

Newport News Police Department
Professional Standards Division
2008 Annual Report



CITY OF NEWPORT NEWS

March 9, 2009

To: James D. Fox, Chief of Police
From: Captain L. N. Minkoff, Professional Standards Division Commander
Subject: 2008 Professional Standards Division's Annual Report

The Newport News Police Department's Professional Standards Division's 2008 annual statistical report is attached for your review. The 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

There were a total of 50 citizen complaints and/or administrative investigations documented with 54 charges/allegations filed during 2008. A number of the complaints had more than one charge. This represents a 6 % increase in total complaints compared to 2007. Of the 54 separate charges investigated, 22 were substantiated and one is pending final disposition.

FIREARMS DISCHARGES (6) AND SPECIAL INVESTIGATIONS (0)

March 26, 2008

Officer discharged an off-duty firearm while at a residence. No injuries were reported.

Finding: Accidental/Avoidable

May 10, 2008

While responding to a call for service in reference to a vicious canine running loose in the 400 block of Eureka Loop, an officer shot and killed a pit bull terrier after it attacked him. The officer and citizens were not

injured.
Finding: Within Policy/Unavoidable

July 16, 2008

An officer accidentally discharged his back-up firearm inside his residence. No injuries were reported.
Finding: Accidental/Avoidable

September 7, 2008

After responding to a business burglary call for service in the 3500 block of Jefferson Avenue, the responding officers were attacked by a pit bull terrier running loose that had come from an address across from the business. An officer shot the canine, which retreated to its owner's residence. The veterinarian treated and released the canine to its owner. The officers were not injured.
Findings: Within Policy/Unavoidable

November 15, 2008

An officer responded to a domestic dispute in the 400 block of Young's Mill Lane. He forced open the door to the residence after he heard what appeared to him to be a woman being attacked. After he restrained one of the subjects, he was attacked by another subject who came at him with a large kitchen knife. The officer shot the subject once in the upper torso. The subject had stabbed the restrained subject in the back. Both subjects recovered from their injuries. One was charged criminally. The officer was not injured.
Finding: Within Policy/Unavoidable

December 24, 2008

While attempting to arrest a fugitive wanted by the Police Department and the U. S. Secret Service, an officer struggled with the fugitive who was attempting to escape by leaving in a vehicle driven by a female companion. As the vehicle began to flee the scene, the officer, who was partially in the vehicle, was thrown onto the vehicle's hood. The officer fired a number of rounds and received minor injuries. The fugitive and his companion were arrested days later. No one was struck by the rounds, but the suspect vehicle was hit once.
Finding: Within Policy/Avoidable.

No special investigations were conducted in 2008.

TRENDS, PATTERNS & TRAINING ISSUES

Improper Conduct allegations were the highest type of complaint, totaling 13. A number of the serious incidents occurred while off duty and involved alcohol. It was followed by 10 each for Improper Demeanor and Improper Procedure. There were nine Use of Force complaints. The Use of Force complaints comprised 18 % of the 50 total complaints. Six of the Use of Force complaints were unfounded, three were exonerated and none was substantiated.

The majority of the substantiated complaints were:

Improper Conduct: 9 or 18 % of the total

Improper Procedure: 4 or 8 % of the total

Improper Demeanor: 4 or 8 % of the total

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

BIASED-BASED PROFILING ALLEGATIONS CALEA STANDARD 1.2.9 (d)

The Newport News Police Department investigated one complaint of racial profiling in 2008. The allegation was investigated administratively, reviewed and classified as Unfounded.

WARNING SHOTS CALEA STANDARD 1.3.3

No warning shots were reported by members of the Newport News Police Department in 2008.

EARLY WARNING SYSTEM CALEA STANDARD 35.1.9

The Department's Early Warning System identified one officer who met the threshold for follow-up action during 2008. The officer's commander was notified and the required meeting was conducted.

2008 Professional Standards Division Complaint Dispositions

CALEA Standard 52.1.1 (c)

During 2008, the Newport News Police Department's Professional Standards Division received a total of **50** official complaints against employees of the department. Of that total, **54** formal charges were levied against sworn and civilian employees.

Listed below is a detailed list of formal charges investigated by the Newport News Police Department for 2008.

Investigated Charges/ Allegations	Substantiated	Not Substantiated	Unfounded	Exonerated	Refused/ Withdrawn	Pending/ Other	Totals
Use of Force			7	2			9
Improper Demeanor	4	1	4			1	10
Improper Conduct	9		4				13
Improper Procedure	4		6				10
Racial Profiling			1				1
Firearms Discharges						6	6
Untruthfulness	1						1
Fail to Obey Orders	1						1
Carelessness in Duties	1						1
Fit for Duty	1						1
Failure to Attend Court	1						1
Total Charges	22	1	22	2	0	7	54

- The preceding table reflects the actual charges investigated administratively by the Newport News Police Department's Professional Standards Division and department supervisors. A number of the complaints had more than one charge.
- The total **50** complaints taken this year represent a **6%** increase in total complaints from 2007.
- **52** total number of NNPD officers who received complaints in 2008
- **44%** of all complaints/investigations were Substantiated in 2008
- **69%** increase in Substantiated complaints from 2007

Individual Charge Comparison

	2006	2007	2008
Substantiated	26	13	22
Not Substantiated	2	4	1
Unfounded	32	29	22
Exonerated	14	3	2
Refused to Cooperate/W/drawn	1	1	0
Pending	0	1	1

*As of March 9, 2009

2008 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 Taser are employed.

During 2008, **164** Use of Force reports were received, a **9 %** increase from the **151** Use of Force reports in 2007. All of the reports were reviewed by the Professional Standards Division and the Training & Personnel Support Division. 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 June, August and November with **17** each. The least active months were February and May with **10** each.

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											
2008											
Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
11	10	16	11	10	17	14	17	15	11	17	15
Total Reports: 164											

*During 2008, 164 Use of Force Reports were received, a 9 % increase.

Frequency and Types of Force Used

<u>Use of Force</u>	<u>2007</u>	<u>2008</u>
Hands & Feet	91	78
OC Spray	52	56
Kick Stops	26	32
ASP Baton	11	14
Less Lethal	1	1
Taser	N/A	3
Firearm	2	6
K-9	0	1
Spit Sock	0	1
Handcuffs	1	0
CS/CN	1	0
Unauthorized Weapon	0	0
Total	185	192

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.

In 2008, the frequency and type of force used to take suspects into custody increased 9 % from the previous year. The most frequent type of force used was Hands & Feet (78), which includes soft/hard empty hand control, takedowns and similarly approved defensive tactics. The second was OC Spray (56). A firearm was used in six reports.

During the Police Departments daily review of 164 Use of Force reports submitted in 2008, nine were investigated. In addition to that, six firearm discharges were investigated as well. In reference to the nine use of force complaints, seven were unfounded and two were exonerated (the force application was considered proper and lawful).

Use of Force Training and Equipment Considerations

In 2008, the Newport News Police Department deployed 30 Taser X26 Electronic Control Devices. Prior to deployment, the Training and Personnel Support Division conducted a two-day training class in the use of the Taser. All personnel who use the device must have completed the training. The device includes a camera and a data port, which activate whenever it is used. The Police Department's Use of Force Report has been modified to document the use of the device.

In 2008, there were three incidents in which the Taser was used. One resulted in a Use of Force complaint, in which the officer's action was found to proper and lawful.

Also, in 2008, Use of Force-related training was conducted during the annual core training. It included four hours of legal update, OC Spray and ASP baton recertification. In addition, effective interaction with those suffering from mental disorders was taught as well.

STAFF INSPECTIONS

The Professional Standards Division completed the following staff inspections in 2008:

April 2008:	Property & Evidence Unit (Unannounced)
May 2008:	Records & Logistics Division
June 2008:	South Precinct
August 2008:	Criminal Intelligence Unit
September 2008:	Property & Evidence Unit (Announced)
October 2008:	Central Precinct
November 2008:	Duty Captain
December 2008:	Property & Evidence Unit (Unannounced)

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