

May 1, 2025

FINAL REPORT OF HAMPDEN DISTRICT ATTORNEY ANTHONY D. GULLUNI  
REGARDING THE NOVEMBER 21, 2024, SHOOTING DEATH OF DEVIN LEWIS

I. Introduction

The Hampden District Attorney's Office has concluded its homicide investigation into the November 21, 2024, shooting death of Devin Lewis on Lyman Street in Springfield. Mr. Lewis was shot by Springfield Police Officers Jordan Richardson-Polk and Salymar Cruz. Both officers arrived at the location in response to a 911 caller seeking assistance with a known male who was armed, intoxicated, and potentially suicidal.

The Hampden District Attorney has the statutory duty and authority to direct and control all death investigations in Hampden County. M.G.L. c. 38, § 4; *Dist. Attorney for the Norfolk Dist. v. Magraw*, 417 Mass. 169, 172 (1994). Massachusetts case law further directs that during an active investigation into a death, certain investigatory materials may be exempted from public disclosure because of their release's possible effect on effective law enforcement. *WBZ-TV4 v. Dist. Attorney for the Suffolk Dist.*, 408 Mass. 595, 603 (1990).

As such, the ultimate purpose of this investigation is to determine whether any person bears criminal responsibility in connection with Mr. Lewis's death. Accordingly, the Hampden District Attorney's Office collected and exhaustively reviewed all available evidence regarding the shooting. These materials include body-worn camera (BWC) footage from all officers who responded to the scene, written statements of the involved officers, first responder reports, crime scene reports, crime scene photographs, witness interviews, Shotspotter report, 911 recording, and autopsy results.

The entirety of the contact between Mr. Lewis and members of the Springfield Police Department was captured by body-worn camera footage and seen by civilian witnesses. This investigation concludes that Officers Richardson-Polk and Cruz acted in the lawful exercise of their duties and used only necessary and reasonable force in both self-defense and defense of others.

II. Findings of Fact

At approximately 1:30 a.m. on November 21, 2024, Springfield Police officers responded to a 911 call for help from an identified caller needing assistance with a known male (later identified as Devin Lewis) who had been drinking, possessed a gun, and expressed suicidal thoughts. The caller was nervous, upset, and seeking help because they believed the known male was having a breakdown. When the officers arrived at the location, several officers approached the building, and one officer began questioning two women in obvious distress. They identified themselves as the girlfriend of the male in distress and her mother, who was also the 911 caller. They told the officer that the male was inside his apartment, he had a rifle, and they were afraid

he was going to harm himself. While speaking with the women, other officers approached the apartment building and began to discuss how to gain entry. One of the women offered to give the police keys to the building, and while handing them to the officers, she sees Devin Lewis exit the building. Bodycam footage from officers near the building entry show Mr. Lewis at the doorway and footage from the bodycam of the officer interviewing the two women shows one of the women scream “that’s him”. Officers standing a few feet away, but in front of the doorway, look toward the doorway and can see Mr. Lewis standing there holding a firearm in one hand and a rifle in the other. All officers within the area immediately draw their department-issued weapons, aim them at Mr. Lewis, and order him to drop his firearms. The repeated demands from the officers to drop his weapons were ignored by Mr. Lewis. Two officers in the immediate area of the apartment doorway later provided written statements indicating they saw Mr. Lewis raise one of his firearms and place the barrel under his chin. Other officers report seeing Mr. Lewis point a firearm at them. Mere seconds elapsed before Officer Richardson-Polk discharged one round from his department-issued rifle at Mr. Lewis. Officer S. Cruz, positioned next to Officer Richardson-Polk, also discharges one shot from her department-issued firearm. Statements and body-worn camera footage indicate the firing of all weapons is quick and simultaneous.

After the shots were fired, Mr. Lewis dropped to the ground, and officers quickly approached him. Two firearms were visible, one still in Mr. Lewis’s hand and the rifle partially under his body. Both were removed from his reach by officers and life-saving measures began. The entirety of the incident was captured on multiple body-worn cameras.

### III. Relevant Law

A police officer is justified in using force in connection with his official duties, including effecting an arrest, if such force is necessary and reasonable. *Commonwealth v. Asher*, 471 Mass. 580, 588 (2015). “[A] police officer has an obligation to protect his fellow officers and the public-at-large that goes beyond that of an ordinary citizen, such that retreat or escape is not a viable option for an on-duty police officer faced with a potential threat of violence.” *Asher*, 471 Mass. at 589.

The totality of the circumstances is considered from the perspective “of a reasonable officer on the scene, rather than with the vision of hindsight.” *Plumhoff v. Rickard*, 134 S.Ct. 2012, 2021 (2014), quoting *Graham v. Connor*, 490 U.S. 386, 396 (1989). “We thus allow for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” *Plumhoff*, 134 S.Ct. at 2020. Determining whether the force used to effect a particular seizure was reasonable requires careful attention to the facts and circumstances of each case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the police officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. *Graham*, 490 U.S. at 396.

In Massachusetts, deadly force is “define[d] . . . as force intended or likely to cause death or great bodily harm. This tracks with our long-standing definition of a ‘dangerous weapon,’ viz.: an instrument that is likely to produce death or serious injury.” *Commonwealth v. Klein*, 372 Mass. 823, 827 (1977). The Massachusetts Supreme Judicial Court has adopted section 3.07 of the Model Penal Code concerning the permitted use of deadly force by a police officer. See *Julian v. Randazzo*, 380 Mass. 391, 396-97 (1980); *Klein*, 372 Mass. at 830. That provision of the Model Penal Code permits a police officer to use deadly force when he or she is effecting an

arrest for a felony, where that felony involved the use or threatened use of deadly force, or where there is a substantial risk that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed, and where the police officer reasonably believes that the force he employs creates no substantial risk to innocent persons. *Klein*, 372 Mass. at 830-32 & n.7 (quoting Model Penal Code §3.07).

#### IV. Legal Analysis

When the 911 caller sought help from the Springfield Police Department because he/she was afraid of the potential harm a known individual might cause due to knowledge of his being depressed, intoxicated, and having access to firearms, the police responded quickly, in large number, and wary of imminent danger. Responding officers can be seen on the voluminous bodycam footage provided, approaching an apartment building calmly and in an appropriate fashion. The building had been identified as the location of the distressed individual, and the video footage provided shows officers arriving, walking around the front entrance, speaking with each other, but without weapons drawn.

Within a relatively short period of time, Mr. Lewis is seen exiting the apartment building with two firearms, one being a rifle and one being a handgun. From the body-worn camera footage, several officers can be heard demanding that he drop his weapons; however, all demands were ignored. Within mere seconds, instead of lowering his weapons, Mr. Lewis raises his arms and aims one firearm at officers and then points another under his own chin.

By not complying with their commands, Mr. Lewis was ignoring reasonable and legally valid demands from law enforcement officers trying to stop a crime and prevent another crime from occurring. The officers numerous, audible commands were clearly being given to ensure public and officer safety. The act of pointing a firearm at the officers – instead of following demands to disarm – constitutes the felony offenses of Assault with a Dangerous Weapon in violation of M.G.L. Chapter 265, Section 15B(b), as well as Armed Assault with Intent to Murder in violation of M.G.L. Chapter 265, Section 18(b). These offenses are punishable by terms of incarceration in state prison.

The resulting deadly force used by the two officers who fired their department issued weapons was reasonably necessary to protect themselves, other officers at the scene, and any civilian bystanders. Mr. Lewis was armed and trained a gun at officers, effectively using deadly force against law enforcement officers. Officers had no other objectively reasonable means to protect themselves and those present at this juncture, when Mr. Lewis ignored clear and audible commands to disarm and pointed a firearm at officers, rightly and lawfully present. Every officer at the scene had a duty to protect him/herself, fellow officers, and the public from Mr. Lewis.<sup>1</sup>

The officers who discharged their weapons struck Mr. Lewis with one shot each. One projectile from Officer Richardson-Polk's department issued rifle struck Mr. Lewis in the right hand. A second projectile, from the department issued gun of Officer Sulymar Cruz, entered his upper right shoulder area. A third projectile entered directly under Mr. Lewis's chin and exited his forehead. The wound to the head, with an entry point under the chin and an exit point at the forehead, was from Mr. Lewis's own firearm that he, himself discharged. The medical examiner determined that the cause of death was gunshot wounds of the head and torso, and the manner was homicide, shot by police while shooting self.

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<sup>1</sup>During her interview, Officer S. Cruz stated that she believed that shooting at Mr. Lewis was necessary to protect other officers and herself.

The number of shots fired was not excessive and not all officers at the scene discharged their weapons. The deadly response came from two officers who witnessed Mr. Lewis raise and aim his weapons at them and other officers. They stated they were fearful for their safety and the safety of those around them. Therefore, the number of shots fired, by only two officers among the several present, was appropriate, proportional, and timely considering the imminent threat that was presented by Mr. Lewis.

## V. Conclusion

The use of deadly force was an unfortunate but unavoidable last resort in this case. Officers approached a location looking for an individual reported to be under the influence of alcohol, severely depressed, and suicidal. They also knew the individual owned firearms, and the firearms were within his control. Officers witnessed Mr. Lewis exit his apartment building; they immediately identify him as the individual for whom they were looking; they clearly see that he is in possession of two firearms; he then raises one at officers. This situation unfolded rapidly, which required officers' decisions to be equally fast. Attempts to use verbal commands and non-lethal force to obtain compliance in a swiftly escalating and violent situation were fruitless. The decisions to fire their weapons and shoot Mr. Lewis were made to protect the lives of others and their own. It was the actions of Mr. Lewis that dictated the reasonable and necessary use of lethal force. The decisions of the officers were based in self-defense and defense of others, and they were reasonable, justified, and lawful.

Once the threat was neutralized, officers immediately provided medical assistance to the man who had just threatened to kill them. The actions in those early morning hours of all the officers of the Springfield Police Department showed remarkable poise and professionalism under the most threatening and distressing circumstances.

The entirety of the evidence corroborates that the use of force by Officers Jordan Richardson-Polk and Sulymar Cruz as an unavoidable response to the life-threatening, assaultive behavior of Mr. Lewis. Their actions comport with the policies of the Springfield Police Department and with the laws of the Commonwealth of Massachusetts.

Thus, after a thorough review of all the available evidence, I find that the decisions by Officers Richardson-Polk and Cruz to fire their weapons at Mr. Lewis under the foregoing circumstances constitute the lawful and reasonable exercise of self-defense and defense of others. Therefore, criminal charges are not warranted, and this investigation is closed.

Anthony D. Gulluni  
Hampden District Attorney