

CITY OF NEWPORT NEWS

March 18, 2022

To: Chief Steve R. Drew, Chief of Police
From: Lieutenant Jeremiah Hairston, Internal Affairs Division Commander
Subject: 2020 Internal Affairs Division Annual Report

The Newport News Police Department's Internal Affairs Division 2020 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 **61** administrative/internal complaints as well as **80** citizen complaints that were filed against its employees in 2020. This represents a combined total of **141**, which is a decrease of -32.7% from the **216** complaints investigated in 2019. Each complaint is assigned a tracking number and may include more than one administrative charge. For statistical purposes, in 2020, the total number of complaints included **209** administrative charges that gives a total of **350** complaints/charges, as opposed to the **316** reported complaints/charges from 2019, which is a **10.75 %** increase in the total amount of complaints/charges.

In 2020, 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 2020 numbers reflect all known complaints received.

Note: The officer-involved firearm discharge incidents are 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, **52** of the Complaint/Administrative Charge Dispositions were reported improper procedure violations with **17** of them substantiated and **30** unfounded. There were **24** improper demeanor allegations with **2** of them substantiated and **44** improper conduct allegations with **5** 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)

<i>Investigated Charges/ Allegations</i>	<i>Substantiated</i>	<i>Not Substantiated</i>	<i>Unfounded</i>	<i>Exonerated</i>	<i>Totals</i>
<i>Improper Conduct</i>	5	1	17	21	44
<i>Untruthfulness</i>					0
<i>Failure to Obey Orders</i>					0
<i>Fail to Report To Duty/Assignment</i>	11				11
<i>Improper Demeanor</i>	2	3	11	8	24
<i>Pending Legal Matter</i>	2	1			3
<i>Hostile Work Environment</i>					0
<i>Failure to Exercise Good Judgment</i>	20		2	1	23
<i>Improper Procedure</i>	17		30	5	52
<i>Alteration of Records</i>					0
<i>Court Procedures/Missed Court</i>	10		1	1	12
<i>Unsatisfactory Job Performance</i>			6		6
<i>Failure to Follow Policy/Departmental Policy</i>	16		5		21
<i>Improper Use of Force</i>	1		2		3
<i>Carelessness in Performance of Job</i>	3		2		5
<i>Reckless Operation of Vehicle</i>	4				4
<i>Neglect of Duty</i>	1				1
<i>Total Charges</i>	92	5	76	36	209

FINDINGS DEFINITIONS

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

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

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.

Individual Administrative Charge Comparison <small>(as of 02/09/2021)</small>				
	2017	2018	2019	2020
Substantiated	87	142	74	92
Not Substantiated	12	7	10	5
Unfounded	38	115	31	76
Exonerated	33	45	33	36

FIREARM DISCHARGES (4) & SPECIAL INVESTIGATION (1)

FN20-0201:

On April 14, 2020 at 0935 hours, officers responded to 812 Lassiter Drive for a report of a dog attacking a woman. As the officer turned the corner and pulled to the dead end of the apartment row, he could see a woman lying on the ground in the fetal position in the last parking space, in front of 812 Lassiter Drive. A white pit bull was on top of the woman, continuously biting her in the arms and upper body area. The officer exited his vehicle, drew his department issued service weapon, and fired it once. The K9 stopped attacking for a moment and looked toward my direction. It then immediately returned to attacking the female. The officer discharged his weapon a second time, again striking the K9 mid torso, on the right side of its body. The second round impacted several inches away from the location of the first round.

The K9 stopped attacking the woman after the second round was fired. The K9 appeared to be hurt by the second round and began whimpering and rapidly turning in circles. The K9 then began moving towards the direction of the officer in an aggressive manner. The officer, again, discharged his firearm one final time, aiming for the K9's head. The K9 immediately fell to the ground, began convulsing, and then died.

It was later found there were more victims inside the residence who had been bitten by the dog. Medical personnel transported the victims to the hospital for treatment due to their serious wounds.

Findings: Within Policy

FN20-0280:

On or about Thursday, May 14, 2020 at approximately 1714 hours a Newport News Police Officer responded to a Be on the Lookout (BOLO) for a stolen vehicle last seen in the North Precinct area of the City of Newport News. He observed the stolen vehicle in the area of Fort Eustis Boulevard and I-64 and attempted to stop the vehicle but the vehicle fled on I-64 East bound. While pursuing the stolen vehicle a second vehicle; rammed the marked the officers police vehicle. It was learned that the Lexus was also stolen out of York County. The officer believed his life was in danger and fired his duty weapon out his window at the Lexus. This was on I-64 in the area of J. C. Morris Boulevard. The Lexus crashed into two other vehicles, in the City of Hampton, Virginia. No one was injured as a result of the officer discharging his firearm. Officers arrested and charged several individuals involved with this incident. Hampton Police and Virginia State Police responded to the scene.

Findings: Open Investigation by Virginia State Police

FN20-0368:

On Saturday, July 11th, 2020 at approximately 0103 hours, Officers were travelling south on Warwick Blvd when they observed a gray sedan travelling north on Warwick Blvd, in the area of Young's Mill Rd, with no headlights or tail lights activated. The officer driving made a U-turn to begin travelling north on Warwick Blvd to attempt to conduct a traffic stop on the gray sedan. The officer initiated a traffic stop on the gray Mercedes sedan, displaying the Virginia Temporary tag G53470, in the CITGO parking lot and observed the gray sedan come to a complete stop then slowly roll forward before coming to a complete stop again.

While exiting the marked police unit, the officers realized the vehicle matched the description of a possible homicide suspect's vehicle, which was disseminated to patrol officers the night prior (07/09/2020).

Officers observed the driver running from the gray Mercedes, and stopped her vehicle in the area of the fleeing individual. Officers drew their firearms due to the vehicle matching the possible homicide vehicle description and the individual attempting to evade police. After officers stepped out of the police unit, the police unit continued to roll forward slowly. One of the officers attempted to holster their firearm in order to enter the police unit and correctly place it into park. While attempting to holster her firearm, the firearm fired. No one was injured in this incident.

Findings: Substantiated – Officer received a Letter of Counseling.

FN20-0530:

On October 15, 2020, at the Newport News Police Gun Range, there was an Accidental Discharge. The officer was cleaning his weapon and thought the weapon was safe and clear of any ammunition in the chamber of the weapon. When he squeezed the trigger, a round exited his gun, striking the table and floor. There were no injuries in this incident.

Findings: Substantiated – Officer received a Letter of Counseling.

Special Investigation:

There was one special investigation conducted by the Homicide Unit in 2020. This investigation was in reference to the premature death of Officer Katherine “Katie” M. Thyne on January 23, 2020.

She and her partner were investigating reports of drug activity when they approached a car along the 1400 block of 16th Street. During the investigation, the driver, Vernon E. Green, II, sped off, dragging Police Officer Thyne for a block. The vehicle struck a tree, and Officer Thyne was pinned between the tree and the vehicle door. Officer Thyne was transported to Norfolk Sentra General Hospital where she succumbed to her injuries.

2020 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 the Use of Force Review Board¹. 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
- whenever OC Spray, Chemical Agent or Electronic Control Device (ECD) are used.

Departmental policy, OPS-110 - Use of Force, defines what is required when force is employed.

During 2020, **104** Use of Force Reports were received, a decrease of -10.34% from the **116** Use of Force Reports reported in 2019. Even though we have a young department, their confidence and awareness has increased in knowing when it is necessary to utilize the application of force. The involved officer’s chain of command and the Police Department’s Internal Affairs Division along with the Training Section and Use of Force Review Board reviewed all of the reports. During 2020, the Use of Force Review Board increased participation from having two civilians to having four civilians to participate in the process during this year. This board adds accountability, and transparency to our

¹ Use of Force Review Board was established October 2018.

use of force practices. The importance of this board is to allow four citizens along with four 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. The 2020 Use of Force Reports consisted of:

- **93** of the department’s Use of Force applications were found to be within policy.

The appropriate action was taken to address identified issues where **11** of the incidents, although within policy, resulted in the officers receiving training/counseling for their improper application of the use of force, and/or inappropriate language towards citizens. There was also **1** incident where an officer’s actions were classified as Improper Use of Force.

The most active months for Use of Force Reports for 2020, were March and May with a total of 29, followed by January and December with a combined total of 21. The least active months were April, June, and September with a total of 17.

USE OF FORCE REPORTS BY MONTH & YEAR

Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
10	7	14	5	15	5	9	7	6	7	8	11
2020 Total Reports: 104											
Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
9	8	10	9	4	12	11	11	9	10	13	10
2019 Total Reports: 116											
Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
7	0	3	3	6	8	8	5	7	7	10	8
2018 Total Reports: 72											

FREQUENCY & TYPES OF FORCE USED

<u>Use of Force</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
# of reports	72	116	104
# of involved officers	182	286	267
Type of Force Used:			
Hands & Feet	102	140	131
Kick Stops	60	46	33
ECD (Taser)	22	28	28
OC Spray	0	3	1
ASP Baton	0	0	0
Firearm	1	5	2
Less Lethal	1	3	3
K-9	0	1	0
Distraction Device	5	2	2
CS/CN	0	3	1
Pressure Points	0	0	4
Total	191	231	205

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 2020, the number of Use of Force reports submitted decreased to **104** from the **116** reported Uses of Force in 2019. This represents a decrease of -10.34%. One of the goals for the agency is to reduce the amount of violent crimes in Newport News. With this came new holistic strategies on reducing violence and holding those committing violence accountable for their actions. In the summer months of 2020, each of the three precincts brought back and restructured their High Impact Patrol units to assist in addressing crime. With these pro-active units came an increase in citizen contacts and arrests. It is important to note that in 2019, there were **9,623** arrests and in 2020, there were **8,887** arrests, a decrease of -7.64 %. This includes both custodial and non-custodial arrests.

A continuing challenge still facing our community are citizens who are struggling with mental health issues and the interaction officers have with them. Officers spend many hours addressing these issues and at times, we have to use force against the individual in order to transport them to the hospital for proper mental health treatment. Most of the force used were soft hand techniques and Kick Stop restraints. During 2020, we have also seen the serious effects of COVID-19 and the many protests throughout the country demanding more police accountability, transparency, and re-allocating of resources towards rehabilitation.

In 2020, the frequency and type of force used to take suspects into custody decreased by 26 from the previous year. The most frequent type of force used was Hands & Feet (131), which includes soft/hard empty hand control, takedowns and similarly approved defensive tactics. The second was Kick Stop Restraints (33); 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 City property damage. Our Use of Force policy mandates we report their use.

One officer discharged their department issued handgun to defend citizens who were being attacked by a pit-bull canine. Another officer discharged his firearm at suspects as they were ramming his police vehicle and attempting to run him off the road.

The use of an Electronic Control Device (ECD), also referred to as a "Taser", remained the same (28) in order to gain compliance. Through training and a better understanding of Newport News Police Department's Use of Force Policy, officers are more understanding on when an application of force or "Taser" can or cannot be used to resolve certain conflicts.

Of the 104 Use of Force Reports submitted in 2020, the Internal Affairs Division investigated or managed 2 investigations and the Patrol Bureau investigated or managed 102. Of the Use of Force Reports, two were related to Officer Involved Shootings. One of these investigations was where the officer's actions were found to be within policy in the shooting of a canine while the other incident is still under investigation by the Virginia State Police as of the time of this report.

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. 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 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 pro-longing the officer's exposure to violence. This has also been noticed by the Use of Force Review Board. 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 2020

WARNING SHOTS (CALEA STANDARD 1.3.3)

Zero warning shots were reported by members of the Newport News Police Department in 2020. 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 2020, 14 thresholds were met in the Departmental Administrative Policy, ADM-273-Accumulated Incident Review. They were captured by the Internal Affairs' computerized case management system. The officers' division commanders were notified in all of these alerts and took the required actions in compliance with CALEA standards and department policy.

2020 STAFF INSPECTIONS

Communications	February
****Staff Inspections Suspended – COVID-19****	
Planning & Technology Division	August
General Investigations Section	September
Internal Support Division	October
Major Crimes Section	November
P&E Unit (Announced)	December

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. **Due to the Corona virus pandemic, staff inspections were temporarily suspended from March – July, 2020.**

Each staff inspection was conducted by a team comprised of 1 Lieutenant and 1 Sergeant. 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. An Internal Affairs Sergeant and the Department's Accreditation Manager conducted the announced and unannounced inspections of Property and Evidence.

JH

Pc: Accreditation Manager
Internal Affairs Division