

**PITTSFIELD POLICE DEPARTMENT
REPORT TO THE CHIEF
FORCE INVESTIGATION TEAM**

DATE: April 21, 2022
TO: Chief Michael Wynn
FROM: Force Investigation Team
RE: Preliminary Investigation
Officer Involved [REDACTED] at [REDACTED] Onota Street

On March 26, 2022, Chief Michael Wynn activated a Force Investigation Team (FIT) for an analysis of the [REDACTED] deployments and officer [REDACTED] involving Officer Nicholas Sondrini and Officer Christopher Coffey that occurred on March 25, 2022 at [REDACTED] Onota Street in Pittsfield. The FIT was ordered to review the [REDACTED] deployments by both Officer Coffey and Officer Sondrini and use of a department issued [REDACTED] by Officer Sondrini. The purpose of the FIT is to determine if a use of force incident complied with Departmental Policies and Procedures, Training Guidelines and Massachusetts 550 CMR 6.00 – Use of Force by Law Enforcement Officers. The FIT consists of a supervisor, a detective, a use of force instructor, and a member of the involved officer's union as selected by the union president. The members of FIT are Lieutenant John Mazzeo, Detective Timothy Koenig, Officer Nicole Gaynor and Investigator Thomas Bowler.

On March 28, 2022, the FIT obtained 911 calls, radio transmissions, [REDACTED] transmissions, crime scene photos and video surveillance footage pertaining to Pittsfield Police Department calls for service Call #22-10866 and Call #22-10872 from Pittsfield Police Department's Crime Scene Services and Detective Bureau. Lieutenant Mazzeo requested copies of recorded witness statements of [REDACTED] and [REDACTED] from [REDACTED] Reports and Crime Scene Photographs from Massachusetts State Police Berkshire Detective Unit (MSPBDU) who was conducting an investigation into the officer involved [REDACTED] incident.

On March 29, 2022, members of FIT met and were supplied IMC call logs for Pittsfield Police Department calls for service #22-10866 and #22-10872, Pittsfield Police Department offense narratives from 22-1026-OF, Use of Force Policy #300 and Post-[REDACTED] and Assault Incident Procedures Policy #1.02 for review. The FIT listened to 911 calls, radio transmissions and [REDACTED] transmissions from Call #22-10866 in addition to 911 calls and radio transmissions from Call #22-10872 (22-1026-OF). The FIT also viewed surveillance camera footage and crime scene photos from the incident along with downloaded data from the [REDACTED] used by Officer Coffey and Officer Nicholas Sondrini during the incident.

On March 30, 2022, Lieutenant Mazzeo and Officer Gaynor monitored the interviews of Officer Coffey and Officer Sondrini at MSPBDU. During the interviews, notes were taken regarding the interviews by both Lieutenant Mazzeo and Officer Gaynor to review with other

members of FIT. After the conclusion of the interviews, another request to MSPBDU was made for recorded witness statements of [REDACTED] and [REDACTED] from [REDACTED] Reports and Crime Scene Photographs from MSP, in addition to copies of the interviews of Officer Coffey and Officer Sondrini.

On March 31, 2022, members of FIT met and discussed the details of the interviews of Officer Coffey and Officer Sondrini. Those details were reviewed and compared to information that was reviewed on March 29, 2022. Members of FIT were also supplied Conducted Energy Device Policy #303, Crisis Intervention Incidents Policy #409 and Civil Commitments Policy #410.

On April 4, 2022, members of FIT met and discussed interviewing witnesses [REDACTED] and [REDACTED] from [REDACTED] to obtain information from the incidents. They also discussed the fact that some information, such as the [REDACTED] report and crime scene photos, would not be made available for review. It was determined by the FIT that those materials would not be influential in determining whether officers complied with the policies and procedures of the Pittsfield Police Department (Use of Force, Conducted Energy Device, Crisis Intervention Incidents and Civil Commitments).

On April 8, 2022, members of FIT met with a witness to the incident, [REDACTED] and conducted a recorded interview of the details that evening. After the interview, the members discussed each policy and if the officers complied with the policies and procedures of the department and acted within the training guidelines.

On April 10, 2022, Chief Wynn was provided the preliminary investigation report from the FIT team that was completed on April 8, 2022. The report concluded that Officer Sondrini and Officer Coffey acted within the Departmental Policies and Procedures and Training Guidelines of the Pittsfield Police Department.

On April 12, 2022, Lieutenant Mazzeo was provided copies of Officer Sondrini and Officer Coffey's interviews from MSP Detective Lieutenant Dickinson.

On April 14, 2022, Lieutenant Mazzeo received the initial preliminary investigation report back from Chief Wynn which contained the request for additional information including review of the 2021 Massachusetts Police Reform Use of Force CMR Laws and an analysis if the officers complied with the new law. This comparison was already conducted by Officer Gaynor during the first analysis of all the information, but was not described in the report.

On April 16, 2022, Lieutenant Mazzeo contacted several individuals that were either present at the scene of the [REDACTED] or were quoted in the Berkshire Eagle in newspaper articles regarding the [REDACTED] of [REDACTED]. Lieutenant Mazzeo attempted to contact [REDACTED] who was quoted in the Berkshire Eagle regarding witnessing the incident but there was no answer. Lieutenant Mazzeo left a message on his voicemail to return his phone call. Lieutenant Mazzeo contacted [REDACTED] who was present during the entire incident. When [REDACTED] answered the phone, Lieutenant Mazzeo identified himself and asked if she would be able to speak to officers regarding the incident. [REDACTED] immediately

stated no. Lieutenant Mazzeo explained to her that the department was conducting an investigation into the [REDACTED] and they know she already gave the Massachusetts State Police a statement but that the District Attorney's Office would not share it with our department. [REDACTED] stated that she respectfully does not want to give a statement or speak to officers from the Pittsfield Police Department. Lieutenant Mazzeo attempted to contact [REDACTED] who was also present during a portion of the incident. The phone number listed for [REDACTED] does not appear to work (does not ring or go to voicemail).

On April 16, 2022, Lieutenant Mazzeo stopped at [REDACTED] to request run sheets and reports from [REDACTED] and [REDACTED] who responded to [REDACTED] Onota Street during the incidents involving [REDACTED]. Lieutenant Mazzeo was told by [REDACTED] that they don't have access to that information and would have to contact the administration anytime between Monday – Friday. A short time later, Lieutenant Mazzeo sent an email to [REDACTED] requesting any information from [REDACTED] regarding the calls for service involving [REDACTED] on March 25, 2022.

On April 18, 2022, Lieutenant Mazzeo and Officer Gaynor and went to [REDACTED] residence [REDACTED] [REDACTED] to speak to him about the incident. When they knocked at the door, a female from inside asked who was there. They identified themselves as the Pittsfield Police Department and she never answered the door. They knocked several other times with no answer. Lieutenant Mazzeo then called [REDACTED] phone number and he answered. Lieutenant Mazzeo explained to [REDACTED] that they were looking to speak to him and he stated he was at work today but was available tomorrow. He stated he would call back to give a time to meet. Lieutenant Mazzeo and Officer Gaynor then left the apartment building.

Lieutenant Mazzeo and Officer Gaynor then traveled to [REDACTED] and spoke to [REDACTED]. [REDACTED] provided them with information from both the first call (Call #22-10866) and the second call (Call #22-10872) involving [REDACTED]. The reports he provided contained responding [REDACTED] information, a report narrative and in the first call, a picture of the [REDACTED] on [REDACTED] face showing a small [REDACTED] to his face. Additionally, the report narrative ([REDACTED] Incident Report #415542) described the [REDACTED] as "minor facial [REDACTED]" and that [REDACTED] stated the cut occurred "at work". They further stated the [REDACTED] appeared to be controlled. The report described how [REDACTED] admitted to [REDACTED] use and refused transport to the [REDACTED] without incident or delay. The report for the second call for service ([REDACTED] Incident Report #415545) described that the police officers on scene when they arrived were providing [REDACTED] to [REDACTED] control).

On April 19, 2022, Lieutenant Mazzeo attempted to contact [REDACTED] to arrange a time to meet to conduct an interview. There was no answer and a message was left requesting a return phone call. As of the date of this report, [REDACTED] did not provide a statement.

After reviewing the evidence and the Department's Use of Force Policy #300, Conducted Energy Device Policy #303, Crisis Intervention Incidents Policy #409, Civil Commitments Policy #410, and Massachusetts 550 CMR 6.00 – Use of Force by Law Enforcement Officers, the FIT came to the conclusion that the force used by Officer Coffey and Officer Sondrini was

within the Departmental Policies and Procedures, Training Guidelines and Massachusetts 550CMR 6.00. Based on the following information:

- On March 25, 2022 at approximately 2146hrs (Call #22-10866) officers were dispatched to [REDACTED] Onota Street to assist a citizen regarding a possible [REDACTED]. Officers encountered [REDACTED] who was [REDACTED] and had a [REDACTED] to the right side of his face. Officers spoke with [REDACTED] who was [REDACTED] and his [REDACTED] separately, away from each other. They both advised officers the [REDACTED] occurred at work and [REDACTED] was not [REDACTED] himself. Officers offered to have [REDACTED] respond to evaluate him and provide [REDACTED] a transport to the [REDACTED]. Officer Sondrini removed a knife from [REDACTED] person and he was cooperative while he did this. [REDACTED] personnel were summoned and evaluated [REDACTED] who stated the same to [REDACTED] personnel which was documented in their report.
- Pittsfield Police Department's [REDACTED] Intervention Incidents Policy #409.1.1 defines a Person in crisis as a person whose level of [REDACTED] have exceeded the person's internal ability to manage his/her behavior or emotions. A [REDACTED] can be precipitated by any number of things, including..... or any other circumstance or event that causes the person to engage in erratic, disruptive, or dangerous behavior that may be accompanied by impaired judgement.
 - ❖ [REDACTED] did not exhibit behaviors which would qualify that he was a person in [REDACTED] during Call #22-10866.
- Pittsfield Police Department's Crisis Intervention Incidents Policy #409.3 states signs of a person in crisis as:
 - a) A known history of mental illness
 - b) Threats of or attempted suicide
 - c) Loss of memory
 - d) Incoherence, disorientation, or slow response
 - e) Delusions, hallucinations, perceptions unrelated to reality, or grandiose ideas
 - f) Depression, pronounced feeling of hopelessness or uselessness, extreme sadness or guilt
 - g) Social withdrawal
 - h) Manic or impulsive behavior, extreme agitation, lack of control
 - i) Lack of fear

j) Anxiety, aggression, rigidity, inflexibility, or paranoia

❖ ██████ did not exhibit any signs of being a person in ██████ during Call #22-10866.

➤ Pittsfield Police Department's Civil Commitments Policy #410.1.1 defines Likelihood of serious harm – includes (G.L.c. 123 § 1) as:

- a) A substantial risk of physical harm to the person as shown by his/her threats or attempts to commit suicide or to cause other serious bodily harm to him/herself.
- b) A substantial risk of physical harm to other persons as shown by homicidal or other violent behavior or evidence that others are in reasonable fear of violent behavior and serious physical harm.
- c) When the person's judgment is so affected that there is a substantial risk the person cannot protect him/herself from physical impairment or injury and there is no reasonable provision for protection available in the community.

❖ The circumstances involving the interaction with ██████ during Call #22-10866 did not qualify the above definition of Likelihood of Serious Harm for a ██████

- On March 25, 2022 at approximately 2210hrs (Call #22-10872) officers were dispatched to ██████ Onota Street for a disturbance involving ██████. Officers were presented with a ██████ force situation immediately when they arrived on scene. ██████ was armed with a large kitchen knife in the roadway of Woodbine Avenue acting aggressively, getting into a fighting stance and refusing to comply with the officer's commands to drop the knife.
 - Massachusetts 550 CMR 6.03 defines Deadly Force as physical force that can reasonably be expected to cause death or serious physical injury.
 - Massachusetts 550 CMR 6.03 defines Serious Bodily Injury as bodily injury that results in: (a) permanent disfigurement; (b) protracted loss or impairment of a bodily function, limb, or organ; or (c) a substantial risk of death.
 - Pittsfield Police Department's Use of Force Policy #300.1.1 defines deadly force as force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.
- Officers utilized de-escalation techniques (*verbal commands, less ██████ options (██████), requesting additional less ██████ options, more officers and creating distance*) to resolve the situation without the use of ██████ force.

- Massachusetts 550 CMR 6.03 defines De-escalation Tactics as 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, warning, slowing down the pace of an incident, waiting out a person, and 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 shall include, but is not limited to, issuing a summons instead of executing an arrest where feasible.
- Pittsfield Police Department's Use of Force Policy #300.3.5 defines Alternative Tactics – De-Escalation as when circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resource, formulating a plan, attempting verbal persuasion, utilizing barriers where feasible).
- Pittsfield Police Department's Conducted Energy Device Policy #303.4.1 states the following regarding the Application of the Taser Device:

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- a) The subject is violent or is assaultive.
 - b) The subject has demonstrated, by words or action, an intention to be violent or to assault, and reasonably appears to present the potential to harm others, him/herself or others.
 - c) The subject is actively resisting and is resisting in such a fashion that a drive stun application may overcome the unlawful resistance.
- Pittsfield Police Department's Conducted Energy Device Policy #303.4.4 states the following regarding the Multiple Applications of the Taser Device:

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Officers should not intentionally apply more than one TASER device at a time against a single individual.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should evaluate the situation and consider certain factors before additional applications of the TASER device including:

- a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
 - b) Whether the probes are making proper contact.
 - c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
 - d) Whether verbal commands or other options or tactics may be more effective.
- Based on the totality of the circumstances, de-escalation techniques were not feasible and did not need to be utilized. Both Officer Coffey and Officer Sondrini attempted de-escalation techniques (*Verbal commands, [REDACTED] deployments, creating distance to provide more time for additional resources, and requests for additional less [REDACTED] options (less [REDACTED])*) and only after de-escalation attempts were not successful, Officer Sondrini utilized [REDACTED] force. Officers were backed into traffic on Onota Street when [REDACTED] advanced quickly at Officer Sondrini raising the knife in an upwards position placing Officer Sondrini's life in imminent danger. Officer Sondrini discharged his [REDACTED] twice to stop the threat.
 - Massachusetts 550 CMR 6.03 defines an Officer-involved Injury or Death as any event during which an officer:
 - a) discharges a weapon, or stun gun, as defined in M.G.L. c. 140, § 121, actually or proximately causing injury or death to another;
 - Massachusetts 550 CMR 6.05 stated Use of Deadly Force:
 1. A law enforcement officer shall not use deadly force upon a person, unless de-escalation tactics have been attempted and failed are not feasible based on the totality of the circumstances and such force is necessary to prevent imminent harm to a person and the amount of force used is proportionate to the threat of imminent harm, and:
 - a) The imminent harm poses an imminent danger of death or serious bodily injury to the officer or another person;
 - b) The officer attempts as many de-escalation tactics that are feasible under the circumstances, including utilizing physical barriers where feasible; and
 - c) The officer uses only the amount of force that is objectively reasonable.
 - Pittsfield Police Department's Use of Force Policy #300.3.1 stated Factors used to Determine the Reasonableness of Force as the following:

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- a) Immediacy and severity of the threat to officers or others.
- b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- d) The effects of suspected drug or alcohol use.
- e) The individual's mental status or capacity.
- f) The individual's ability to understand and comply with officer commands.
- g) Proximity of weapons or dangerous improvised weapons.
- i) The availability of other reasonable and feasible options and their possible effectiveness.
- l) Potential for injury to officers, suspects, and others.
- m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

- Pittsfield Police Department's Use of Force Policy #300.4.1 stated Deadly Force Applications as the following:

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- a) An officer may use deadly force to protect him/herself or other from what he/she reasonably believes is an imminent threat of death or serious bodily injury.

- Pittsfield Police Department's Use of Force Policy #300.1.1 defines Totality of the Circumstances as All facts and circumstances known to the officer at the time, taken

as a whole, including the conduct of the officer and the subject leading up to the use of force.

- After Officer Sondrini discharged his department [REDACTED] Officer Sondrini and Officer Coffey immediately rendered [REDACTED] to [REDACTED]

➤ Massachusetts 550 CMR 6.05 stated Use of Deadly Force:

7. Officers shall always provide appropriate medical response to an individual following a use of deadly force when safe and tactically feasible.

➤ Pittsfield Police Department's Use of Force Policy #300.6 states Medical Considerations as the following:

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail.....

On April 12, 2022, Chief Wynn complied with Massachusetts 550 CMR 6.07 – Use of Force Reporting where departments are required to report to the National Use of Force Data Collection Database when actions by a law enforcement officer resulted in the [REDACTED] or serious bodily [REDACTED] of an individual, or when a law enforcement officer, in absence of [REDACTED] or serious bodily [REDACTED] discharged a [REDACTED] at or in the direction of a person.

A formal investigation report will be submitted within the required thirty days.

Respectfully Submitted,


Force Investigation Team