss or impairment of a bodily function, limb, or organ; or
3. A substantial risk of death.

Tear Gas or Other Chemical Weapons (CW): As defined in 555 CMR 6.03, any weapon that contains chemical compounds that temporarily make people unable to function by causing irritation to the eyes, mouth, throat, lungs, and skin, or that otherwise restrain an individual by causing pain. This shall not include oleoresin capicum (OC) spray.

Uninvolved Supervisor: Supervisor not directly engaged in, present for, or involved in the planning of the police action that led to a use of force incident.

Use of Force Reporting Form: A form that has been approved by the Commission and the MPTC, or a form approved by the Department Agency Head that collects at a minimum the information collected on the form approved by the Commission and the MPTC.

Verbal Commands: The use of advice, persuasion, warnings, and/or clear directions before resorting to or concurrent with the use of actual physical force.

Weapon of Opportunity: An object, tool, or item not specifically authorized by the Department for use as a weapon that is utilized as a means of force in response to an exigent circumstance.

IV. Procedures

Use of force is authorized only when it is objectively reasonable, necessary, and proportional to accomplish a lawful objective. The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the individual, in light of the circumstances surrounding the event. The totality of circumstances includes, but is not limited to, the officer's own tactical decisions and conduct leading up to the use of force. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must account for the fact that officers are often forced to make split-second decisions in tense, uncertain, dynamic circumstances and to rapidly assess the amount of force necessary, proportionate, and objectively reasonable in a particular situation. The reasonableness inquiry in an excessive-

force case is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

Accordingly, the Springfield Police Department will thoroughly document, review, and investigate all officer uses of force to ensure compliance with all legal requirements and this policy.

1. General

- a. Whenever officers are involved in an encounter with an individual, officers shall prioritize the safety of members of the public, officers, and any other individual(s) involved, throughout the entirety of the encounter.
- b. When time and circumstances reasonably permit, officers shall attempt to resolve encounters without resorting to force. Officers shall not intentionally employ tactics that are likely to necessitate the need for force or escalate the level of force necessary to resolve an encounter.
- c. When officers come in contact with members of the public, they are encouraged to be conscious of non-criminal factors that could impact that interaction. Such factors include, but are not limited to, an individual's mental or physical condition, age or developmental maturity, language or cultural differences, the legacy of policing on vulnerable populations, and the agency's history with the public. Factors such as these may affect an individual's ability to understand, respond to, and comply with an officer's commands, prompting an officer to consider modifying their de-escalation tactics and techniques. Officers should also be mindful of the role implicit bias can play in their interactions with individuals, especially in stressful situations.
- d. When time and circumstances reasonably permit, officers shall attempt to de-escalate an encounter at all available and appropriate opportunities, including by assessing and gathering information before an officer arrives on scene, before the escalation of the use of force, throughout an encounter, and until the conclusion of an encounter.
- e. When time and circumstances reasonably permit, officers shall utilize advisements, warnings, verbal persuasion, verbal instructions, and other de-escalation tactics such as area containment, surveillance, waiting out an individual, summoning reinforcements, creating time and distance, summoning a BHN clinician, seeking assistance from a mental health professional, and/or calling in specialized units to reduce the need for force and increase safety. Officers shall document when such efforts were attempted and when they were not feasible.
- f. Any force used shall be objectively reasonable, necessary, and proportional in relation to the level of resistance encountered, whether increasing or decreasing, throughout an encounter.

2. Use of Force Authorization and Limitations

- a. Officers are only authorized to use the amount of force that is objectively reasonable, necessary, and proportional to accomplish a lawful objective.

- b. An officer shall not use force upon another person unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances, and such force is necessary and proportionate to:
 - i. Effect the lawful arrest or detention of an individual;
 - ii. Prevent the escape of an individual from custody;
 - iii. Prevent imminent harm through the use of an amount of force that is proportionate to the threat of imminent harm while protecting the safety of the officer or others; or
 - iv. Defend against an individual who initiates force against an officer.
- c. The authorized use of force ends when resistance ceases, or the officer has accomplished the lawful objective necessitating the use of force. The officer's justification for the use of force must be based on the totality of the circumstances known or perceived by the officer at the time such force is used, including levels of resistance, the subject's behavioral cues, the number of officers and/or individuals present, and the availability of other options.
- d. Force shall never be used as punishment or retaliation, or to subject an individual to torture or other cruel, inhumane, or degrading treatment.

3. Training and Qualifications 1.1.10, 1.1.12, 1.1.13

- a. Newly hired sworn officers and veteran officers shall be provided access to the Department's Use of Force Policy and all applicable policies governing Department-authorized weapons and control techniques prior to being allowed to carry any authorized weapons. Training shall include instruction on the proper and lawful use of force, including the use of deadly force, de-escalation tactics, reporting requirements, and other requirements established by Department policy.
- b. Newly hired officers shall receive instruction on the Department's Use of Force Policy during academy training. Veteran officers shall receive annual use-of-force training and shall be provided training on new or substantially revised use-of-force policies.
- c. Both per-service and annual documented training on the proper and legal use of physical force (including deadly force) authorized for sworn personnel shall be consistent with MGL Part I, Title II, Chapter 6E, Section 14. Policy updates and amendments may be provided through written directives, training bulletins, Roll Call training, annual in-service training, electronic learning platforms, or other Department-authorized training methods. 1.1.1, 1.1.2
- d. Use of force instruction shall incorporate appropriate adult-learning techniques, which may include scenario-based training, problem-solving exercises, online learning platforms, practical exercises, and traditional classroom instruction.
- e. In addition to annual firearms qualification and skills training required by the MPTC, officers shall be properly trained and certified, where certification is required, in the use of any less-lethal weapon or control technique before being authorized to carry or use it. Officers shall only carry and use weapons and control techniques for which they have received Department-authorized training and which are issued and/or approved by the Department.
- f. In addition to newly hired (pre-service) officers, all veteran officers shall receive annual in-service training on the Department's use of force policies, reporting requirements, de-escalation tactics, and relevant legal and case law updates. This

shall be consistent with MGL Part I, Title II, Chapter 6E, Section 14. **1.1.1**

- g. All officers shall complete annual training and demonstrate proficiency with all lethal and less-lethal weapons for which annual proficiency training is required, including Electronic Control Weapons (ECWs).
- h. Department-authorized weapons that do not have an annual training requirement, including O.C. spray, impact weapons, and kinetic impact weapons, shall require refresher training and demonstration of proficiency at least biennially under the supervision of an appropriately certified instructor.
- i. All officers shall receive annual Department-authorized use of force training designed to simulate actual conditions, including stressful, rapidly evolving, and decision-making scenarios. Such training shall reinforce discretion, judgment, de-escalation, problem-solving, and the objectively reasonable application of force. Training shall also address the topics required by 555 CMR 6.10.
- j. Training and proficiency results for Department-authorized weapons shall be monitored by an appropriately MPTC-certified weapons instructor and documented in Department training records by the Department Agency Head or designee. Required training and proficiency information for sworn officers shall also be entered into the MPTC Acadis system by the Department Agency Head or designee, consistent with MPTC requirements.
- k. Officers who fail to demonstrate required proficiency with a Department-authorized weapon shall receive remedial training consistent with MPTC standards and applicable Department policy. An officer who fails to demonstrate proficiency shall not carry or use that weapon in the performance of police duties until the required proficiency has been demonstrated and documented.
- l. Officers seeking to return to duty following an interruption in service shall comply with all applicable requirements of 550 CMR 3.04 before being authorized to perform police duties and functions, including any required training or qualification.
- m. Only officers who have successfully completed required training and demonstrated proficiency with a Department-authorized weapon shall be authorized to carry or use that weapon.
- n. Newly hired officers and veteran officers being issued a new type of weapon shall be provided access to applicable Department policies and shall successfully complete required training and demonstrate proficiency with the weapon before being authorized to carry or use it. The issuance of the weapon, access to or acknowledgment of the applicable policy, and completion of required training shall be documented.
- o. All use of force training, weapons training, qualifications, proficiency demonstrations, remedial training, and training on new or substantially revised policies shall be documented in Department training records. The Department shall electronically track officers' compliance with applicable training requirements and maintain a system through which officers can digitally acknowledge completion of required training and receipt of or training on new or substantially revised policies.

4. Verbal Warning

When tactically feasible, officers will identify themselves as police and issue verbal commands or warnings before using force. When time and circumstances reasonably permit, officers will allow the individual a reasonable opportunity to comply with verbal

commands before resorting to force. A verbal warning is not required where the officer must make a split-second decision or if the officer has an objectively reasonable belief that issuing the warning would place any individual's safety at risk. Officers shall document when such efforts were attempted and when they were not feasible.

5. De-Escalation 1.1.2

Officers, including school resource officers and officers responding to mental health-related calls, shall, unless it is not possible to do so, avoid the use of force by using de-escalation techniques. Examples include verbal persuasion and warnings, slowing down the pace of an incident, waiting out persons, using barriers, creating distance between the member and the threat, and requesting additional resources such as specialized units (crisis intervention-trained (CIT) members, behavioral health care providers, or negotiators) before resorting to force, and to reduce the need for force. De-escalation techniques may mitigate threats, give officers time to use additional resources, and increase the time available to call more officers or specialty units.

- a. Officers shall talk to the person; attempt to convince the person to comply and not use threatening phrases or profanity; reduce any threat presented by withdrawing to a tactically advantageous position; or take actions that allow the member greater distance and time, in order to de-escalate a situation or deploy a lesser force option or no force at all.
- b. Officers shall perform their work in a manner that avoids unduly jeopardizing their own safety or the safety of others through poor tactical decisions, including, but not limited to, immediately approaching a person without proper evaluation of the situation, failing to leave sufficient space between the member and the person, closing the reactionary gap, or escalating a situation.
- c. Officers shall not use tactics that unnecessarily escalate an encounter or create a need for force.
- d. Officers shall de-escalate force immediately as resistance decreases.
- e. If the officer has no alternative to using force, the officer shall use only the amount of force that is objectively reasonable, necessary, and proportional to respond to the threat or resistance and shall immediately reduce the level of force as the threat or resistance lessens or stops.
- f. An officer shall use de-escalation techniques and other alternatives to force consistent with their training, whenever possible and appropriate.

Whenever possible, an officer shall allow an individual time and opportunity to comply with advisements, warnings, or verbal commands before using force. This opportunity should be given when such a delay will not compromise the safety of the officer or another person, destroy evidence, lead to the escape of a suspect, or result in the commission of a crime.

6. Use of Non-Deadly or Less-Lethal Force

- a. Officers shall use only the amount of force that is objectively reasonable, necessary, and proportional to accomplish a lawful objective. Non-deadly force shall conform to the agency's standard of conduct, policies, procedures, and training.

- b. An officer shall use only the amount of force necessary, proportionate, and objectively reasonable against an individual who is engaged in passive resistance to effect the lawful arrest or detention of said individual and shall use de-escalation tactics where feasible.
- c. Physically escorting or handcuffing an individual who offers minimal or no resistance does not constitute a use of force.
- d. Use of force **does** include the pointing of a firearm, ECW, or chemical weapon at an individual and the use of OC spray on or directed toward an individual.
- e. Impact weapons and kinetic impact devices may be used as a non-deadly force option when applied to appropriate target areas, but may also constitute deadly force if applied in a manner or to a part of the body likely to cause death or serious bodily injury.

7. O.C. Spray Procedures 1.1.4

- a. All sworn officers of the Springfield Police Department shall carry or have immediately available and utilize only Department-issued OC spray while on duty or assigned to an extra detail.
 - i. Violation of this order shall be considered misconduct subject to disciplinary action under the written directives of the Springfield Police Department.
- 2. An officer will not use O.C. under circumstances that will create an unreasonable risk to the subject being sprayed (e.g., at the top of a staircase, in front of an open flame, while operating a motor vehicle, etc.) unless exigent circumstances arise.
- 3. The officer shall indicate by sign or word to other officers present that O.C. is to be dispersed, when tactically feasible. The officer shall then deploy the O.C. in short bursts as two, half-second bursts or one, full-second burst to maximize the effect of the formulation. The officer can respray the subject if the O.C. is ineffective after the initial spray.
- 4. The officer should disperse O.C. at a minimum distance of four feet and at a maximum distance of eight feet from the subject, targeting said subject's face. Any distance less than four feet or greater than eight feet may reduce the overall effectiveness of the O.C.
- 5. The spraying of a subject with O.C. shall cease once the subject is distracted and/or submits to the officer's authority and direction through either words and/or actions. The spraying of a compliant subject with O.C. is strictly prohibited.

8. Impact Weapon Procedures 1.1.4

- a. All sworn officers of the Springfield Police Department shall carry or have immediately available and utilize only authorized batons while on duty or assigned to an extra detail.
 - a. Violation of this order shall be considered misconduct subject to disciplinary action under the written directives of the Springfield Police Department.
- b. The Monadnock Expandable Baton is the authorized baton for officers when in uniform or when in plain clothes.
- c. Unauthorized alterations or modifications to an officer's authorized baton are strictly

prohibited without the approval of the Department Agency Head.

- d. When an officer uses their authorized baton as an impact weapon, it shall be in accordance with the [Escalation of Trauma Chart](#).
 - i. Green Target Areas: Are for the confrontations where the subject is perceived as being assaultive. Injuries in these areas tend to be temporary rather than long-lasting.
 - ii. Yellow Target Areas: Are for confrontations when the force applied to a green target area either fails to overcome resistance, does not correspond with the threat level, or when a green target area is not available or not appropriate. Yellow targets are areas on the body where force is directed at a joint or an area in proximity to a prominent red target area, and therefore, the risk of injury increases.
 - iii. Red Target Areas: Are for confrontations where the subject is attempting to cause serious bodily injury to an officer or another person; or situations where force to lower-level target areas fails to overcome the resistance and end the confrontation. Physical force directed at red target areas poses a greater risk of injury to the subject and, in certain areas, may constitute deadly force because of the probability of causing death. An officer should not target the area of the head, neck, and spine unless deadly force is justified.

9. Other Impact Weapons

An officer may use an object other than a Department-authorized impact weapon as an impact weapon only when circumstances reasonably require its use and a Department-authorized impact weapon is unavailable, inaccessible, or would be ineffective under the circumstances. Any such use shall be objectively reasonable, necessary, and proportionate to the threat presented, based upon the totality of the circumstances.

An officer shall not use an unauthorized object as an impact weapon solely because it is more readily available or convenient than a Department-authorized impact weapon. When feasible, officers shall use Department-authorized weapons and techniques for which they have received training.

When an object other than a Department-authorized impact weapon is used as an impact weapon, **the same authorized target areas, restrictions, and limitations applicable to the use of a Department-authorized impact weapon shall apply.** The manner in which the object is used, including the force applied and the area of the body targeted, shall be consistent with the level of force reasonably necessary under the circumstances and with all provisions of this policy governing impact weapons and deadly force.

10. Pointing Weapons

- a. Officers are prohibited from pointing their firearms at or in the direction of an individual, absent an objectively reasonable determination that the situation may escalate to the point where deadly force would be authorized under this policy.
- b. Pointing a firearm or ECW may be reasonable as a control measure when a threat is perceived, even if deadly force is not ultimately used.

- c. When an officer determines that the use of deadly force is no longer justified, they shall secure or holster their firearm as soon as safe and practicable.
- d. Pointing a firearm or an ECW at an individual and using OC spray on or toward an individual are considered uses of force. Officers shall document in their report when a firearm or ECW is pointed at or when OC spray is used on or toward an individual and explain the justification.

Before discharging a firearm, ECW, or other weapon, the officer shall, to the extent feasible, consider their surroundings and potential risks to other individuals before doing so.

11. Use of Deadly or Lethal Force 1.1.2

- a. A law enforcement officer shall not use deadly force upon a person, unless de-escalation tactics have been attempted and failed or are not feasible based on the totality of the circumstances, and such force is necessary to prevent imminent harm to an individual, and the amount of force used is proportionate to the threat of imminent harm, and
 - i. The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another individual;
 - ii. The officer attempts as many de-escalation tactics that are feasible under the circumstances, including utilizing barriers where feasible; and
 - iii. The officer uses only the amount of force that is objectively reasonable.

- b. Weapons of Opportunity

In circumstances where an officer is confronted with an imminent threat of death or serious bodily injury, and the use of deadly force is authorized under this policy, the officer may utilize an available object, tool, or other item as a weapon of opportunity when Department-authorized weapons are unavailable, inaccessible, ineffective, or impractical under the circumstances.

Weapons of opportunity may include, but are not limited to, knives, flashlights, radios, or other objects not specifically authorized or intended for use as weapons.

The use of a weapon of opportunity shall be objectively reasonable, necessary, and proportionate to the threat presented, based upon the totality of the circumstances. Such use shall be limited to the force reasonably necessary to address the imminent threat and shall cease when the threat no longer justifies its use.

The Department's authorization for officers to possess or carry an item as a utility tool or piece of equipment shall not constitute authorization to carry or routinely employ that item as a weapon. Officers shall not substitute weapons of opportunity for Department-authorized weapons solely for convenience or personal preference.

Nothing in this subsection shall prohibit an officer from using an available object or tool in an exigent circumstance when the use of deadly force is otherwise justified under this policy. Any such use shall be reported, reviewed, and investigated in accordance with the applicable provisions of this policy.

12. Deadly Force Restrictions

- a. Immediacy of the Threat Required

An officer shall not use deadly force at any point in time when there is no longer an objectively reasonable belief that an individual currently and actively poses an immediate threat of serious bodily harm or death, even if deadly force would have been justified at an earlier point in time.

b. **Suicidal Individuals**

An officer may not use deadly force against an individual who poses a danger only to themselves.

c. **Discharging Firearms into Moving Motor Vehicles 1.1.2**

An officer shall not discharge any firearm into or at a fleeing or moving motor vehicle unless, based on the totality of the circumstances, including the risk of safety to other persons in the area, such discharge is objectively reasonable, necessary to prevent imminent harm to an individual, and proportionate to the threat of imminent harm; and only if the following conditions exist:

- i. An individual in the vehicle is threatening the officer or another individual with deadly force by means other than the vehicle; or the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted or are not present or practical, including moving out of the path of the vehicle;
- ii. Officers have not intentionally positioned themselves in such a way as to create a likelihood of being struck by an occupied vehicle (e.g., surrounding a vehicle at close proximity while dismounted);
- iii. The officer is not firing strictly to disable the vehicle; and
- iv. The circumstances provide a high probability of stopping or striking the intended target.

13. Use of Weapons Against Animals

- a. Officers may use force, including deadly force, against an animal that represents an imminent threat of death or serious bodily injury to the officer or to the public. When time and circumstances reasonably permit, officers should consider utilizing less-lethal force in such circumstances. Whenever possible, officers should seek authorization from their supervisor prior to using deadly force.
- b. Deadly force may also be used as a humanitarian measure when an animal is seriously injured or seriously ill, and humaneness demands an immediate end to its suffering. Prior to the use of such force, officers should seek the authorization of their supervisor and, in the case of a domesticated animal, authorization from the animal's owner whenever practical. Whenever deadly force is used against an animal, officers shall notify a supervisor and document the incident.

14. Use of Force Restrictions

a. **Sitting, Kneeling, or Standing on An Individual**

Except to temporarily gain, regain, or maintain control of an individual and apply restraints, an officer shall not intentionally sit, kneel, or stand on an individual's chest or spine and shall not force an individual to lie on their stomach. In no event may an officer intentionally sit, kneel, or stand on an individual's neck or head.

b. **Oxygen and Blood Flow**

An officer shall not obstruct the airway or limit the breathing of any individual, nor shall an officer restrict oxygen or blood flow to an individual's head or neck. An individual placed on their stomach during restraint should be moved into a recovery position or seated position as soon as practicable.

c. **Restrained Individuals**

Force shall not be used against individuals in handcuffs unless it is objectively reasonable, necessary, and proportionate to prevent imminent harm to the officer or another individual, to prevent escape, to ensure safety, or to overcome passive resistance where physical removal is necessary.

d. **Chokeholds 1.1.2**

Officers shall not use a chokehold or other tactics that restrict or obstruct an individual's breathing, oxygen, or blood flow to the individual's head or neck.

e. **Warning Shots 1.1.3**

Officers are prohibited from discharging their firearms as a means of warning, intimidating, or frightening an individual. If warning shots have occurred, they will be treated as a use of force and subsequently reported and investigated consistent with this policy.

15. Duty to Intervene 1.1.1, 1.1.2

- a. An officer present and observing another officer using or attempting to use force, including deadly force, beyond that which is necessary or objectively reasonable based on the totality of the circumstances shall intervene to prevent the observed officer's use of unnecessary or unreasonable force, regardless of the rank or agency affiliation of the officer so observed, unless intervening would result in imminent harm to the observing officer or another identifiable individual. **1.1.1, 1.1.2**
- b. The failure of an officer to intervene as required by 555 CMR 6.06 and this policy may subject the officer to discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.
- c. Officers and other agency personnel who observe officer(s) or other agency personnel, regardless of the rank or agency affiliation of the officer so observed, engaged in abuse, meaning excessive force, shall report such abuse to their supervisor or other appropriate supervisor as soon as reasonably possible, but not later than the end of the officer's shift. **1.1.1**
- d. Any harassment, intimidation, or retaliation against any officer or other agency personnel who:
 - i. Intervened or attempted to intervene to prevent or stop an excessive force incident;
 - ii. Made, attempted to make, or is required to make a report regarding the witnessed excessive force incident; or
 - iii. Providing information or testimony to any investigating entity inside or outside the agency is prohibited.

Any such action may result in discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.

16. Duty to Provide Medical Assistance 1.1.5

- a. Officers shall always provide an appropriate medical response to an individual following the use of deadly force when safe and tactically feasible. Officers shall continue to monitor the individual's condition and provide appropriate medical assistance until care is transferred to emergency medical personnel or another qualified medical provider.
- b. Officers shall always provide an appropriate medical response to individuals who are exhibiting signs of or complaining of injury or illness following a non-deadly use of force when safe and tactically feasible. This includes rendering first aid consistent with their annual in-service training, requesting emergency medical services, arranging transportation to a hospital or emergency medical facility, and monitoring the individual until transfer of care.
- c. Officers shall be trained in the proper treatment procedures for individuals exposed to chemical sprays, electronic control weapons, kinetic impact devices, and other less-lethal force options. If medical treatment is offered and refused, officers shall document the refusal, including the nature of the treatment offered, the individual's stated reason for refusal, if provided, and any observable signs of injury or medical distress. A refusal of medical treatment shall not relieve officers of their responsibility to continue monitoring the individual's condition while in their custody and to seek additional medical assistance when warranted. Officers shall notify their supervisor as soon as practical of treatment rendered or refused. If warranted, the supervisor will ensure photographs of any visible injuries are taken, documented, and preserved.

17. First Aid Procedures for O.C. Spray 1.1.5

- a. After the subject in custody, who has been sprayed, has been secured and the situation diffused, the arresting officer(s) will immediately:
 - i. Bring the subject to their feet, or turn and maintain the subject on their side to prevent any difficulties with breathing;
 - ii. Move the subject away from the area of contaminated air to an area of fresh air; and
 - iii. Monitor the subject and attempt to calm the individual through verbal directions.
- b. When a subject in custody who has been sprayed with O.C. shows any unusually significant abnormal effects or requests medical attention, the officer shall provide the subject with medical attention.
- c. As soon as reasonably possible, the subject in custody shall be transported to the police station for booking. One of the transporting officers will continue to monitor the subject throughout the transport. The sprayed subject will be monitored for at least 1 hour after the initial exposure. If, after 45 minutes, the subject is having little or no relief from the effect of the O.C. spray, the officer shall provide the subject with medical attention.

- d. The officer who sprayed the subject with O.C. shall notify the transporting officer of the spray, where tactically feasible. The transporting officers shall notify the booking supervisor upon arrival at the station that the subject has been sprayed, as well as any observations and medical attention the subject received.
- e. At the police station and before the booking process, cool potable tap water should be applied to the face area of the sprayed subject unless the subject refuses.
- f. Once inside the booking area, a compliant sprayed subject shall be unhandcuffed and encouraged to wash (with soap and water) to remove residual O.C. residue that may reactivate if left on the skin.
- g. Booking personnel shall ask the sprayed subject if they are wearing contact lenses. If the subject is wearing them, encourage them to remove them.

18. First Aid Procedures for Impact Tactics 1.1.5

- a. Once the subject who has been struck with an impact weapon has been secured and the situation has been diffused, the officer(s) will conduct a visual evaluation of the subject for injury.
- b. Whenever a subject who has been struck with an impact weapon shows any significant injury and/or requests medical attention, the officer shall provide the subject with medical attention.
- c. As soon as reasonably possible, the subject in custody shall be transported to the police station for booking. One of the transporting officers will continue to monitor the subject during transport.
- d. The officer who struck the subject with the impact weapon shall notify the transporting office of the strike, where tactically feasible. The transporting officer shall notify the booking supervisor upon arrival at the station that the subject has been struck, as well as any medical attention and observations the subject has received. If, due to exigent circumstances, the transporting officer should relinquish custody of the subject under arrest before notifying the booking supervisor, the officer accepting custody shall make the notification.
- e. The subject in custody shall be continually monitored for a reasonable amount of time after the use of the impact weapon.

19. Rendering Medical Aid 1.1.5

- a. After the use of a lethal weapon, less-lethal weapon, weaponless tactic resulting in injury to the person subject to the use of force, or when injuries are sustained as a result of law enforcement action, officers shall render proper medical aid.
 - i. Proper medical aid may include, but is not limited to:
 - 1. Utilizing the cruiser medical bag, or
 - 2. Requesting EMS to respond.
- b. Proper medical aid shall be provided when any person, including suspects or detainees, requests medical attention.
- c. Officers shall render proper medical aid when an officer is on a call for service, or during the detention or arrest of person, and:
 - i. There is an obvious severe injury to a person;

- ii. A person is in medical distress (i.e., unable to breathe, labored breathing, wheezing, etc.); or
- iii. A person is unresponsive or unconscious.

20. Use of Force Reporting, Review, and Investigation 1.1.2

The Department's use of force reporting system is intended to provide for the timely and accurate documentation, review, and analysis of use of force incidents; identify trends; and identify opportunities to improve training, policy, equipment, and officer and public safety. The following Use of Force Types (i.e., Type I, Type II, and Type III) are administrative categories and are not considered levels of force. These types are used to dictate the response, review and investigation conducted by the assigned supervisor. **1.1.6, 1.1.7**

Physically escorting or handcuffing an individual who offers minimal or no resistance does not constitute a use of force and does not need to be reported.

Type I: Includes, but is not limited to, uses of force such as wrist locks, arm bars, and pressure point compliance techniques that **do not** result in injury; forcible carrying or takedowns that **do not** result in injury; the use of oleoresin capsicum (OC) spray where there is no injury beyond the temporary effects commonly associated with OC exposure; and the intentional pointing of a firearm or Electronic Control Weapon (ECW) at an individual.

Type II: Includes, but is not limited to, uses of force such as: Any use of force listed in Type I that **results** in apparent injury; any ECW discharge directed at a person, including instances in which the probes miss the intended subject; weaponless strikes or defensive techniques (e.g., elbow strikes, closed-fist strikes, or kicks) to any part of the body; any discharge of a less-lethal launcher/munition; any canine inflicted injury, and strike(s) with an impact weapon, to any areas other than the head, neck, sternum, spine, groin, or kidney area.

Type III: Includes any use of force that results in death, serious bodily injury, or loss of consciousness; strikes with an impact weapon to the head, neck, sternum, spine, groin, or kidney area; ECW applications in which the cumulative duration of activation on an individual exceeds 15 seconds, whether by the same or different officers; any firearm discharge, including unintentional discharges (see note below); any intentional striking of a person **with** a vehicle and any use of deadly force.

Note: *Officers may discharge their agency-authorized firearms for the purpose of practice, firearms training, or when authorized by the Department Agency Head to participate in law enforcement competition events or ceremonial events.*

21. General Reporting Requirements 1.1.2, 1.1.6, 1.1.7

- a. For all uses of force, including the use of deadly force, the officer(s) using force, when safe to do so, are required to report the use of force to an uninvolved supervisor orally.
- b. In addition to notifying the uninvolved supervisor, an officer using force will document the use of force in the electronic use of force reporting system before the end of their shift. **1.1.6**

- c. The name of any officer who observes a Type II or III Use of Force will be notated in the use of force report.
- d. In reporting all uses of force, officers will document the type of force used, including the following:
 - i. The reason for the initial police presence and the legitimate police objective necessitating the use of force;
 - ii. Level of resistance encountered and the subject's actions, including whether the subject was armed;
 - iii. The reason for each use of force (e.g., each strike);
 - iv. All efforts to de-escalate the situation to avoid the use of force and/or to minimize the level of force used or reasons why such de-escalation efforts could not be attempted;
 - v. Subject's condition;
 - vi. If the subject was injured or complained of injury(s) during or prior to the arrest;
 - vii. Medical services offered to the subject and if treatment was received or refused by the subject; and
 - viii. Injury(s) to officer(s) and medical services received if applicable.
- e. When documenting their use of force, officers shall not use conclusory statements, boilerplate, or canned language (e.g., "violent struggle" or "only reasonable and necessary force was used") without providing supporting incident-specific detail in their use of force reports.
- f. Officers will note in their use of force reports the existence of any body-worn camera or other video footage, regardless of source.
- g. All use of force reports will capture incident details, including the following:
 - i. Call for service number
 - ii. De-escalation techniques utilized
 - iii. Person's injuries
 - iv. Person's resistance
 - v. Use of Force tool (e.g., personal weapons (hands, feet, etc.), Taser, baton, OC Spray)
 - vi. Location of the use of force on the person's body
 - vii. Supervisor(s)' narratives regarding their use of force incident review, investigation, and approval
- h. If an arrestee is injured, the Booking Sergeant will ensure the injuries are documented in accordance with M.G.L. Ch. 276. The Booking Sergeant shall determine, to the extent reasonably possible, whether the injuries are pre-existing or related to a use of force. If the injuries are force-related, the Booking Sergeant will ensure that the arresting officers notify the Uninvolved Supervisor and initiate the necessary use-of-force report, if not already done. A photo lab staff member or designee will take digital photographs of the arrestee's actual and/or reported injury sites. If related to a use of force, these photographs will be included in the use-of-force report. The photo lab staff or designee will also take photographs of officers (e.g., torn uniforms, grass stains,

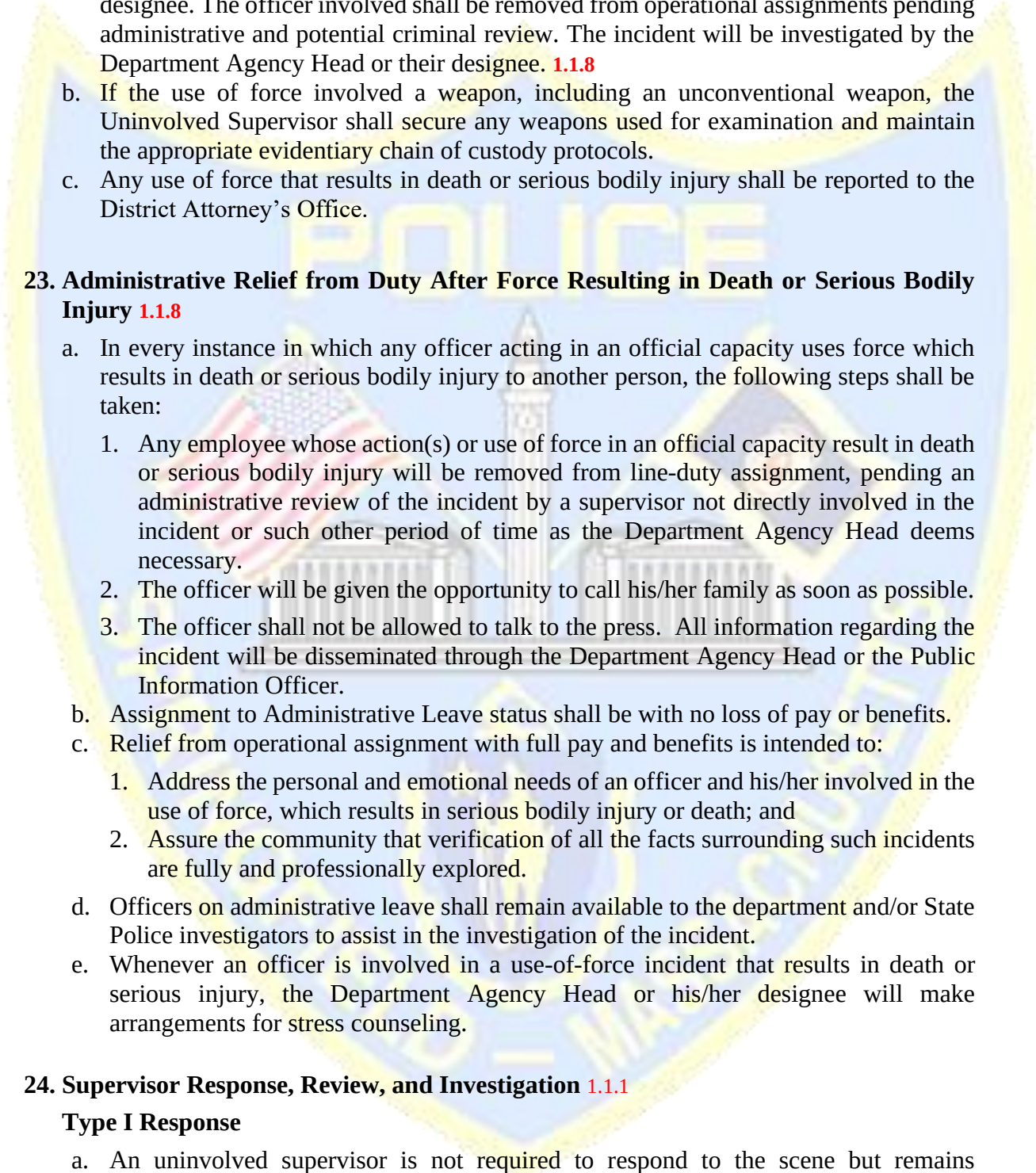
injuries, and hands).

- i. If an arrestee is injured or alleges that an officer used unreasonable force, the Booking Sergeant shall gather as much information as possible from the prisoner about the circumstances surrounding the use of force, including, for example:
 - i. Which officer used force
 - ii. What kind of force was used, and
 - iii. the circumstances that led up to the use of force.

Any allegation or complaint of unreasonable force made during the booking process shall be promptly reported to the Uninvolved Supervisor responsible for conducting the use-of-force review and investigation.

- j. If the reported or alleged use of force was a Type II or III use of force or any level of force that requires evaluation or treatment at a hospital, the Booking Sergeant shall ensure that the appropriate personnel investigate the force used.
- k. Every officer required to complete a use of force report must do so without conferring or discussing the matter with other officers or anyone else.
- l. In addition to intervention techniques, an officer present and observing another officer using force beyond that which is objectively reasonable, necessary, and proportional (including deadly force) shall report, orally, the incident to an uninvolved supervisor as soon as reasonably possible but not later than the end of the officer's shift, and if directed by the supervisor, the witnessing officer will author a detailed narrative of their observations. **1.1.1, 1.1.2**
- m. If an uninvolved supervisor discovers that the force used by an officer was unreasonable or unjustified (including deadly force), all officers involved and witnessing shall author a written statement prior to the end of the shift. The incident summary and written statements shall be given to the Watch Commander and subsequently submitted to IIU for investigation. **1.1.1, 1.1.2**
- n. If an officer who has observed another officer using force has a reasonable belief that the officer failed to report the use of force, they will immediately report the use of force to their immediate supervisor. **1.1.2**
- o. Any harassment, intimidation, or retaliation against any officer who either intervened to prevent or stop an excessive force incident or made a report regarding an excessive force incident they witnessed shall be reported immediately to an appropriate supervisor and will not be tolerated. Any such actions may result in disciplinary action. **1.1.2**
- p. Completed use of force reviews shall be electronically approved by the Reviewing Supervisor and forwarded through the established electronic reporting system for administrative review by the Department Agency Head or their designee.
- q. These mandatory use of force reports shall be submitted and maintained through the Springfield Police Department's electronic use of force reporting system (e.g., Axon Standards). **1.1.6**

22. Response to Officer-Involved Serious Bodily Injury or Death

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- a. Whenever an employee (sworn or non-sworn) either uses force that results in death or serious bodily injury or discharges a firearm at or in the direction of an individual, the Watch Commander shall immediately notify the Department Agency Head or their designee. The officer involved shall be removed from operational assignments pending administrative and potential criminal review. The incident will be investigated by the Department Agency Head or their designee. **1.1.8**
 - b. If the use of force involved a weapon, including an unconventional weapon, the Uninvolved Supervisor shall secure any weapons used for examination and maintain the appropriate evidentiary chain of custody protocols.
 - c. Any use of force that results in death or serious bodily injury shall be reported to the District Attorney's Office.

23. Administrative Relief from Duty After Force Resulting in Death or Serious Bodily Injury 1.1.8

- a. In every instance in which any officer acting in an official capacity uses force which results in death or serious bodily injury to another person, the following steps shall be taken:
 - 1. Any employee whose action(s) or use of force in an official capacity result in death or serious bodily injury will be removed from line-duty assignment, pending an administrative review of the incident by a supervisor not directly involved in the incident or such other period of time as the Department Agency Head deems necessary.
 - 2. The officer will be given the opportunity to call his/her family as soon as possible.
 - 3. The officer shall not be allowed to talk to the press. All information regarding the incident will be disseminated through the Department Agency Head or the Public Information Officer.
- b. Assignment to Administrative Leave status shall be with no loss of pay or benefits.
- c. Relief from operational assignment with full pay and benefits is intended to:
 - 1. Address the personal and emotional needs of an officer and his/her involved in the use of force, which results in serious bodily injury or death; and
 - 2. Assure the community that verification of all the facts surrounding such incidents are fully and professionally explored.
- d. Officers on administrative leave shall remain available to the department and/or State Police investigators to assist in the investigation of the incident.
- e. Whenever an officer is involved in a use-of-force incident that results in death or serious injury, the Department Agency Head or his/her designee will make arrangements for stress counseling.

24. Supervisor Response, Review, and Investigation 1.1.1

Type I Response

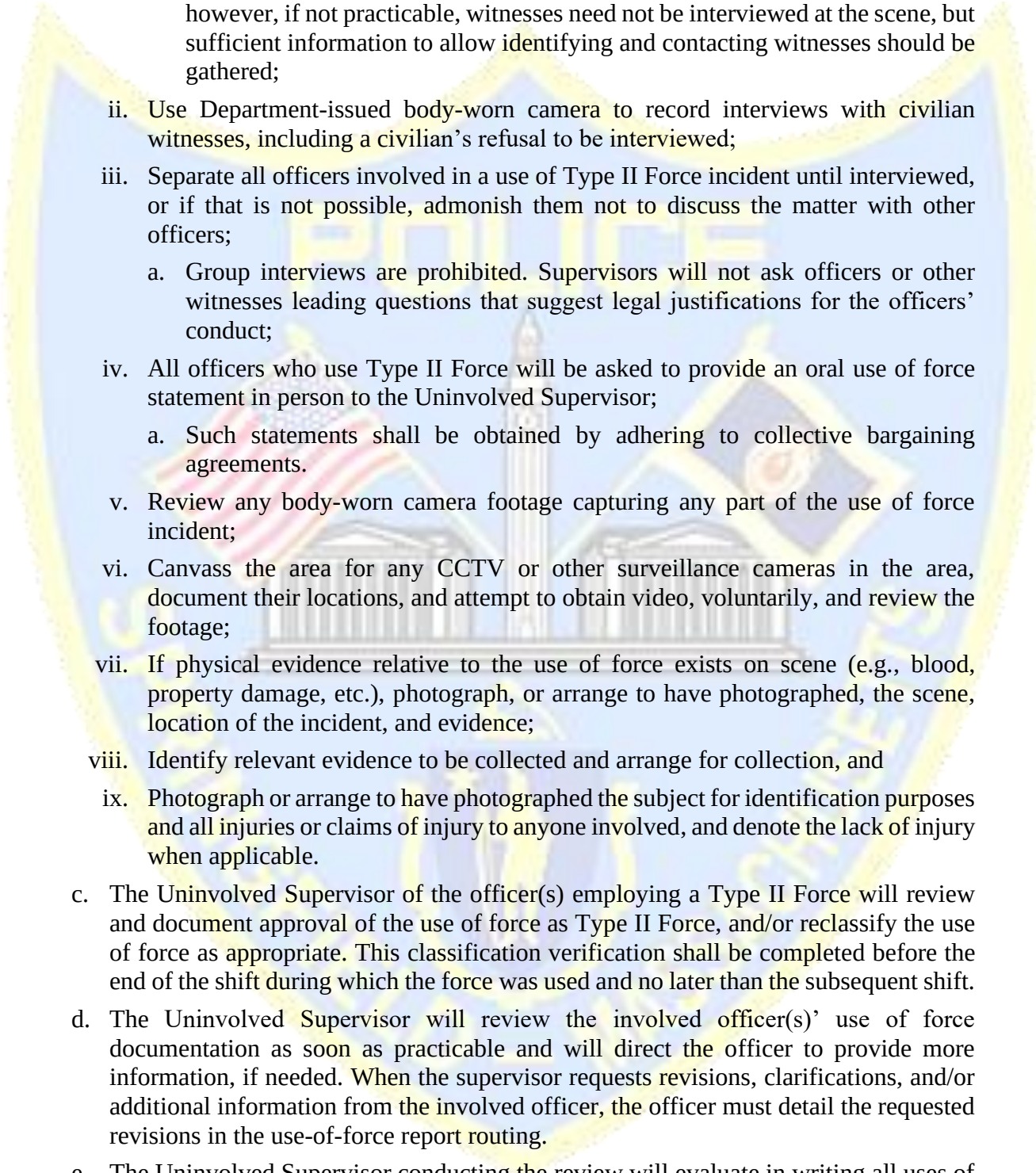
- a. An uninvolved supervisor is not required to respond to the scene but remains responsible for completing the required review.
- b. The uninvolved supervisor shall ensure that all available body-worn camera footage is downloaded and tagged before the end of the shift during which the force was used, and no later than the subsequent shift. This footage, together with officer statements,

may be used to determine the appropriate force classification.

- c. Before the end of the shift during which the force was used, and no later than the subsequent shift, the uninvolved supervisor of the officer(s) employing Type I Force will review and document approval of the classification of the force used as Type I Force and/or reclassify the use of force as Type II or III Force.
- d. The uninvolved supervisor will review the use of force documentation as soon as practicable and, if needed, will direct the authoring officer to provide more information.
- e. When any supervisor requests revisions, clarifications, or additional information from the involved officer, they must detail the requested revisions in the use-of-force report routing.
- f. The uninvolved Supervisor will author a summary of their investigation and whether the use of force was consistent with SPD policy. Consideration should be given to whether there are tactical, equipment, or policy considerations that need to be addressed.
- g. When an investigating or 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 Department Agency Head or their designee when they believe that criminal conduct has occurred. Additionally, they will notify the Detective Bureau Commander if, at any stage of the investigation, they obtain information suggesting criminal conduct.
 - ii. Notify the Internal Investigations Unit Captain and the Department Agency Head if they believe a policy violation may have occurred.
 - iii. The Department Agency Head, Captain, or Lieutenant shall relieve the officer from duty if the situation warrants.
- h. Investigating Supervisors will complete their review within 72 hours. If an extension is required, they will contact the Professional Standards Unit via email at PSU@springfieldpolice.net. They must provide the date of the incident, Event number, reason for the extension, and the estimated time to complete the review and investigation.
- i. The Commander of the shift or unit (Captain or Lieutenant) will be the Reviewing Supervisor. The Reviewing Supervisor will review the Uninvolved Supervisor's use of force review of Type I Force to ensure that the use of force report file is thorough, complete, and makes the necessary and appropriate findings of whether the use of force was consistent with SPD policy. Consideration should be given to whether there are tactical, equipment, or policy considerations that need to be addressed.

Type II Response

- a. Upon notification of the use of Type II Force, an Uninvolved Supervisor of the officer(s) using force shall respond to the scene.
- b. Upon arrival at the scene, the Uninvolved Supervisor will identify and collect information sufficient to establish the material facts related to the use of Type II Force, including the following:

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- i. Locate relevant civilian witnesses, including the subject and third parties, and arrange for those witnesses to be interviewed.
 - a. Best practices include interviewing witnesses to a use of force event on scene; however, if not practicable, witnesses need not be interviewed at the scene, but sufficient information to allow identifying and contacting witnesses should be gathered;
 - ii. Use Department-issued body-worn camera to record interviews with civilian witnesses, including a civilian's refusal to be interviewed;
 - iii. Separate all officers involved in a use of Type II Force incident until interviewed, or if that is not possible, admonish them not to discuss the matter with other officers;
 - a. Group interviews are prohibited. Supervisors will not ask officers or other witnesses leading questions that suggest legal justifications for the officers' conduct;
 - iv. All officers who use Type II Force will be asked to provide an oral use of force statement in person to the Uninvolved Supervisor;
 - a. Such statements shall be obtained by adhering to collective bargaining agreements.
 - v. Review 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. If physical evidence relative to the use of force exists on scene (e.g., blood, property damage, etc.), photograph, or arrange to have photographed, the scene, location of the incident, and evidence;
 - viii. Identify relevant evidence to be collected and arrange for collection, and
 - ix. 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.
- c. The Uninvolved Supervisor of the officer(s) employing a Type II Force will review and document approval of the use of force as Type II Force, and/or reclassify the use of force as appropriate. This classification verification shall be completed before the end of the shift during which the force was used and no later than the subsequent shift.
 - d. The Uninvolved Supervisor will review the involved officer(s)' use of force documentation as soon as practicable and will direct the officer to provide more information, if needed. When the supervisor requests revisions, clarifications, and/or additional information from the involved officer, the officer must detail the requested revisions in the use-of-force report routing.
 - e. The Uninvolved Supervisor conducting the review will evaluate in writing all uses of force for compliance with SPD Policy, as well as other relevant concerns (e.g., tactical or threat assessment). The supervisor shall provide timely, constructive feedback to the involved officer, where appropriate.

- f. The Reviewing Supervisor will author a summary of their investigation.
 - i. If an on-scene investigation of a use of force is delayed for any reason, such reason shall be documented.
- g. Investigating Supervisors will complete their review within 72 hours. If an extension is required, they will contact the Professional Standards Unit via email at PSU@springfieldpolice.net. They must provide the date of the incident, Event number, reason for the extension, and the estimated time to complete the review and investigation.
- h. 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 evidence, related to the use of force, 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.
- i. The Commander of the shift or unit (Captain or Lieutenant) will review the Uninvolved Supervisor's use of force review of Type II 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. 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 criminal conduct or a serious policy violation, the Reviewing Supervisor will:
 - i. Notify the Department Agency Head or their designee when they believe that criminal conduct has occurred. Additionally, they will notify the Detective Bureau Commander if, at any stage of the investigation, they obtain information suggesting criminal conduct.
 - ii. Notify the Internal Investigations Unit Commander and the Department Agency Head if they believe a policy violation may have occurred.
 - iii. The Department Agency Head, Captain, or Lieutenant shall relieve the officer from duty if the situation warrants.
- k. After the Reviewing Supervisor completes the assessment of a Type II use of force, the file will be forwarded to Use of Force Review and 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 investigation to the IIU.

Type III Response

- a. Upon notification of a Type III use of force, an Uninvolved Supervisor will respond to the scene. The on-scene Uninvolved Supervisor shall take initial steps in response to the incident, consistent with the requirements for Type II use-of-force incidents, until the scene is turned over to a trained Investigator.
- b. If the situation warrants, based on the totality of circumstances, the Uninvolved Supervisor will obtain a Public Safety Statement from the involved member(s).

- c. SPD will ensure that a trained Investigator will respond to and investigate all Type III use of force incidents, and any other incident as deemed appropriate by the Department Agency Head or their designee.
- d. The trained Investigator 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. The trained Investigator 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 that compromise, impede, or otherwise disrupt the criminal investigation at the scene of the use of force.
- e. During the course of an investigation, they will have the following responsibilities in responding to a Type III use of force incident:
 - i. Assume control of the use of force investigation upon their arrival;
 - ii. Record all interviews with civilian witnesses;
 - iii. Ensure that officers involved and witnesses are separated until they are all interviewed; If it is not possible to separate all officers until they can be interviewed, they will be admonished not to confer, discuss, or review the use of force incident with others until they can be interviewed;
 - iv. Ensure all video evidence is immediately gathered and assessed; this obligation can be discharged by assuring that other SPD personnel have secured this evidence;
 - v. Arrange for processing of the scene and provide photos as soon as practicable; this obligation can be discharged by assuring that other SPD personnel have secured this evidence;
 - vi. Attempt to interview the person upon whom the officer used the Type III 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 complaints of injury; this obligation can be discharged by ensuring that other SPD personnel have secured this evidence.
 - vii. 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;
 - viii. Seek to obtain voluntary statements from all involved officers. All interviews with officers must be recorded (audio only) and conducted as soon as practicable.
 - ix. Arrange for the involved officers to submit written use of force reports as soon as practicable and no later than 24 hours after the incident, except in extenuating circumstances, such as when an officer is injured, in which case the officer will submit their written report as soon as the extenuating circumstance allows;
 - x. Notify the involved officer's commanding officer, the Department Agency Head, and Deputy Chiefs no later than 24 hours after learning of the Type III use of force, unless impractical. This notification will contain basic facts about the incident as they are known at the time.

- xi. Complete their investigation within 60 days or as soon as possible thereafter; and
- xii. If the Investigator uncovers potential administrative misconduct at any point in the investigation, they will notify the Captain of IIU and the Department Agency Head's office. If the Investigator uncovers potential criminal conduct at any point in the investigation, they will notify the Department Agency Head's office, which will, in turn, authorize notification of the appropriate prosecuting authority and the provision of all relevant information.

25. Use of Force Reporting (Agency Responsibilities)

- a. The agency shall report, at least monthly, the following incidents to the National Use of Force Data Collection Database:
 - i. When an officer's actions result in the death or serious bodily injury of an individual, or
 - ii. When an officer discharges a firearm at or in the direction of an individual.
- b. Any officer who observes officer or other agency personnel, regardless of rank or agency affiliation, engaged in abuse shall report the incident to an appropriate supervisor as soon as reasonably possible, but not later than the end of the officer's shift/tour of duty unless an extension of time is granted by that supervisor.
- c. Any harassment, intimidation, or retaliation against any officer or other agency personnel related to a duty to intervene under Section I shall be reported immediately to an appropriate supervisor.
- d. The agency shall file a report with the Commission when any officer utilizes or orders the use of kinetic impact devices, rubber bullets, ECWs, chemical weapons, or a dog against a crowd.
- e. Any officer who knowingly makes an untruthful statement concerning a material fact or knowingly omits a material fact from a Use of Force Reporting Form may be subject to discipline, up to and including termination, and potential action upon their certification by the Commission, up to and including decertification.
- f. The agency shall report the following incidents to the Commission, in compliance with POST Guidelines:
 - i. Officer-involved injuries or death;
 - ii. Excessive force;
 - iii. Untruthful statements concerning a material fact regarding the use of force;
 - iv. Knowing omission of a material fact regarding a use of force; or
 - v. Any harassment, retaliation, or intimidation of an individual related to the use of force.
 - vi. All Use of Force Reporting Forms shall be retained and maintained by the agency consistent with 555 CMR 12 and are subject to discovery and access through the Massachusetts Public Records Law, M.G.L. c. 66.
 - vii. Records and evidence concerning the use of force and complaints shall be maintained consistent with the requirements of 555 CMR 6.07(8) and 12.04(1)(f).

26. Administrative Review 1.1.7

- a. The Professional Standards Unit shall review the Use of Force Reporting Form in a timely fashion to determine:
 - i. Whether the action was consistent with policy, training, and law;

- ii. Whether further administrative review or investigation is warranted;
 - iii. Whether equipment, training, or policy changes should be considered;
 - iv. Whether a referral to the District Attorney's Office is appropriate;
 - v. Whether the incident is required to be reported to the National Use of Force Data Collection Database (see Section N); and
 - vi. Whether the incident is required to be reported to the Commission (see Section N).
- b. The Department Agency Head or their designee for administrative review may confer with instructors, trainers, or other qualified individuals who specialize in the field of force used as needed. The Department Agency Head shall be informed of any incident that may not be consistent with policy and procedure or that indicates the action warrants further administrative review/investigation.
- c. Use of force reports that warrant further administrative review or investigation shall be referred to the Internal Investigations Unit. Such a review should include, but not be limited to, determining whether the use of force was consistent with this policy and training, as well as officer and public safety. The Internal Investigations Unit shall be responsible for the prompt investigation of the matter, including the collection and preservation of evidence consistent with the requirements specified in 555 CMR 13.03(8), and the recommendation of discipline, if appropriate.
- d. Administrative reviews shall identify officer actions that mitigated or escalated encounters and evaluate whether different actions could have reduced the likelihood of force or injury.
- e. The Professional Standards Unit shall conduct, at a minimum, annual analyses (1.1.14) of all "Use of Force" incidents and complaints and provide a comprehensive report to the Department Agency Head. This report, at a minimum, shall document:
- i. Trends in use of force over time;
 - ii. Identification of officers who are involved in a disproportionate share of use of force reports and complaints, for the purpose of determining whether intervention would be beneficial to improving the officer's use of force behavior and practices, and intervening to improve the officer's use of force behavior and practices when that is determined to be the case;
 - iii. Recommendations on equipment, training, and/or policy changes, if any;
 - iv. The date, time, and circumstances of incidents;
 - v. The type of force or type of weapons used;
 - vi. Types of encounters resulting in the use of force;
 - vii. Characteristics, including but not limited to known or perceived protected class characteristics such as race, age, gender, mental and/or physical disability, of individuals involved;
 - viii. Injuries to individuals, officers, or others; and
 - ix. Identification of trends or patterns contributing to injury.
- f. For purposes of transparency, the Professional Standards Unit shall publish an annual public summary of use of force reports and complaints. The summary shall be made available on the agency's website and at the agency for inspection.
- g. The agency shall provide records and evidence concerning use of force reports and complaints in accordance with any applicable law, rule, regulation, policy, judicial or regulatory order, subpoena, or civil investigative demand of a governmental entity and upon receipt of a public record request under M.G.L. c. 66, § 10.

Lawrence E. Akers
Police Superintendent

LEA/mrb

