

CITY OF NEWPORT NEWS

March 18, 2022

To: Chief Steve R. Drew, Chief of Police
From: Lieutenant Jeremiah Hairston, Internal Affairs Division Commander
Subject: 2021 Internal Affairs Division Annual Report

The Newport News Police Department's Internal Affairs Division 2021 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 **118** administrative/internal investigations as well as **56** citizen complaints that were filed against its employees in 2021. This represents a combined total of **174**, which is an increase of 20.95% from the **141** complaints investigated in 2020. Each complaint is assigned a tracking number and may include more than one administrative charge. For statistical purposes, in 2021, the total number of complaints included **170** administrative charges that gives a total of **344** complaints/charges, as opposed to the **350** reported complaints/charges from 2020, which is a **3.42 %** decrease in the total amount of complaints/charges.

In 2021, 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 2021 numbers reflect all administrative/internal investigations and known citizen 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, **17** of the Complaint/Administrative Charge Dispositions, and **30** improper conduct allegations. 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>	11	1	18	0	30
<i>Untruthfulness</i>	1	0	0	0	1
<i>Failure to Obey Orders</i>	1	0	0	0	1
<i>Fail to Report To Duty/Assignment</i>	2	0	0	0	2
<i>Improper Demeanor</i>	3	4	25	4	36
<i>Pending Legal Matter</i>	0	2	0	0	2
<i>Hostile Work Environment</i>	1	1	0	0	2
<i>Failure to Exercise Good Judgment/Reasoning</i>	1	1	0	0	2
<i>Improper Procedure</i>	5	1	6	5	17
<i>Alteration of Records</i>	0	0	0	0	0
<i>Court Procedures/Missed Court</i>	54	1	3	3	61
<i>Unsatisfactory Job Performance</i>	5	0	2	0	7
<i>Failure to Follow Policy/Departmental Policy</i>	5	0	0	0	5
<i>Improper Use of Force</i>	0	0	0	0	0
<i>Carelessness in Performance of Job</i>	2	0	0	0	2
<i>Reckless Operation of Vehicle</i>	5	0	0	1	6
<i>Neglect of Duty</i>	0	0	0	0	0
<i>Total Charges</i>	96	11	54	13	174

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 02/09/2022)</small>				
	2018	2019	2020	2021
Substantiated	142	74	92	96
Not Substantiated	7	10	5	11
Unfounded	115	31	76	54
Exonerated	45	33	36	13

FIREARM DISCHARGES

FN21-0228

Findings: This matter is still going through court proceedings.

FN19-0408

Findings: This matter is still going through court proceedings.

2021 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 2021, **80** Use of Force Reports were received, a decrease of -27.3% from the **104** Use of Force Reports reported in 2020. Officers involved in Use of Force reports have increased their confidence and have gone through De-Escalation Training which gives them the right mind set in knowing when it is necessary to utilize the application of force. The involved officer's chain of command, the Police Department's Internal Affairs Division along with the Training Section and Use of Force Review Board reviewed all of the reports. During 2021, the Use of Force Review Board increased participation from having four civilians to having five civilians to participate in the process during this year. This board adds accountability, and transparency to our 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 2021 Use of Force Reports consisted of:

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

The appropriate action was taken to address identified issues where **2** 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.

¹ Use of Force Review Board was established October 2018.

The most active months for Use of Force Reports for 2021, were April, October, and December with a total of 33, followed by January with a total of 9. The least active months were February, March, May, and August with a total of 11.

USE OF FORCE REPORTS BY MONTH & YEAR

Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
9	4	1	11	3	8	7	3	7	12	5	10
2021 Total Reports: 80											
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											

FREQUENCY & TYPES OF FORCE USED

<u>Use of Force</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
# of reports	116	104	80
# of involved officers	284	263	187
Type of Force Used:			
Hands & Feet	140	127	82
Kick Stops	46	33	15
ECD (Taser)	28	28	32
OC Spray	3	1	1
ASP Baton	0	0	1
Firearm	5	2	1
Less Lethal	3	3	1
K-9	1	0	0
Distraction Device	2	2	0
CS/CN	3	1	6
Other	8	11	9
Pressure Points	0	4	1
Total	199	210	148

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 as actual uses of force techniques.

In 2021, the number of Use of Force reports submitted decreased to **80** from the **104** reported Uses of Force in 2020. One of the goals for the agency is to reduce the amount of violent crimes in Newport News. With this came various strategies on reducing violence and holding those committing violence accountable for their actions. It is important to note that in 2020, there were **9,623** arrests and in 2021, there were **6,797** arrests, a decrease of -29.36%. 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. Due to this issue, many officers were spending several hours addressing these issues as we have had place individuals in Kick Stop Restraints. This is considered a use force against the individual when used in order to safely transport them to the hospital for proper mental health treatment. We have also implemented a program where officers are now assigned to the hospital so the transporting officers can return to duty expeditiously.

During 2021, we have continued to see the effects of COVID-19 and OMICRON viruses. We have also seen the country demanding more police accountability, transparency, and re-allocating of resources towards rehabilitation.

In 2021, the frequency and type of force used to take suspects into custody decreased by 76 from the previous year. The most frequent type of force used was Hands & Feet 82, which includes soft/hard empty hand control, takedowns and similarly approved defensive tactics. The second was Taser Deployments 32, Electronic Control Device (ECD) in order to gain compliance. The use of Kick-Stops was also used. 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.

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 80 Use of Force Reports submitted in 2021, the Internal Affairs Division investigated or managed 1 investigation pertaining to an Officer Involved Shooting. The Patrol Bureau investigated or managed 79 Use of Force Reports.

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 **1 complaint** of racial profiling in 2020 but it was not completed until March 22, 2021. This Administrative Investigation was classified as FN20 – 0579.

This complaint was investigated and concluded as **Unsatisfactory Job Performance - Substantiated.**”

WARNING SHOTS (CALEA STANDARD 1.3.3)

Zero warning shots were reported by members of the Newport News Police Department in 2021. 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 2021, **20 thresholds** were met in the Departmental Administrative Policy, ADM–273-Accumulated Incident Review. They were captured by the Internal Affairs’ computerized case management system (IAPRO). The officers’ division commanders were notified in all of these alerts and took the required actions in compliance with CALEA standards and department policy.

2021 STAFF INSPECTIONS

South Precinct	February
Special Investigations Division	March
Central Precinct	April
North Precinct	May
Public Information Office	June
P&E (Unannounced)	July
Tactical Operations Unit	August
CYOD	September
P&E (Announced)	October
Training Unit	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 is 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