

CITY OF NEWPORT NEWS

March 14, 2005

To: James D. Fox, Chief of Police

From: Captain L. M. Perkinson, Professional Standards Division Commander

Subject: 2004 Professional Standards Division Annual Report

Attached is the annual statistical report for the Newport News Police Department Professional Standards Division. The statistical report is prepared in compliance with Accreditation Standard 52.1.11. Additionally ADM-270 also requires that an annual summary of complaints be presented to the Chief of Police. Department policy also requires an analysis of trends, patterns and any areas of concern.

Summary

There were a total of **104** citizen complaints/Internal Investigations documented with **149** separate charges filed during 2004. This represents a **1%** decrease in total complaints compared to 2003.

Firearms Discharge/Police Shootings

January 19, 2004 – Detective ██████████ (Within Policy)

On Thursday, February 3, 2004, at approximately 1920 hours, off-duty Detective ██████████ entered the Captain D's Seafood Restaurant, located at 10158-B Jefferson Avenue. He had with him his two children, ten year old ██████████ and five year old ██████████. While placing a food order, two individuals entered the business and walked past him very quickly. One of the suspects was dressed in all black and he could see a weapon in his hand. He described the weapon as a nine-millimeter. The subject carrying the weapon was masked and had gloves on. He stated the two suspects went toward the registers and one of them jumped the counter and one of them commanded that everyone get on the ground. One witness indicated he heard this suspect tell a security guard if she moved he would kill her. After getting the money from the safe, the suspect joined his accomplice at the front, and they left the business taking approximately \$1,228.00 in cash.

Detective [REDACTED] exited the business and observed the suspects running in a northerly direction in front of the closed Nick's Restaurant, next door and just north of Captain D's. Detective [REDACTED] stated he twice identified himself as a police officer and ordered the suspects to stop. He stated one of the suspects, he believes the one that stayed at the front of the store, fired a shot at him. Detective [REDACTED] had his duty weapon drawn and at a cover down position, he returned fire, discharging his weapon a total of nine times in the direction of the suspects. The final conclusion was that Detective [REDACTED] was justified in his actions and acted in accordance with policy.

June 3, 2004 – Detective [REDACTED] (Out of Policy)

Robbery Detective [REDACTED] responded to 1316 25th Street in reference to a recovered firearm. It was suspected that the firearm had been used in an armed robbery the previous evening. While lifting the firearm by the trigger guard, Detective [REDACTED] accidentally discharged one round into the ground. No one was injured. Detective [REDACTED] told the administrative firearm investigation team he was attempting to prevent from destroying possible evidence on the firearm when the firearm's weight shifted and his finger struck the trigger.

Detective [REDACTED] firearm discharge was deemed out of policy and accidental. Detective [REDACTED] received a letter of counseling.

July 25, 2004 – Officer [REDACTED] (Within Policy)

Officer [REDACTED] attempted to make a traffic stop on [REDACTED] H/M/22, who fled from the officer in his vehicle and then struck a vehicle, injuring the driver. Officer [REDACTED] located the suspect hiding in a carport at 4 Magruder-North Road. As the officer ordered the suspect to step out, the suspect fired a .9mm handgun at the officer. The officer returned fire, striking the suspect twice in the leg. The suspect fled to the rear of the residence.

Two precincts and the tactical team responded to the scene. The department's Bloodhound led the tactical team to the suspect's body lying in a steep culvert behind the residence. The suspect had a self-inflicted gunshot wound to the head. A large quantity of suspect cocaine and cash were found on his person. His license was revoked and he had a lengthy criminal record, including evading and eluding.

Officer [REDACTED] firearm discharge was determined to be within policy and unavoidable. He was recommended for a departmental medal.

October 15, 2004 – Sergeant [REDACTED] (Within Policy)

On October 15, 2004, approximately 2340 hours, Officer [REDACTED] heard what sounded like gunshots coming from the area of 27th Street and Roanoke

Avenue. [REDACTED] advised EOC he would be enroute to investigate. MPO [REDACTED] was dispatched to assist. Sergeant [REDACTED] and Officer [REDACTED] who were off-duty, but working a secondary employment engagement, responded to the area as well. Officers encountered a 1999 Chevrolet Malibu and interviewed the two occupants of the car. During the interview, Officer [REDACTED] clearly observed a handgun under the driver's seat and announced this fact to the other officers present. At that time, the driver began moving his hands and revving the motor of the vehicle. Sergeant [REDACTED] fearing for his fellow officer's safety, discharged his weapon at the vehicle, which fled the scene. Officers pursued the car to 24th Street and Oak Avenue, where it struck a curb and the occupants ran. The passenger was caught; however, the driver was able to escape on foot. There were no reported injuries in this incident. A clear plastic bag containing suspected illegal drugs was located on the driver's side floorboard of the vehicle.

Investigators identified the driver of the car and obtained arrest warrants for possession of a firearm by a convicted felon, having a concealed weapon, possession of a firearm while in possession of drugs, reckless driving and felony evade and elude police. Arrested suspect's name is [REDACTED], 29, of the 600 block of 44th Street in Newport News. The passenger was interviewed, but not charged.

Sergeant [REDACTED] firearm discharge was determined to be within policy, but avoidable. The Precinct Captain was advised to meet with the involved officers for a roundtable discussion on what occurred during the incident.

**October 16, 2004 – Officer [REDACTED] [REDACTED] [REDACTED]
(Within Policy)**

The bike officers investigated a suspicious occupied vehicle in the 900 block of 27th Street. The suspect, [REDACTED] B/M, age 22, was sitting in the front passenger seat and leaning forward as if he were reaching for something. When the officers approached the vehicle, which was running, the suspect made eye contact with the officers. He then jumped into the driver's seat as if he were attempting to flee.

As Officer [REDACTED] ran in front of the vehicle in an effort to stop the fleeing suspect, the suspect put the vehicle in drive and accelerated trapping the officer's left leg between his and a parked vehicle. In fear for his life, the officer discharged a number of rounds at the suspect. Officers [REDACTED] and [REDACTED] also discharged their weapons at the suspect. The suspect was pronounced dead at the scene. Officer [REDACTED] required emergency surgery to repair extensive damage to his leg.

Two firearms, each on the front floorboards of the suspect vehicle, were found. The suspect was wanted in Hampton on a Capias in reference to a VDCA charge, and he had a lengthy criminal record, including brandishing a firearm.

The firearm discharge was found to be within policy and unavoidable. Training issues were identified. The Precinct Captain was advised to meet with the involved officers for a roundtable discussion on what occurred during the incident.

Trends, Patterns, Training Issues

The vast majority of citizen complaints dealt with perceived officer improper demeanor issues. A review of the listed complaints does not reveal any significant trends or patterns concerning either the types or nature of complaints received from their dispositions. The Professional Standards Database has recently been developed and is currently being used to track and document citizen complaints and internal investigations. The new Early Warning System will be instrumental in identifying potential problem officers with behavioral or conduct issues that may require attention.

Biased Based Profiling Allegations *CALEA Standard 1.2.9 (d)*

The Professional Standards Division investigated one allegation of racial profiling. This case resulted in a finding of Unfounded.

Warning Shots *CALEA Standard 1.3.3*

The Newport News Police department recorded no warning shots by officers in 2004.

Early Warning System *CALEA Standard 1.3.13*

No officers met the threshold for identification in the Newport News Professional Standards Early Warning System Database.

Staff Inspections

The below listed staff inspections were completed by Professional Standards Division personnel in 2004:

- Budget, Payroll & Personnel: April
- Central Precinct: December
- Commonwealth's Attorney Liaison: October
- Honor Guard Unit: April
- Internal Affairs: [REDACTED]
- North Precinct: April

- Property & Evidence Unit: April and two unannounced (October & March)
- CALEA Standard 84.1.6 (c)
- Property Management Unit: June
- Recruiting Division: August
- South Precinct: April
- Vice/Narcotics Division: January

Attachments

2004 Complaint Statistical Report
Use of Force Report

LMP/dag