

Springfield Police Department Response to the OIR Group  
Independent Critical Incident Review and Analysis of the  
Officer-Involved Shooting Death of Stacy W. Kenny

DRAFT

**RECOMMENDATION ONE: SPD should develop protocols to ensure that a crime scene log is maintained for any officer-involved shooting that occurs in its jurisdiction.**

**Agree.** The Springfield Police Department has updated its Use of Force Policy (G.O. 1.5.1) to include language giving clear direction for all members regarding crime scene responsibilities; to include the maintenance of a crime scene log at the scene of an officer involved shooting incident.

**RECOMMENDATION TWO: SPD should advocate that IDFIT improve its protocols to require each agency to maintain a crime scene log after an officer-involved shooting that occurs in its jurisdiction.**

**Agree.** SPD will advocate that IDFIT address protocols to require each agency to maintain a crime scene log after an officer-involved shooting that occurs in its jurisdiction.

**RECOMMENDATION THREE: SPD should advocate that the IDFIT protocols be modified to ensure a broad scope of initial fact collection, including a full exploration of any tactical decision-making and related force options preceding the use of deadly force.**

**Agree.** The IDFIT investigation is a criminal investigation. The purpose of a criminal investigation is to determine if local, state, or federal criminal statutes were violated in relation to the use of force. The investigation, at a minimum, should consist of eyewitness interviews; evidence collection; scene documentation; background interviews; and involved Officer interview(s). The collection of facts, to include tactical decision making and related force options should always be included in this investigation.

**RECOMMENDATION FOUR: SPD should develop officer-involved shooting policies to ensure that involved and witness officers are segregated from each other and chaperoned until interviews of them can be accomplished.**

**Agree.** SPD has addressed this in an update to General Order 1.5.1, in which supervisor responsibility at the scene of an officer involved shooting includes locating and separating all witnesses and involved members to ensure that no communication regarding the incident takes place.

**RECOMMENDATION FIVE: SPD should work with its County partners to modify the IDFIT protocols so that same shift interviews of officers involved in deadly force incidents occur.**

**Agree, in part.** SPD will work with IDFIT to provide details regarding the shooting so that IDFIT can move forward with the investigation. Current IDFIT protocols for OIS Investigations states the interview shall occur no sooner than 48 hours after the incident, unless this waiting period is waived by the officer. The waiting period does not preclude an initial on-scene conversation with the officer to assess and make an initial evaluation of the incident. A public safety statement should be obtained at the scene, if possible. These questions are asked of the involved officer(s) as soon after the incident as possible, to make sure there are no known threats at the scene. As part of a policy update (G.O. 1.5.1) SPD has created a format to ask these questions. The public safety statement will provide investigators with adequate information to move forward with the investigation.

Depending on the officer's condition and the complexity of the circumstances, a 48-hour delay prior to the involved officer(s) interview may be reasonable. That being said, SPD is committed to moving forward with an officer interview as soon as reasonably possible, with the understanding that an interview in a criminal investigation is voluntary.

The goal of the investigation is to obtain all the facts and the interview of the involved officer will likely provide those facts and will likely corroborate or refute evidence from the investigation. An investigator entering an interview with an involved subject in a deadly force encounter should be armed with as much evidence as possible, in order to follow up on statements provided or to confront the interviewee with evidence contrary to the statement(s) provided.

**RECOMMENDATION SIX: Until the IDFIT protocols are appropriately modified, SPD should conduct administrative interviews of involved officers prior to the end of shift.**

**Disagree.** While it is critical for detectives conducting an officer-involved shooting investigation to learn about the officers' actions, decision-making, and observations, obtaining a "same shift" administrative interview statement is not essential to an effective officer-involved shooting investigation.

Again, a public safety statement should be obtained at the scene, if possible. These questions are asked of the involved officer(s) as soon after the incident as possible, to make sure there are no known threats at the scene. As part of a policy update (G.O. 1.5.1) SPD has created a format to ask these questions. The public safety statement will

provide investigators with adequate information to move forward with the investigation.

The recommended practice is to complete the criminal investigation first, followed by the administrative investigation. While both the criminal and administrative investigations are important and should be aggressively pursued, investigative conflicts between the two formats should be resolved by allowing the criminal investigation to have priority. It is intended that this prioritization will preclude competition between the two investigative formats for access to witnesses, physical evidence, and the involved parties and will prevent the criminal investigation from being compromised by an untimely exercise of the Police Agency's control of the scene, evidence, or witnesses.

**RECOMMENDATION SEVEN: SPD should advocate that IDFIT adopt consistent witness officer interview protocols as follows:**

- a. Statements should be obtained in an interview room equipped with video-taping ability.**
- b. Statements should be video recorded.**
- c. Statements should be transcribed and both recordings and transcriptions included in the investigative file.**

**Agree, in part.** SPD advocates that IDFIT should obtain witness officer statements in a location that affords the use of video-taping so the interview(s) is video recorded. SPD also supports an audio recording of the interview(s). SPD advocates for the interview to be transcribed and both recordings and transcriptions included in the investigative file.

**RECOMMENDATION EIGHT: SPD should advocate that IDFIT provide training and develop protocols for its members to ensure that all information volunteered about an officer-involved shooting is formally and systematically collected.**

**Agree.** SPD advocates for training and protocol development to ensure consistency and systematic investigations. Without transparency and thorough investigation, the relationships we have with our communities suffer and our legitimacy as a police agency is called into question. Not only will the involved officers' actions be publicly scrutinized, but the investigation of those actions will be equally challenged if it is not professional, unbiased and fair to all parties involved.

**RECOMMENDATION NINE: SPD should advocate for developing IDFIT's protocols to require video interviews of involved officers to deadly force events.**

**Agree.** SPD has always and continues to support the idea of video recording/tape recording the interview of the involved officer. This may assist with seeing emotion, gestures, and reenactments. It is important to note, however, that this interview is voluntary, on the part of the officer, and if the officer refuses recording, investigators should document this and proceed. The officer must be afforded the rights of any citizen that is the subject of a criminal investigation.

**RECOMMENDATION TEN: SPD should advocate that IDFIT revise their officer involved investigative protocols to ensure contemporaneous preparation of reports by law enforcement personnel that respond to an officer-involved shooting or are otherwise involved in collateral responsibilities relating to the investigation.**

**Agree.** Through SPD's response to recommendation eleven (below), SPD intends on providing IDFIT with the ability to create a protocol to collect reports from SPD officers who responded to, but were not directly involved in, an incident involving the use of deadly physical force.

**RECOMMENDATION ELEVEN: SPD should create written protocols indicating its expectation that personnel who respond or carry out tasks relating to the officer involved shooting investigation and who are not going to be interviewed contemporaneously document their observations and any duties.**

**Agree.** SPD has updated policy (General Order 1.5.1) to address officer responsibilities. It is the expectation of SPD that officers who are not directly involved in the incident but responded to the scene are to document their involvement in a written report.

**RECOMMENDATION TWELVE: Whenever a Taser is deployed in relation to an officer-involved shooting incident, investigative authorities should request a full analysis from the manufacturer.**

**Agree.** Current SPD policy (General Order 1.6.1) states that the use of the Taser resulting in the electrical stun of a suspect, shall be documented in accordance with department policy and at the conclusion of the arrest, after the suspect is released or incarcerated, the Taser shall be given to the shift supervisor for data download.

SPD has made updated policy (General Order 1.6.1) to include language that the responding supervisor shall obtain the Taser and, in addition to the aforementioned procedure, provide information to the IDFIT Supervisor, as soon as possible in order to get detailed analysis of the Taser use from the manufacturer, as part of Taser's contractual services.

**RECOMMENDATION THIRTEEN: As a matter of course in a critical incident review, SPD should conduct administrative interviews of witness and involved officers to gain insight regarding tactics, decision-making, and other performance issues including the role of de-escalation techniques in the response.**

**Agree.** Current Practice. To bolster policy, language was added to SPD Policy (G.O 1.5.1) that provides for a Force Review Committee shall be appointed to review deadly use of force with guidelines on how to operate. The Committee shall determine findings of fact as to the circumstances surrounding the use of force. They shall consider the reasonableness of the officer's actions in accordance with law and the guidelines of this policy. The primary goals of the Committee are to thoroughly examine use of force incidents to identify areas for improvement in training, tactics, equipment or policy changes that will better prepare Department personnel for future use of force events and any reasonable alternatives to the actions taken that could potentially eliminate or reduce the likelihood of a use of the intermediate or greater level of force in the future. The Committee will examine not only the actual use of force, but the events/tactics and decision making of each involved officer that led up to the utilization of force and make appropriate recommendations as to policy or training modifications.

**RECOMMENDATION FOURTEEN: SPD should modify its review policy to eliminate the ability of the involved officer to select a department member for the Use of Force Review Board.**

**Agree, in part.** This provision was negotiated between the Police Union (SPA) and the Chief of Police as part of the policy. SPD is committed to discussing this dynamic in future labor negotiations. Importantly, it should be noted that the determination of whether or not a use of force is within policy is the made by the Chief of Police and that office is committed to making an informed decision with a focus on continuous improvement.

**RECOMMENDATION FIFTEEN: (A) SPD should set out in writing minimal expectations for documentation of its Use of Force Review Board deliberations, including requirements that each use of force event go beyond the mere question of the appropriateness of the force and considered in terms of Tactical and other decision-making; Policy; Supervision; Training; and Equipment. (B) SPD should require that the facts and analysis for any decision be set out in writing, and that any recommendations that are identified clearly describe the concerns that prompted them.**

**Agree.** SPD has updated policy (General Order 1.5.1) to include language that requires the committee to form a written response in a report with a fixed format consisting of the structured sections including:

*Incident Summary; Timelines; Identification of Involved Personnel; Debriefs of each Involved Officer; Observations concerning Pre-use-of-force decision making; decision points, de-escalation; Policy; Supervision; Training; Equipment and Personnel; Findings; Recommendations; and Conclusions.*

**RECOMMENDATION SIXTEEN: In a deadly force event, the Use of Force Review Board should be tasked with reviewing all decision-making and uses of force from the inception of the incident and consider the performance of all involved officers, and any shortcomings or gaps in the analysis should be rectified through executive direction.**

**Agree.** SPD concurs with the above recommendation and feel this is addressed in the response to recommendation fifteen.

**RECOMMENDATION SEVENTEEN: SPD should devise protocols to ensure that any accepted recommendations or identified training issues emerging from the Use of Force Review Board (and endorsed by the Chief) are implemented by:**

- **Assigning the responsibility of implementation or development of training domains to specific SPD personnel.**
- **Delegating to an SPD command staff member the responsibility of ensuring effective and timely implementation.**

**Agree.** SPD has updated policy (General Order 1.5.1) to reflect that the Chief of Police is also responsible for implementation of the recommendations for change in policy, supervision, training, equipment and personnel, if any, within six months of the date of the report. The Chief may delegate this responsibility at any time at his/her discretion.

**RECOMMENDATION EIGHTEEN: SPD should incorporate a debriefing phase into its Use of Force Review Board process that would provide involved officers with a forum for hearing the board's findings and analysis as well as an opportunity for the officer to share his or her own perspective.**

**Agree.** SPD has updated policy (General Order 1.5.1) to include language that, upon conclusion of the Force Review Board, the Board will present its findings to the involved employees prior to presentation to the Chief of Police. The involved members will be provided an opportunity to speak to employed tactics, the performance of equipment, the need for additional or specialized equipment and an evaluation of applicable department policy and will provide an opportunity for the members and involved individual(s) to provide their insights and perspectives on the investigative and review process, to include suggestions for improved future performance and readiness.

**RECOMMENDATION NINETEEN: In relevant cases, SPD's Use of Force Review Board should expressly consider whether the officer met agency expectations for accessing available background information about subjects and should identify and remedy any systemic impediments to access of such information.**

**Agree.** The Review board will consider whether the officer met agency expectations for accessing available background information about subjects and should identify and remedy any systemic impediments to access of such information.

**RECOMMENDATION TWENTY: SPD's Use of Force Review Board should consider any potential dispatch issues as part of any officer-involved shooting review and address any systemic issues identified.**

**Agree.** In addition to the Force Review Board's considerations, SPD is identifying representatives from Dispatch to attend a regular meeting with Central Lane 911 to go over any concerns, systemic issues, and failures in the system to see how they can be best addressed.



**RECOMMENDATION TWENTY-ONE: SPD should develop policy requiring its officers to deploy de-escalation techniques prior to resorting to force when feasible.**

**Agree.** SPD made changes to the Use of Force Policy (G.O 1.5.1) addressing de-escalation techniques using an objectively reasonable officer standard. All officers receive annual training designed to reinforce the department's policy objective of minimizing the number of use of force incidents. All officers receive annual training designed to provide techniques for the use of and reinforce the importance of de-escalation.

**RECOMMENDATION TWENTY-TWO: SPD should develop policy requiring its Use of Force Review Board to consider as part of its review whether involved officers followed its de-escalation training and policy.**

**Agree.** With regard to the Use of Force Board (now named the Use of Force Review Committee), SPD has added language to the Use of Force Policy (G.O. 1.5.1) ensuring the committee address the following: Pre-use-of-force decision making that includes identification of key decision points for each involved officer, whether de-escalation was reasonably safe, prudent, and feasible and if so, whether attempts at de-escalation were made.

**RECOMMENDATION TWENTY-THREE: In evaluating a deadly force incident, the board should consider and analyze the efficacy and appropriateness of all uses of force within the incident.**

**Agree.** The Force Review committee should evaluate all uses of force within the OIS incident to not only learn what lead up to the OIS, but to determine if the appropriate force, de-escalation, and tactics were used prior to the OIS. This will help the department know what training we may need for the future and help better understand why the OIS occurred.

**RECOMMENDATION TWENTY-FOUR: SPD should consider whether to eliminate the use of "focus blows" as a force option or at least restrict their use as follows:**

- a. Prohibit focus blow strikes to the head**
- b. Require focus blows to be delivered with palm strikes**
- c. Require focus blows to be restricted to no more than three strikes**

**Agree, in part.** The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second

decisions about the amount of force necessary in a particular situation (Graham v. Connor 490 US 386 (1989)).

The responsibility of SPD is to evaluate each use of force case and determine if a “focused blow” was the most appropriate use for force and to continue to work with Defensive Tactics trainers and experts to train officers on alternatives that include palm strikes, and evaluate the number of strikes. SPD will continue to provide training and evaluate force options that are effective or ineffective and modify future training to reflect best practices and recommendations.

Officers are trained to evaluate the results of their actions and make changes based on the circumstances. Officers should continually analyze with the goal to use the least amount of force reasonably necessary, acting in direct response to the actions of the arrestee.

**RECOMMENDATION TWENTY-FIVE: When a supervisor is involved in a deadly force incident, SPD should evaluate whether the supervisor’s performance is in line with Departmental expectations for a supervisor on scene.**

**Agree.** The performance of a supervisor is and will be evaluated in the same manner as any other involved member by the Administrative Investigation and by the Force Review Committee.

**RECOMMENDATION TWENTY-SIX: In evaluating the use of deadly force, SPD should consider whether its use would effectively eliminate any threat presented as well at its own potential to increase the threat to officers and the public.**

**Agree.** SPD has updated policy (General Order 1.5.1) directing the committee to determine findings of fact as to the circumstances surrounding the use of force to include the reasonableness of the officer’s actions in accordance with law and the guidelines of this policy. The committee examines use of force incidents to identify areas for improvement in training, tactics, equipment or policy changes that will better prepare Department personnel for future use of force events and any reasonable alternatives to the actions taken that could potentially eliminate or reduce the likelihood of a use of the intermediate or greater level of force in the future. Officers will continue to be trained in de-escalation and to use the appropriate amount of force to stop or eliminate the threat.

**RECOMMENDATION TWENTY-SEVEN: SPD should devise policy and training instructing officers not to reach into or enter a civilian vehicle unless there is certainty that the operator cannot move the vehicle forward.**

**Agree.** In 2021, SPD Defensive Tactics instructors conducted training on how to extract suspects from vehicles in a manner that reduces the risk of injury to the arrestee and the officer. This training included hands on techniques and a review of situations that were not successful to learn lessons from those cases. SPD is committed to training and policy development regarding this dynamic.

**RECOMMENDATION TWENTY-EIGHT: SPD should devise policy and training addressing the inadvisability of trying to extract an individual through a vehicular window.**

**Agree.** As stated above, SPD Defensive Tactics instructors conducted training on how to extract suspects from vehicles in a manner that reduces the risk of injury to the arrestee and the officer. This training included hands on techniques and a review of situations that were not successful to learn lessons from those cases. This type of training will be a regular part of police training in future years. Giving guidelines and suggestions without absolutes is advisable.

**RECOMMENDATION TWENTY-NINE: Whenever the use of a Taser accompanies a deadly force event, SPD Use of Force Review Board should consider the propriety of its use and whether deployment met Departmental expectations.**

**Agree.** SPD will seek to exceed recommendations and best practices and continue to evaluate the usefulness of the Taser and how it was used in circumstances leading up to a deadly force event, as outlined in policy (G.O. 1.6.1).

**RECOMMENDATION THIRTY: SPD should revise its Taser policy to limit deployment to three cycles, prohibit activations longer than five seconds, and prohibit simultaneous Taser activations by multiple officers.**

**Agree.** SPD is updating policy (General Order 1.6.1) addressing the deployment of Taser applications against the same individual and addresses the simultaneous Taser activations by more than one officer. SPD trains on the appropriateness and how to switch types of forces if needed. DT instructors will continue to keep apprised of the latest training and use recommendations by the manufacturer.

**RECOMMENDATION THIRTY-ONE: SPD should create a written directive assigning the task of analyzing uses of force by officer, identifying any outlier officers in using force, and providing the analysis to the Chief and command staff.**

**Agree.** The purchase of the IA Pro software will allow SPD to track use of force, more efficiently and will allow SPD to respond to issues, such as an inordinate use of force by a particular officer. Upon being directed by the Chief of Police the Office of Professional Standards provides an analysis to the Chief of Police and Command Staff.

**RECOMMENDATION THIRTY-TWO: In the context of its own officer-involved shooting matters, SPD should refrain from sitting at the table of any press event announcing the results of a District Attorney review.**

**Agree.** Recent incidents in which the District Attorney has released a statement, followed up by a statement from SPD, separately, have been effective and SPD will be deliberate in its efforts to avoid an appearance of impropriety and understand the optics of this.

**RECOMMENDATION THIRTY-THREE: In the immediate aftermath of a fatal officer-involved shooting, the Chief of Police should reach out to surviving family members and offer condolences for the loss.**

**Agree.** In collaboration with the Springfield City Attorney's office, SPD will make a statement that expresses an appreciation for the sanctity of human life indicating that SPD places its highest value on the preservation of human life while understanding the seriousness of an Officer Involved Critical Incident. SPD agrees that a meeting with the family to express condolences and share a commitment to a thorough and unbiased investigation into the use of deadly force should be done as soon as it is appropriate to do so.