

CITY OF NEWPORT NEWS

March 16, 2011

To: James D. Fox, Chief of Police
From: Captain L. N. Minkoff, Professional Standards Division Commander
Subject: 2010 Professional Standards Division's Annual Report

The Newport News Police Department's Professional Standards Division's 2010 annual statistical report is prepared in compliance with Accreditation Standard 52.1.5. The Police Department's policy (ADM - 270) requires that an annual summary of complaints be presented to the Chief of Police. Furthermore, departmental policy requires an analysis of trends, patterns and any areas of concern.

SUMMARY

The police department investigated **55** administrative complaints against its employees in 2010. This represents an **18%** decrease in total complaints compared to 2009 in which **67** complaints were investigated.

Each complaint is assigned a number for tracking purposes and may include more than one administrative charge. For statistical purposes, the total number of complaints includes **80** administrative charges. In addition, there were **9** officer-involved firearm discharge administrative investigations. Of the total of **55** complaints for 2010, **41** were substantiated, **6** are pending final disposition and the other dispositions are listed on page 4 of this report.

Note: Beginning this annual report, officer-involved firearm discharge incidents are not included in the total number of complaints as in previous annual reports. However, they are included in the **Use of Force** section of this report.

TRENDS, PATTERNS & TRAINING ISSUES

Improper Demeanor complaints were the highest type of complaint, totaling **17**. It was followed by 14 each improper procedure and improper conduct complaints. The number of employees charged with criminal/civil/traffic actions dropped from eight in 2009 to two in 2010. No patterns or trends were identified, and it appears supervisors are

addressing behavior and performance issues formally and informally. Identifiable training issues are addressed by the employee's command or the Training Unit in a timely manner.

As a result of administrative investigation findings, three officers were terminated, and two resigned as a result of or during the administrative investigations.

The majority of the substantiated complaints were:

1. Improper Demeanor: 17 or 31% of the total complaints
2. Improper Procedure: 14 or 25% of the total complaints
3. Improper Conduct: 14 or 25% of the total complaints

All substantiated complaints resulted in the appropriate disciplinary action and/or corrective action.

FIREARMS DISCHARGES (9) AND SPECIAL INVESTIGATIONS (0)

1. January 10, 2010

An off-duty officer accidentally shot himself in his hand while cleaning his back-up weapon at his residence. The wound was minor.

Finding: Accidental/Avoidable

2. January 31, 2010

An officer shot at a dog after it attacked him when he and his partner responded to a domestic assault in the 4600 block of Madison Avenue. The dog was struck and retreated, but was not seriously hurt. The officer sustained a wound to his hand from the dog's bite and then had to subdue the owner, who attacked him also.

Finding: Within Policy/Unavoidable

3. March 1, 2010

While the Organized Crimes Division executed a search warrant in the 3900 block of Palomino Drive, a detective shot and killed a dog when attacked them. The detectives recovered approximately 74 grams of marijuana from the residence.

Finding: Within Policy/Unavoidable

4. March 3, 2010

Three High-Impact Patrol Officers were involved in an exchange of gunfire with a subject in the area of 400 block of Manor Road. One of the officers was struck twice, but recovered from his injury. After a brief vehicle pursuit, the suspect fatally shot himself before being apprehended.

Finding: Within Policy/Unavoidable

5. May 11, 2010

On May 11, 2010, a police officer shot and killed an unsecured dog that had attacked and killed another dog, and was in the process of attacking a second dog in the 800 block of 20th Street.

Finding: Within Policy/Unavoidable

6. May 21, 2010

After executing a search warrant, Organized Crime Division members were serving a search warrant in the 4400 block of Marshall Avenue when they observed a dog attack at juvenile. They rescued the juvenile from the attacking dog then shot and killed it.

Finding: Within Policy/Unavoidable

7. May 23, 2010

A police officer shot at and missed a dog which attacked her and her partner as they responded to a burglary in progress in the 14000 block of Penrith Lane.

Finding: Within Policy/Unavoidable

8. June 5, 2010

While responding to shots fired in the parking lot of 605 Pilot House Road, A High Impact Patrol Officer shot at and missed a subject who had pointed a gun at him. The subject was taken into custody.

Finding: Within Policy/Unavoidable

9. October 10, 2010

An off-duty officer shot and killed a dog which had attacked a smaller canine in the Denbigh section.

Finding: Within Policy/Unavoidable

Note: No special investigations were conducted in 2010.

Complaint/Administrative Charge Dispositions

CALEA Standard 52.1.1 (c)

During 2010, the Newport News Police Department's Professional Standards Division received a total of **55** official complaints against its employees. Of that total, 80 formal administrative charges were placed against sworn and non-sworn police department employees. Listed below is a detailed list of the specific administrative charges.

Investigated Charges/ Allegations	Substantiated	Not Substantiated	Unfounded	Exonerated	Refused/ Withdrawn	Pending/ Other	Totals
Improper Demeanor	7		10				17
Improper Procedure	8		4			2	14
Improper Conduct	7	4	1			2	14
Improper Use of Force	1		6	2			9
Untruthfulness	4					2	6
Careless in Duties	3						3
Racial Profiling							0
Fail to Obey Orders	5						5
Failure to Attend Court	2					1	3
Hostile Work Environment			5				5
Failure to Attend Training	1						1
Neglect of Duty	1						1
Reckless Operation of City Vehicle	2						2
Total Charges	41	4	26	2	0	7	80

- **89** employees received complaints in 2010.
- **51%** of all complaint charges were **substantiated** in 2010.

Individual Administrative Charge Comparison

	2008	2009	2010
Substantiated	22	47	41
Not Substantiated	1	9	4
Unfounded	24	16	26
Exonerated	2	1	2
Refused to Cooperate/W/drawn	0	0	0
Pending	1	4	7

*As of February 23, 2011

2010 Use of Force Reports Annual Analysis

The Professional Standards Division is the departmental repository for all Use of Force Reports and is charged with reviewing the reports generated by the police officers. Use of Force Reports are required when an officer discharges a firearm on or off-duty, employs physical force, less-lethal weaponry, when the use of force employed results in injury or death, when a citizen complains that an injury has been inflicted as the result of the application of force, when the use of force requires medical attention or whenever OC Spray, Chemical Agent or Electronic Control Device (ECD) are employed. Departmental policy, OPS 110: Use of Force defines what is required when force is employed.

During 2010, **150** Use of Force Reports were received, a **16 %** decrease from the **179** Use of Force Reports in 2009. All of the reports were reviewed by the Professional Standards Division and the Training Unit. When appropriate, these reviews identified improper actions and training issues resulting in proper corrective action.

The most active months for Use of Force Reports were December with **18**, followed by February with **15**, January and June with **14** each. The least active months were April, July, September and October with **10** each.

Use of Force Reports by Month & Year

2009											
Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
16	15	17	9	16	17	24	17	13	12	10	13
Total Reports: 179											
2010											
Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
14	15	13	10	11	14	10	13	10	10	12	18
Total Reports: 150											

Frequency and Types of Force Used

<u>Use of Force</u>	<u>2009</u>	<u>2010</u>
Hands & Feet	178	168
Kick Stops	41	75
ECD (Taser)	38	31
OC Spray	28	25
ASP Baton	10	9
Firearm	7	9
Less Lethal	1	1
K-9	0	0
CS/CN	0	1
Unauthorized Weapon	0	0
Total	303	319

Note: These figures include multiple types of force which may have been used to subdue one suspect; therefore, total Use of Force Reports received is not the same amount.

In 2010, the frequency and type of force used to take suspects into custody increased 5% from the previous year. The most frequent type of force used was Hands & Feet (168), which includes soft/hard empty hand control, takedowns and similarly approved defensive tactics. The second was kick stops (75), a device used to secure safely a physically combative individual taken into custody. A firearm was used in nine incidents.

There was a decrease from 38 to 31 of ECD use from the previous year. They were found to be effective in 91% of the incidents. The incidents in which the devices were least effective were due to the two probes not making contact with the subjects' skin. No serious injuries to suspects or major issues were documented in the use of the devices.

Of the 150 Use of Force Reports submitted in 2010, nine were investigated as administrative complaints and one was substantiated, six were unfounded and two were exonerated, which means the use of force legal and proper.

Use of Force Training and Equipment Considerations

In the last two years, the police department has experienced an increase in dogs attacking officers responding to calls for service, or dogs attacking citizens

or other dogs. In response, the Training Unit, working with the department's K-9 officers, has developed training to instruct officers on how to respond to aggressive dog encounters. The training was developed after studying incidents involving dog attacks and learning how other agencies respond to the problem.

To better train on use of force, the department's 2011 core training curriculum incorporates lessons learned from actual incidents and uses these scenarios to teach officers how to more effectively address potentially lethal confrontations.

BIASED-BASED PROFILING ALLEGATIONS (CALEA STANDARD 1.2.9 (d))

The Newport News Police Department investigated no complaints of racial profiling in 2010.

WARNING SHOTS (CALEA STANDARD 1.3.3)

No warning shots were reported by members of the Newport News Police Department in 2010.

EARLY WARNING SYSTEM (CALEA STANDARD 35.1.9)

For 2010, the 22 thresholds in the ADM – 273 (Accumulated Incident Review) were captured by the PSD's computerized case management system. The officers' commanders were notified, and took the required actions in compliance with the department's policy ADM – 273: Accumulated Complaint Review Procedure.

2010 STAFF INSPECTIONS

February	P&E Unit (Unannounced)
June	P&E Unit (Announced)
August	Fiscal Services & Special Projects
September	Planning Division
October	Training & Personnel Support Division
November	Special Operations Division
December	Criminal Investigations Division

The Professional Standards Division supervises and maintains the records of the staff inspections. The staff inspections serve as internal audits of the police department's various units, divisions and precincts to ensure they are operating effectively and efficiently.

Each staff inspection was conducted by a team comprised of one lieutenant and one sergeant, who were not assigned to division they were assigned to inspect. The staff inspections are conducted on one or more occasions within a 36-month period with the exception of the Property and Evidence Unit, in which announced and unannounced inspections are conducted on an annual basis in accordance with departmental policy ADM - 170: Inspections/Audits.

LNM

Pc: Accreditation Manager
Professional Standards Division