

CITY OF NEWPORT NEWS

February 6, 2019

To: Chief Steve R. Drew, Chief of Police
From: Lieutenant Randall E. Petrosky Jr., Internal Affairs Division Commander
Subject: 2018 Internal Affairs Division Annual Report

The Newport News Police Department's Internal Affairs Division 2018 annual statistical report is prepared in compliance with Accreditation Standard version 5.23, chapter 52.1.5. The Police Department's Administrative policy (ADM-270-Administrative/Internal Investigations) requires that an annual summary of complaints be presented to the Chief of Police. Furthermore, departmental policy requires us to analyze statistics for trends, patterns and any areas of concern.

SUMMARY

The Police Department investigated **192** administrative/internal/citizen complaints filed against its employees in 2018. This represents an increase of 38% from the **139** complaints investigated in 2017. Each complaint is assigned a tracking number and may include more than one administrative charge. For statistical purposes, in 2018, the total number of complaints included **336** administrative charges as opposed to the **208** reported charges from 2017.

In 2018 the Internal Affairs Division continued assigning and tracking all complaints received regardless of the seriousness of the complaint or who investigated the complaint, i.e., Internal Affairs or another Division/Precinct. The 2018 numbers reflect all known complaints received. The reporting from prior years only represents complaints assigned a tracking number by Internal Affairs.

Note: The 1 officer-involved firearm discharge incident, involving 1 officer, is not included in the total number of complaints. However, it is included in the Use of Force section of this report.

TRENDS, PATTERNS & TRAINING ISSUES

In reviewing the administrative charges, 137 of the 336 allegations were reported improper procedure violations with 46 of them substantiated. There were 74 improper demeanor allegations with 22 of them substantiated and 40 improper conduct allegations with 12 of them substantiated. Listed on the next page is a detailed list of

the specific administrative charges. (Next page).

COMPLAINT/ADMINISTRATIVE CHARGE DISPOSITIONS
CALEA Standard 52.1.1 (c)

Investigated Charges/ Allegations	Substantiated	Not Substantiated	Unfounded	Exonerated	Refused/ Withdrawn	Pending/ Other	Totals
Improper Conduct	12	2	16	1		9	40
Untruthfulness	2	1					3
Failure to Obey Orders							0
Fail to Report To Duty	8						8
Improper Demeanor	22	2	36	13		1	74
Pending Legal Matter	1		2			1	4
Hostile Work Environment			1			1	2
Failure to Exercise Good Judgment	2						2
Improper Procedure	46	2	56	27	2	4	137
Alteration of Records	1						1
Court Procedures	16		1			1	18
Unsatisfactory Job Performance	15		3		1		19
Failure to Follow Policy	11					2	13
Arrest Procedures							0
Emergency Vehicle Operation							0
Improper Use of Force	1			4		1	6
ADM-570 Body Worn Camera							0
Property and Evidence							0
Carelessness	4					3	7
Reckless Operation of Vehicle	1						1
Neglect of Duty						1	1
Total Charges	142	7	115	45	3	24	336

FINDINGS DEFINITIONS

In accordance with departmental policy ADM-270-Administrative/Internal Investigations, the findings are defined as follows:

Not substantiated: There is insufficient evidence to prove or disprove the allegation occurred.

Exonerated: The incident occurred, but was lawful and proper.

Refused to cooperate: The complainant refused to cooperate with the investigation and a determination cannot be made.

Withdrawn: The complaint may be classified as "withdrawn" in the following instances:

1. The complainant has decided not to pursue the original allegation, and there is no evidence to warrant a continued investigation; or
2. There is no criminal nexus to the complaint, and it involves a sole employee, who separates employment from the City prior to the commencement of the investigation, or during the investigation process.

Unfounded: The allegation is unfounded in that it has been proven to be false or not factual.

Substantiated: The allegation is supported by sufficient evidence to justify a reasonable conclusion that the allegation is factual.

Note: Pending cases refer to the investigations that either is not completed, the investigation was stopped by order of the Chief, or a finding has not been rendered.

Individual Administrative Charge Comparison (as of 1/15/19)				
	2015	2016	2017	2018
Substantiated	26	26	87	142
Not Substantiated	15	4	12	7
Unfounded	3	0	38	115
Exonerated	0	0	33	45
Refused to Cooperate/Withdrawn	1	1	10	3
Pending	18	39 ¹	28 ²	24

¹ The 39 pending from 2016 have not been recalculated for 2016 and have not been inputted for 2017

² The 28 pending from 2017 have not been recalculated for 2017 and have not been inputted for 2018

FIREARMS DISCHARGES (1) & SPECIAL INVESTIGATIONS (0)

FD18-001: On January 18, 2018, at 1157 hours, Emergency Communications received a call in regards to a possible burglary in progress in the 100 block of Kingsbury Drive and activated the alert tone. An officer from Central Precinct Watch 1, was the first unit to arrive on scene at approximately 1200 hours. This officer received information from communications, who still had the caller on the phone, that the rear door was possibly kicked-in.

After verifying the rear door was secured, this officer requested the resident to come downstairs and speak with the officers. This officer along with another officer walked around to the front of the house, where they were met by three more officers from Central Precinct Watch 1. Two of the officers walked toward the back of the residence while three officers went to front door of the residence.

The officers attempted to make contact with the resident by knocking on the closed front door. As the resident approached the front door, the officers overheard a dog barking coming from the inside of the residence and began to back off the front porch. The resident opened the door and officers observed a large white pit-bull dog and smaller dog standing near the screen door, which contained a glass insert. The officer standing the closest to the front door observed the homeowner attempt to restrain the pit-bull and escort it up the stairs by grabbing the skin of the dog's neck.

The pit-bull broke free and charged out of the house. The dog immediately went after the officer closest to the front door. While trying to defend himself, this officer was bitten on his left elbow. While this officer was being attacked the other officers retreated to the hood of an SUV. Due to the snow, one officer slide off of the vehicle, resulting in the dog focusing his attention on him. This officer began backpedaling trying to get away from the advancing dog. Realizing he was not going to be able to escape the oncoming attack, the officer discharged his service weapon three times at the charging pit-bull.

The pit-bull was struck twice and taken to the emergency veterinary hospital by Animal Services, where the dog was treated for a head wound, with no skull penetration, a graze to the chest and a toe amputation by the bullet.

Finding: Within Policy/Unavoidable.

Note: No special investigations were conducted in 2018.

2018 USE OF FORCE REPORTS ANNUAL ANALYSIS

The Internal Affairs Division is the departmental repository for all Use of Force Reports and is tasked with reviewing the reports generated by the police officers. In addition, the reports are reviewed by the involved officer's chain of command, the Training Unit and new for this year a Use of Force Review Board³. A Use of Force Report (through BlueTeam) is required when:

- an officer discharges a firearm on or off-duty,
- an officer employs physical force,
- an officer employs less-lethal weaponry,
- the use of force employed results in injury or death,
- a citizen complains that an injury has been inflicted as the result of the application of force,
- 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 2018, 72 Use of Force Reports were received, a 12.5% increase from the 64 Use of Force Reports reported in 2017. Even though we have a young department (approximately 37% with 5 years of experience or less) their confidence and awareness has increased in when the application of force is appropriate due to an increase in their training by the Training Section. All of the reports were reviewed by the involved officer's chain of command and the Police Department's Internal Affairs Division along with the Training Section. New for 2018 is the implementation of a Use of Force Review Board⁴. This was started to add another layer of review, accountability, and transparency to our use of force practices. The importance of this board is to allow two citizens along with other police personnel to review the agencies actions when force is used against its citizens. When appropriate, these reviews identified improper actions and training issues resulting in proper corrective action. A total of 72 Use of Force reports were completed in 2018. These use of force reports consisted of:

- 70 or 98% of the department's force applications were found to be within policy.
- 2 were not within policy.
- The 1 firearm discharge was within policy.

The appropriate action was taken to address the identified issues in the 2 incidents that were deemed to be not within policy by officers' chain of command, Internal Affairs, Training, and the Use of Force Review Board.

³ Use of Force Review Board was established October 2018.

⁴ Use of Force Review Board was established October 2018.

The most active months for Use of Force Reports were November and December with a combined total of 18, followed by June and July with a combined total of 16. The least active months were February with 0 and March/April with 3 each.

USE OF FORCE REPORTS BY MONTH & YEAR

2018											
Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
7	0	3	3	6	8	8	5	7	7	10	8
Total Reports: 72											
2017											
Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
3	6	4	4	7	6	6	3	4	4	7	10
Total Reports: 64											
2016											
Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
7	3	4	3	1	9	2	5	5	6	4	4
Total Reports: 53											

FREQUENCY & TYPES OF FORCE USED

<u>Use of Force</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
# of reports	53	64	72
# of involved officers	132	141	182
Type:			
Hands & Feet	54	62	102
Kick Stops	27	23	60
ECD (Taser)	19	15	22
OC Spray	2	0	0
ASP Baton	0	1	0
Firearm	3	4	1
Less Lethal	1	1	1
K-9	1	0	0
Distraction Device	Not Calculated	Not Calculated	5
CS/CN	3	3	0
Unauthorized Weapon	0	0	0
Total	110	109	191

Note: These figures include multiple types of force, which may have been used to subdue 1 suspect. Therefore, total Use of Force Reports received is not the same amount as actual uses of force techniques.

In 2018 the number of Use of Force reports submitted increased to 72 from the 64 reported Uses of Force in 2017. This represents a 12.5% increase. In July of 2018 the Newport News Police Department welcomed a new Chief of Police, Steve R. Drew. Chief Steve Drew immediately implemented three core values/goals for the agency to strive for. One of the goals for the agency is to reduce the amount of violent crime in Newport News. With this came new holistic strategies on reducing violence and holding those committing violence accountable for their actions. In the later summer months of 2018 each of the three precincts brought back and restructured their High Impact Policing units to assist in addressing crime. With these pro-active units came an increase in citizen contacts and arrests. It is important to note in 2017 there were 7,829

arrests and in 2018 there were 8,953 arrests. It is fair and accurate to say in 2018 out of the 8,953 arrest, force had to be used 72 times (.80%).

A continuing challenge still facing our community are citizens struggling with mental health issues. Officers spend many hours addressing these issues and at times we have to force the individual to the hospital for the proper mental health treatment. Most of the force used are soft hand techniques and Kick Stop restraints.

In 2018, the frequency and type of force used to take suspects into custody increased by 82 from the previous year. The most frequent type of force used was Hands & Feet (102), which includes soft/hard empty hand control, takedowns and similarly approved defensive tactics. The second was Kick Stop Restraints (60); the restraints are utilized as a tool to prevent combative arrestees from striking out with their legs while being transported and helps prevent the chance of injuries to the offender, the officers and prevents unnecessary property damage. Our Use of Force policy mandates we report their use.

One officer discharged his department issued handgun to defend himself and others against an attacking pit-bull canine.

The use of an Electronic Control Device (ECD), also referred to as a "Taser", increased by 7 when compared to 2017, however when compared to the total types of force used, a "Taser" was used approximately 11% of the time to gain compliance in 2018 as compared to 2016 where a "Taser" was used 13% of the time to gain compliance. Initially when *Armstrong v. Pinehurst* was ruled on, officers were a little confused on when they could deploy a "Taser" or use force in certain circumstances causing a decline. Through training and a better understanding of the ruling, officers are more understanding when an application of force or "Taser" can or cannot be used to resolve certain conflicts. With this understanding officers are using force and the "Taser" more than compared to last year.

Of the 72 Use of Force Reports submitted in 2018, the Internal Affairs Division investigated or managed 1 investigation and the Patrol Bureau investigated or managed 1. One was related to a firearm discharge where the officer's actions were found to be with in policy. The improper use of force allegation was found to be not with in policy.

USE OF FORCE TRAINING & EQUIPMENT CONSIDERATIONS

The Training Unit provides classroom and hands on training in reference to use of force application in its basic and annual core training. Core training attendance is mandatory for all sworn employees. To provide better training in the applications of use of force the Newport News Police Department has implemented "Open Mat" training once a month along with "Open Range" twice a month. Open Mat allows officers to practice trained use of force applications under the guidance of a certified DCJS instructor, while Open Range allows officers to stay proficient with their firearms. The Department's basic and core training curriculums incorporate lessons learned from actual incidents, and it uses

these scenarios to teach officers how to more effectively address non-lethal and potentially lethal confrontations. All new officers are taught in our Basic Law Enforcement Academy and have a minimum of 100 instructional/practical hours in the application of use of force and defensive tactics.

While reviewing the 72 applications of force a trend among the officers began to become apparent. Officers are realizing an application of force is necessary however, some are hesitating on using force, when the use of force was appropriate, thus prolonging the officer's exposure to violence. The Internal Affairs Division is currently working with the Training Section to analyze this further.

In reference to equipment, the Police Department continues to address equipment needs through training, inventory, line and staff inspections.

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

The Newport News Police Department investigated no complaints of racial profiling in 2018.

WARNING SHOTS (CALEA STANDARD 1.3.3)

Zero warning shots were reported by members of the Newport News Police Department in 2018. Newport News Police Department Operational Policy-110-Use of Force; Section C.1., prohibits the use of warning shots.

EARLY WARNING SYSTEM (CALEA STANDARD 35.1.9)

For 2018, 31 thresholds in the Departmental Administrative Policy, ADM-273-Accumulated Incident Review, were captured by the Internal Affairs' computerized case management system. The officers' commanders were notified in all of these alerts and took the required actions. in compliance with the department's policy.

2018 STAFF INSPECTIONS

Communications	February
P&E Unit (Unannounced)	April
Professional Standards (Training)	March
Organized Crime Division	April
Professional Standards (IA)	June
P&E Unit (Announced)	August
North Precinct	October
P&E Unit (Unannounced)	November

The Internal Affairs Division supervises and maintains the records of all 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 1 Lieutenant and 1 Sergeant with 3 exceptions this year. The unannounced inspections of Property and Evidence are conducted by an Internal Affairs Sergeant and the Department's Accreditation Manager. The staff inspection on Internal Affairs was conducted by an Assistant Chief and a Captain. The staff inspections are conducted on 1 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.

REP

Pc: Accreditation Manager
Internal Affairs Division