



Newport News Police Department
Office of Professional Standards Division
2007 Annual Report

Office of Professional Standards Division
2007 Annual Report Index

Section 01: 2007 Office of Professional Standards Annual Report

Section 02: 2007 Complaint Dispositions

Section 03: Complaint Comparison 2005 / 2006 / 2007

Section 04: 2007 Use of Force Report Analysis

CITY OF NEWPORT NEWS

April 2, 2008

To: Chief James D. Fox, Chief of Police
From: Captain P. W. Haymes, Professional Standards Commander
Subject: 2007 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 52.1.5. Department Policy (ADM-270) also requires that an annual summary of complaints be presented to the Chief of Police. Department policy further requires an analysis of trends, patterns and any areas of concern.

SUMMARY

There were a total of 47 citizen complaints and/or internal investigations documented with 51 separate charges/allegations filed during 2007. Several complaints had more than one charge. This represents a 25.4 % decrease in total complaints compared to 2006. Of the 51 separate charges investigated, 13 were substantiated and one is pending final disposition.

FIREARMS DISCHARGES AND SPECIAL INVESTIGATIONS

February 18, 2007

On February 18, 2007, officers were dispatched to the 1200 block of 25th Street in regards to a call for assistance from a bail enforcement representative attempting to arrest a subject on a Surety's Capias. Officers attempted to mediate the situation by conversation, but the suspect was uncooperative, advised he had a weapon and refused to comply with the officer's instructions. At some point, the suspect began to advance towards officers who were on scene. After several commands for the suspect to cease his advancement, one officer fired eleven rounds, eight of which struck the offender, fatally wounding him. When the suspect was searched no weapon was located.

This firearms discharge was classified as being "Within Policy." Under the direction of the City Manager a detailed report on this situation was released to the public and posted on the City's web site.

February 23, 2007

On February 23, 2007, an off-duty officer was within his residence. He removed his back-up firearm from the holster and placed it on an ottoman. As the officer's pet dog jumped onto the ottoman, the officer reached for the weapon and accidentally discharged the firearm. The round passed through the wall into an adjacent apartment damaging a desk. No one was injured in this situation. The discharge was investigated and found to be Accidental – Avoidable.

No Special Investigations were conducted during 2007.

TRENDS, PATTERNS & TRAINING ISSUES

Allegations of Improper Procedure were the highest type of complaint received during 2007, with a total of 13. This was followed closely by 11 Improper Demeanor, 11 Improper Use of Force and 10 Improper Conduct allegations. The Improper Force allegations amounted to 22 % of the 51 total allegations. Ten of the Improper Use of Force allegations were closed as unfounded, with one allegation closed as Not Substantiated.

With no substantiated "Use of Force" complaints, the majority of substantiated complaints involved procedural, demeanor and conduct related concerns. As examples 50 % of the Improper Conduct, 100 % of the three Neglect of Duty, 31 % of the Improper Procedure and 9 % of the Improper Demeanor Complaints were substantiated. All substantiated charges resulted in proper disciplinary action and training in order to prevent future concerns.

BIASED BASED PROFILING ALLEGATIONS CALEA STANDARD 1.2.9 (D)

The Newport News Police Department investigated one allegation of racial profiling during 2007. The allegation was reviewed and classified as Unfounded.

The Department has policy in place prohibiting bias based profiling and the Training Division conducted training on this issue during 2007.

WARNING SHOTS CALEA STANDARD 1.3.3

No warning shots were reported by members of the Newport News Police Department during 2006.

EARLY WARNING SYSTEM CALEA STANDARD 35.1.9

The Department's Early Warning System identified one officer that met the threshold for follow-up action during 2007. Commanders were notified and required meetings were conducted.

STAFF INSPECTIONS

The below listed staff inspections were completed by the Professional Standards Division during 2007:

January 2007	Property & Evidence - Unannounced
March 2007	K-9 Unit
May 2007	Major Crimes Forensic Services Unit Special Victims Unit Economic Crimes Unit
July 2007	Tactical Operations Unit Crises Intervention Team Marine Patrol Unit
September 2007	Organized Crime Division Budget and Asset Forfeiture Communications Division
October 2007	Training and Personnel Support Division Serious Complex Accident Team Property & Evidence - Announced
November 2007	School Resource Officers FTO Coordinator
December 2007	Planning Division Property & Evidence - Unannounced

Individual Charge Comparison

	<u>2005</u>	<u>2006</u>	<u>2007</u>
Substantiated	33	26	13
Not Substantiated	4	2	4
Unfounded	60	32	29
Exonerated	20	14	3
Ref/Withdrawn	2	1	1
Pending	0	0	1

* As of April 2, 2008

2007 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 police officers. As examples Use of Force Reports are required when an officer discharges a firearm on or off-duty; when the use of force includes physical force; use of less-lethal weaponry; the force results in injury or death; when a citizen complains that an injury has been inflicted as the result of application of force; when the use of force requires medical attention or whenever OC spray or Chemical gas is employed.

During 2007, 151 Use of Force reports were received, a 14% decrease from the 176 Use of Force Reports in 2006. All of the reports were reviewed by Professional Standards Division and Training Division staff. When appropriate these reviews identified improper actions and training issues resulting in proper corrective action.

The most active month for Use Force Reports was June with **21** reports and the least active was April with **07** reports.

Use of Force Reports by Month/Year

2007											
Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
14	11	16	7	10	21	12	15	13	10	12	10
Total Reports: 151											
2006											
Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
17	14	14	14	15	13	17	13	18	17	10	14
Total Reports: 176											

Frequency and Types of Force Used

2006	2007
Hands & Feet – 87	Hands & Feet – 91
OC Spray – 69	OC Spray – 52
Less Lethal – 0	Less Lethal – 1
Shackles – 0	Handcuffs – 1
Kick-Stops – 34	Kick-Stops – 26
ASP Baton – 11	ASP Baton – 11
K-9 – 1	CS/CN – 1
Firearm – 3	Firearm – 2
Unauthorized Weapon – 0	Unauthorized Weapon – 0
Total: 205	Total: 185
<p>Note: These figures include multiple types of force that may have been used to subdue one suspect, therefore total Use of Force Reports received is not the same amount.</p>	

The year **2007** showed an overall **9%** decrease over **2006** in the frequency and type of force used to take suspects into custody. The most frequent type of force used was **Hands & Feet (91)**, which includes: soft/hard empty had control, takedowns and similar approved defensive tactics employed by officers in arrest situations. The second most used type of force was **OC spray (52)**. A **Firearm** was used in two reports, but only one was a discharge in regards to a use of force action. The second use was an accidental discharge while off-duty and within the officer's residence. In 2007, there was no reported use of unauthorized weapons.

Use of Force Review

During the agencies daily review of the **151** Use of Force Reports submitted in 2007, **14** reports were identified for further review, including two firearms discharges and 12 citizen complaints concerning force used. An internal investigation was conducted for all fourteen situations. Ten situations were unfounded in regards to the improper use of force. One incident was classified as being Not Substantiated. One of the situations, a firearms discharge, was found to be within policy. The other firearms discharge was classified as Accidental - Avoidable. The last use of force investigated did not involve improper force, but did involve Improper Procedure. The Improper Procedure was sustained and corrective action was taken with the employee.

Use of Force Training and Equipment Considerations

During the agencies review of the force used during 2007 several training and equipment considerations were identified. The firearms discharge that occurred during February 2007 identified specific training and equipment considerations that were implemented during 2007 and are scheduled for 2008. A need was identified to increase the number of officers certified with Less-Lethal Shotguns. The Training Division conducted training and as a result the Department increased the number of officers trained and qualified with Less-Lethal Shotguns.

The department also researched the use and implementation of Tasers, in order to assess the use of force options added to our officer's decision matrix. As a result of this research the Department plans to deploy Tasers during 2008. Department members are scheduled to attend a Taser Instructors Course during February 2008.

Use of Force Training is scheduled to be taught during the Department's 2008 Core Training Program. This includes: four hours of Legal Updates related to Use of Force issues; four hours of Oleoresin Capsicum (OC) Training; ASP Baton Recertification; and eight hours of training focused on the "Mentally Ill" or "Intellectually Challenged" in regards to the specific challenges created when working with, detaining or arresting persons with these issues.