SPRINGFIELD POLICE DEPARTMENT GENERAL ORDER

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SUBJECT:	
Internal Investigation Unit	

I. Purpose

The Internal Investigation Unit (IIU) of the Springfield Police Department (SPD) is tasked with and responsible for investigating any reports and complaints regarding misconduct by department personnel. The IIU investigates complaints from the public regarding alleged employee misconduct and reports of employee misconduct filed by SPD supervisory personnel. All complaints filed with the Springfield Police Department will be investigated in an effort to maintain transparency and accountability while establishing trust with the community members of the City of Springfield. **52.1.1**

II. Policy

As of the effective date of this policy, any new cases generated as a result of misconduct, will adhere to this policy and the guidelines set forth with in the IIU Manual.

It shall be the policy of the Springfield Police Department that all complaints against all department employees, including both sworn and non-sworn employees, will be accepted. In conducting investigations of alleged employee misconduct, all appropriate investigative techniques and methods should be employed, consistent with legal requirements and all necessary concern for the individual rights of employees. An internal investigation may inquire into a department employee's on-duty or off-duty conduct if such inquiry is reasonably and directly related to the employee's performance of duty, if such conduct affects the employee's fitness or ability to continue in the police service, or if it reflects discredit on the department.

III. Definitions

Sustained: based upon a standard of preponderance of the evidence, the investigation shows that the alleged misconduct did occur and did violate the law or SPD policy.
Not Sustained: based upon a standard of preponderance of the evidence, the investigation is unable to determine whether the alleged misconduct occurred.
Unfounded: the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject employee.
Exonerated: the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate the law or SPD policy.

Board of Police Commissioners (BOPC): the disciplinary oversight board created by City Ordinance, consisting of five (5) civilian members appointed by the Mayor, whose purpose is to conduct disciplinary hearings and determine conditions of discipline of members of the SPD.
IIU Attorney: Civilian Attorney under contract to provide services in order to ensure oversight and transparency to IIU based investigations of complaints.
Special Order (S.O.): a complaint or internal referral for officer misconduct that is of a serious nature and is handled by IIU investigators, all of whom hold the rank of sergeant or higher. All misconduct complaints involving any allegation related to a use of force will be classified as S.O.
Preliminary Investigation of Employee (P.I.E.): complaints that should be investigated by a supervisor in the designated employee's chain of command with their squad or unit but tracked by IIU.
Administrative Investigation (A.I.): complaints that do not allege misconduct, handled by supervisory officers, tracked by IIU.

IV. General Guidelines and Considerations

The IIU is to be staffed by sworn supervisory personnel holding the rank of sergeant or higher, who report to the commander of IIU, who shall be at the rank of Captain. The IIU Commander is ultimately responsible for direct oversight of the investigative work of the IIU and its function. The IIU Commander will report directly to the Department Agency Head. 52.1.3

Allegations of serious misconduct, such as the use of excessive force, corrupt acts, or an alleged violation of a person's constitutional rights, are to be investigated as an S.O. by the IIU. The IIU will also investigate any custodial death of a prisoner, officer involved shooting, or departmental vehicle pursuit that results in death or serious bodily injury. The above are provided as examples only and further categories of complaints may also be ordered to be investigated by the IIU per order of the Department Agency Head. An internal administrative investigation is to be conducted with the same degree of professionalism as is devoted to a criminal investigation.

At the conclusion of the investigation, depending on the IIU Attorney and IIU Commander's recommendation, taking into account the disciplinary matrix, either the Department Agency Head or the Board of Police Commissioners will review the case for final disposition. If, applicable, discipline will adhere to the disciplinary matrix.

V. Procedures 52.1.4

A. Complaint Intake Process

Complaints of department employee misconduct or the agency as a whole (52.1.1) may be made in writing or orally:

1. In person,
2. Via telephone or TDD,

3. Electronically (e.g. PD Website or e-mail), and/or
4. To the Squad Commander or designee.

Any officer who observes any form of misconduct must notify their direct supervisor for appropriate documentation and investigation. If the observed misconduct is conducted by a supervisor, another supervisor or the watch commander will be notified. Failure to do so will be considered serious misconduct. Any attempts by SPD to refuse a complaint from a community member or to dissuade a community member from filing a complaint shall constitute misconduct and be cause for disciplinary action. When applicable, community members who attempt to file a complaint with an officer in the field shall be referred to a SPD supervisor at least a rank above the officer who is the subject of the complaint. If the complaint alleges a potential crime (e.g., excessive force, biased policing) or a serious violation of policy (e.g., use of offensive and inappropriate language, serious neglect of duty, or dishonesty), the officer receiving the complaint will request a supervisor to respond to the scene to hear the complaint. If the complaint alleges a minor violation (e.g., minor rudeness, traffic and parking violations, or profanity not directed at an individual), the officer shall provide the complainant with a business card, if available, or otherwise provide information regarding where community members can file complaints, including a phone number, email, and address. It shall be the responsibility of the on-duty Watch Commander to ensure that any written complaint form that comes in during his/her shift is properly filled out, signed if the complainant agrees to sign the form, and placed in the IIU drop box located in the Squad Commander's Office at 130 Pearl Street, Springfield, MA. 01105.

The department has a citizen's complaint form that complainants may (but are not required to) use. The complaint form is available at:

1. SPD Website: https://www.springfield-ma.gov/police/divisions/internal-investigation-unit
2. City of Springfield Website: Board of Police Commissioners: City of Springfield, MA (springfield-ma.gov)
3. At a minimum, paper complaint/compliment forms can be picked up and dropped at:
   - SPD Headquarters are located at 130 Pearl St.
   - IIU Office located at 299 Page Blvd.; and
   - Mayor's Office located at 36 Court St.

Anonymous or third-party complaints:

SPD will accept all complaints about the conduct of its personnel, including anonymous and third-party complaints, for review and investigation. **52.1.1**

Any Limited English Proficient (LEP) individual who wishes to file a complaint shall be provided with a complaint form and informational materials in the appropriate language and/or be provided appropriate translation services to facilitate the filing of the complaint.

B. Classifying Complaints

Upon receipt of any complaint or referral, IIU shall administratively open a case for tracking purposes. Working with the IIU Attorney, IIU will then recommend, in writing, a classification for the complaint or internal referral using one of the following categories:

1. Special Order (S.O.),
2. Preliminary Investigations of Employee (P.I.E.), or
3. Administrative Inquiry (A.I.).

The Department Agency Head will review IIU's recommendations regarding classification and investigation, make a final decision, and, where applicable, issue an order of investigation.

C. Notification of Complainants 52.2.4

IIU investigators must make thorough efforts to find and interview witnesses and exhaust all leads. Investigators are required to make at least (3) attempts to contact complainants or potential witnesses. In the event no contact is made after three attempts, the investigator will leave a business card at the witness's residence or business address with a request to contact the investigator. If no contact is made after a business card is left at the witness' residence or business, as a final attempt the IIU will send a letter via certified and first-class mail asking the individual to contact the IIU.

Within 21 days of receiving a complaint, the complaining party shall be given written notification of the department receiving their complaint and whether an investigation into the allegations has been ordered. For cases where an IIU investigation has been so ordered, prior to the end of the 90-day period for Supervisors and 120-day period for Patrol Officers for an investigation, IIU investigators will contact the complainant via telephone to provide the complainant with an update on the status of the investigation. 52.2.4

D. Investigation Process 52.1.1

All investigations of SPD misconduct complaints, including all supervisory reviews of the completed investigation, shall be as thorough as necessary to reach reliable and complete findings. The investigative materials include, but is not limited to, the following:

a. When an investigation has been ordered, SPD will notify sworn personnel in writing that they are the subject of an IIU investigation. Part of such notification will include: the allegation of misconduct, review of the investigative process, points of contact (e.g. IIU investigator, union representative) the officer's due process rights, and the officer's responsibilities relative to the investigation (e.g. interview, providing reports, statements, etc.).

b. All witnesses involved in an incident that become subject to a personnel complaint, shall be interviewed or provide written statement, regarding the incident. Employee

witnesses include both sworn and any non-sworn departmental employees.

c. Recordings of IIU Interviews:

Community Members:

1. If a community member refuses to submit to a recorded interview, the IIU investigator will document the refusal and obtain a written statement from the witness.

Sworn Personnel:

1. IIU will interview sworn personnel in compliance with their perspective Collective Bargaining Agreement(s).
2. Upon request from the IIU investigator, sworn personnel shall provide a written statement.

d. SPD shall investigate every allegation of misconduct that arises during an investigation, even if an allegation is not specifically articulated as such by the complainant.

e. Investigators will report and analyze all relevant evidence, including circumstantial, direct and physical evidence, as appropriate.

f. At any point during the course of review, if it is determined that the complaint did rise to the level of misconduct or serious misconduct, IIU will be notified for potential reclassification and will be investigated accordingly.

g. If at any time during the intake or investigation of the misconduct complaint the investigator finds evidence indicating apparent criminal conduct by any SPD personnel, the investigator shall promptly notify the head of IIU and the Department Agency Head.

h. At the conclusion of any IIU investigation, a comprehensive written report shall be prepared, known as the conclusion of facts. The conclusion of facts will be required for each allegation. The report will include the original complaint report, any additional statements taken from the complainant or statements taken from witnesses, any statements made or reports submitted by the department employee under investigation, and a summary of all evidence gathered, including but not limited to photographs, medical records, body worn camera video (BWC), private videos, audio recordings, and department records. **52.2.8**

i. Upon the disposition finding of any misconduct complaint, the affected officer(s) shall be notified, in writing, of such disposition.

The Superintendent, captain, or lieutenant may relieve the officer from duty, if the situation warrants. **52.2.7**

E. Engagement and Notification of Personnel

Internal and administrative investigations are required to be conducted in compliance with contractual language for both IBPO Local 364, which represents SPD patrol officers, and the Springfield Police Supervisor's Association, which represents SPD Sergeants, Lieutenants and Captains. **52.2.3**

For Investigations Involving Supervisors:

a. Investigators have 120 days from the date of the alleged event to complete the investigation and notify the accused officer.

For Investigations Involving Patrol Officers:

a. All interdepartmental charges against a unit member shall be initiated no later than (120) days following the alleged offense, and a hearing on said charges shall be held within (60) days, unless a later date is mutually agreed upon.

All sworn officers and supervisors are required to be given written notice of a departmental hearing to be held before the Board of Police Commissioners, in compliance with Mass. Gen. Laws ch. 31, sec. 41. Officers and supervisors shall be given written notice of the time and place of the hearing no less than 72 hours from the date of said hearing.

F. Notification of Complainant

Once an investigation has been completed and adjudicated departmentally, the SPD will send written notification to the complainant. This notification will include which disposition was reached on each allegation (Sustained, Not Sustained, Unfounded, or Exonerated). The written notification will also inform the complainant whether any disciplinary action was taken against the employee. Specific information regarding which type of disciplinary action (such as written reprimand, suspension, etc.) was taken will **not** be referenced in the notification.

G. Maintenance of Records

All records of complaints against the agency and its employees shall be maintained in a secure area to protect confidentiality. Disciplinary records related to misconduct investigations shall not be withheld as a public records exemption. The Springfield Police Department shall allow access to the POST Commission's Division of Police Standards to audit all records related to complaints, investigations, investigative reports, and personnel records in accordance with applicable rules and regulations. **[52.1.2]**

Lawrence E. Akers
Police Superintendent

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