
	SPRINGFIELD POLICE DEPARTMENT POLICY MANUAL	POLICY #1.5.2
EFFECTIVE DATE 9/14/23	 Andrew Shearer, Chief of Police	ACCREDITATION REFERENCE 1.3.1; 1.3.2

Use of Force Investigations and Review

1.5.2.1 PURPOSE AND SCOPE

This policy establishes a process for the Springfield Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

1.5.2.2 POLICY

The Springfield Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy

1.5.2.3 MEMBERS INVOLVED IN DEATH/SERIOUS INJURY INCIDENTS

- (a) A member whose use of force results in serious physical injury or death to any person shall be placed on Critical Incident leave with pay. The on-duty supervisor or Command Officer may direct such action pending approval by the Chief of Police. The Critical Incident leave with pay shall be for a period of time which allows for the initial administrative review.
- (b) Following the initial administrative review, which is to determine the preliminary facts of the incident, the member may be returned to regular or modified duty as appropriate.
- (c) Employees shall be encouraged to make full use of the Employee Assistance Program. Policy 22.3.2 Employee Wellness provides information on available employee assistance programs.

1.5.2.4 USE OF FORCE INVESTIGATIONS

- (a) When a member's use of force: (1) involves the intentional discharge of a firearm at another person, (2) causes death or serious physical injury by any means (serious physical injury as defined in ORS 161.015(8)), (3) involves intermediate or serious force events in which a suspect or officer suffers a physical injury requiring medical treatment from a licensed medical provider, (4) involves any use of force referred by a supervisor for further investigation, or (5) involves an unintentional discharge of a firearm causing death or physical injury, the following procedures shall be followed:

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- (b) Definition: For purposes of the following sections, the term “firearm” shall exclude any device designed or used to project a missile other than a bullet or shot, such as gas guns, use of a shotgun or other firearm for discharging ferret rounds, less-lethal type rounds, or other special purpose rounds designed for inanimate objects, except when such use results in physical injury or death of any person.
- (c) Pursuant to the Lane County Use of Deadly Physical Force Plan, and its associated Memorandum of Understanding (MOU), the District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death. The criminal investigation of the involved members will be conducted by the Lane County Interagency Deadly Force Investigation Team (IDFIT).
- (d) When a member's use of a firearm or any other weapon has caused death or serious physical injury, that weapon shall be taken into custody by an IDFIT investigator, supervisor, or command officer. The weapon of any member shall also be surrendered, upon direction, to a supervisor for tests when necessary to determine which weapon caused injury and/or death. No member shall refuse to surrender any weapon. Unless circumstances deem otherwise, the supervisor shall, as soon as possible, replace the surrendered weapon.
- (e) The department shall conduct an investigation, which may include separate administrative, civil liability, or criminal investigations. The provisions of this policy govern administrative investigations. If assigned, criminal and civil liability investigations will be conducted in accordance with law and procedure governing these types of investigations.
- (f) Involved members shall be treated with sensitivity and will be afforded all their constitutional and bargaining unit rights.
- (g) Any in-depth interviews shall take place in a non-coercive, neutral environment, removed from the scene. The interview site shall be chosen taking the emotional and physical state of the involved member into account. Every effort shall be made to minimize the number of interviews conducted. The member shall be afforded a reasonable period to prepare for the interview and to allow for response of the member's attorney and/or association representative. Reasonable breaks shall be afforded the member during the course of the interview.

1.5.2.5 FORCE REVIEW COMMITTEE

- a) A Force Review Committee shall be appointed to review every use of force described in paragraph (a) of section 1.5.2.4 of this Policy. The Committee will be appointed by the Chief of Police and will have four standing members to include the Operations Division Commander, the Defensive Tactics Supervisor, the Firearms Instructor Supervisor, and the Crisis Intervention Team (CIT) coordinator. The CIT coordinator is recognized within the Department as having an expertise in crisis intervention training. The standing members will be provided specific training (DPSST certified) on conducting administrative investigations and review of deadly force events. All members of the Force Review Committee will at a minimum have completed the 40-hour CIT training prior to being appointed a Committee member. Ad hoc members shall include a firearms or defensive tactics instructor and the involved member's supervisor who was not on duty at the time of the incident. If any of the standing or ad hoc committee members were involved in the incident being reviewed, the Chief of Police will select a replacement to serve on the Committee.

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The involved member/s may select one other, uninvolved, sworn member of the Department to serve on the Committee. The Operations Division Commander shall chair the Committee.

- (b) 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. The Committee shall forward their findings to the Chief of Police in writing.
- (c) The written response from the Committee will be a report in a fixed format consisting of the following sections:

Incident Summary

Timelines

Identification of Involved Personnel

Debriefs of each Involved Officer

Observations concerning:

1. 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.
2. Policy
3. Supervision
4. Training; and
5. Equipment and Personnel.

Findings, concerning:

1. Equipment and personnel; and
2. Whether the involved officers' pre-use-of-force tactical decision making was consistent with training and policy.

Recommendations and Conclusions.

- (d) The Committee is not charged with making any disciplinary recommendations.
- (e) Upon conclusion of the Force Review Committee, the Committee will present its findings to the involved members prior to presentation to the Chief of Police. The involved members, if they so choose, may respond, in writing, to the Use of Force Committee for consideration prior to the committee's presentation to the Chief of Police.
- (f) The Committee shall forward their findings to the Chief of Police in writing.
- (g) The Chief of Police will make the final decision whether the member's use of force was within policy. The Chief of Police shall provide the involved member with a written statement of his findings within a reasonable time.

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- (h) If the use of force is determined not to be within policy, one or more of the following actions shall be taken:
 - 1. If a violation of law or Department rules or regulation is substantiated, the matter shall be processed in accordance with Departmental disciplinary procedures.
 - 2. If an incident is deemed to be caused by inadequate training, the matter shall be referred to the Professional Standards Division to ensure proper training is provided.
 - 3. If the death or injury is caused by an accident, the matter may be dealt with as disciplinary or training depending upon the circumstances.
- (i) 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.

1.5.2.6 USE OF FORCE REPORTING

Use of force summaries and Force Review Committee findings shall be maintained by Professional Standards. The Professional Standards Sergeant shall, on an annual basis, conduct an analysis to determine the need for training and or policy modifications.

In compliance with HB 2932, Professional Standards and/or the Records Division shall, annually, no later than (March 31st) report on agency use of force by participating in the National Use-of-Force Data Collection annual reporting.