

CITY OF NEWPORT NEWS

March 6, 2023

To: Chief Steve R. Drew, Chief of Police
From: Lieutenant Jeremiah Hairston, Internal Affairs Division Commander
Subject: 2022 Internal Affairs Division Annual Report

The Newport News Police Department's Internal Affairs Division 2022 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 **85** administrative/internal investigations as well as **71** citizen complaints that were filed against its employees in 2022. This represents a combined total of **156**, which is a decrease of 10.3% from the **174** complaints investigated in 2021. Each complaint is assigned a tracking number and may include more than one administrative charge. For statistical purposes, in 2022, the total number of complaints included **329** administrative charges that gives a total of **485** complaints/charges, as opposed to the **350** reported complaints/charges from 2021, which is a **39 %** increase in the total amount of complaints/charges.

In 2022, 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 2022 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, 36 of the Complaint/Administrative Charge Dispositions were reported Improper Procedure violations with 12 of them substantiated and 6 exonerated. There were 32 improper demeanor allegations with 16 of them substantiated and 2 exonerated. There were also 141 improper conduct allegations with 24 of them substantiated and 2 exonerated.

Listed below is a detailed list of the specific administrative charges.

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>	24	1	14	2	41
<i>Untruthfulness</i>	1	0	0	0	1
<i>Failure to Obey Orders</i>	4	1	0	0	5
<i>Fail to Report To Duty/Assignment/Training</i>	5	0	0	0	5
<i>Improper Demeanor</i>	16	4	10	2	32
<i>Pending Legal Matter</i>	3	1	7	2	13
<i>Hostile Work Environment</i>	0	0	0	0	0
<i>Failure to Exercise Good Judgment/Reasoning</i>	20	0	1	0	21
<i>Improper Procedure</i>	12	2	16	6	36
<i>Alteration of Records</i>	1	0	1	0	2
<i>Court Procedures/Missed Court</i>	50	0	9	0	59
<i>Unsatisfactory Job Performance</i>	15	0	0	0	15
<i>Failure to Follow Policy/Departmental Policy</i>	18	0	0	0	18
<i>Improper Use of Force</i>	2	0	1	2	5
<i>Carelessness in Performance of Job</i>	0	1	0	0	1
<i>Reckless Operation of Vehicle</i>	3	0	0	0	3
<i>Neglect of Duty</i>	0	0	0	0	0
<i>Total Charges</i>	174	10	59	14	257

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 12/31/2022)</small>				
	2019	2020	2021	2022
Substantiated	74	92	96	174
Not Substantiated	10	5	11	10
Unfounded	31	76	54	59
Exonerated	33	36	13	14

FIREARM DISCHARGES

FN22-0171

On May 1, 2022, while conducting a weapons inspection of an officer's firearm, a sergeant failed to properly clear the weapon and accidentally discharged the firearm. The round went into the wall and there were no injuries in this incident. The round could not be recovered and the bullet did not penetrate through the wall of another office.

FN22-0232

On June 6, 2022, an officer was off-duty at his residence cleaning his service weapon when it accidentally discharged. The bullet went into the living room wall. The slide of the handgun went across the officer's hand resulting in a laceration that required medical attention.

FN22-0423

On September 25, 2022, officers were conducting a patrol check and observed a white in color SUV with Georgia license plates. The vehicle's rear hatch and the door were open and the vehicle was running. This vehicle was alongside a parked vehicle with blocks and jacks. Officers attempted to make contact with the owner of the vehicle, without success. While attempting to make contact, a white in color SUV and another vehicle exited the parking lot at a high rate of speed. Officers noticed that the white SUV did not have its headlights on. Another officer was traveling southbound on Warwick Blvd and observed the white SUV cross over Warwick Blvd from Campbell Rd onto Tabbs Lane. The officer attempted to catch up to the vehicle. The vehicle traveled westbound on Tabbs Lane and went into the backyard of a residence. The officer stopped, exited his vehicle and went towards the back of the house. As he maneuvered towards the back of the house, the driver of the white SUV exited the vehicle. When the citizen exited the vehicle, the officer drew his duty weapon and discharged it towards the civilian. The round did not strike the civilian.

2022 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

¹ Use of Force Review Board was established October 2018.

- 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.
- Whenever an ASP Baton is used.

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

During 2022, **89** Use of Force Reports were received, an increase of 11.2% from the **80** Use of Force Reports reported in 2021. 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 2022, we saw an increase of other agencies and government officials, come and observe our process of the Use of Force Review Board. This board adds accountability, and transparency to our use of force practices. The importance of this board is to allow five citizens along with four police personnel to review the agencies actions through the officer’s testimony of why and when force had to be used against a citizen. When appropriate, these reviews have also identified improper actions and training issues resulting in proper corrective action being taken. The 2022 Use of Force Reports consisted of:

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

The appropriate action was taken to address identified issues where two (2) of the incidents resulted inofficer receiving disciplinary action for their improper application of the use of force towards a citizen.

The most active months for Use of Force Reports for 2022, were October, and November with 24, followed by June and September, resulting in a total of 9 each. The least active months were January and December with 4 each.

USE OF FORCE REPORTS BY MONTH & YEAR

Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
4	5	7	6	6	9	8	7	9	12	12	4
2022 Total Reports: 89											
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
2020Total Reports: 104											

FREQUENCY & TYPES OF FORCE USED

<u>Use of Force</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
# of reports	104	80	89
# of involved officers	263	187	242
Type of Force Used:			
Hands & Feet	127	82	89
Kick Stops	33	15	35
ECD (Taser)	28	32	24
OC Spray	1	1	1
ASP Baton	0	1	1
Firearm	2	1	0
Less Lethal	3	1	0
K-9	0	0	0
Distraction Device	2	0	0
CS/CN	1	6	6
Other	11	9	10
Pressure Points	4	1	3
Total	212	149	169

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.

One of the goals for the agency is to reduce violent crimes in Newport News. With this came various strategies on reducing violence and holding those committing violent acts accountable for their actions. It is important to note that in 2021, there were **6,797** arrests and in 2022, there were **10,268** arrests, an increase of 51%. 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 mental health crises. We have

increased the number of officers assigned to the hospital so the transporting officers can return to duty expeditiously.

During 2022, we have also seen the country demanding more police accountability, transparency, and re-allocating of resources towards rehabilitation.

In 2022, the frequency and type of force used to take suspects into custody increased from the previous year. The most frequent type of force used was Hands & Feet **89**, which includes soft/hard empty hand control, takedowns and similarly approved defensive tactics. The second was Taser Deployments **24**, Electronic Control Device (ECD) in order to gain compliance. The use of Kick-Stops was also used (**35**). These 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.

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 **89** Use of Force Reports submitted in 2022, the Internal Affairs Division investigated or managed **1** investigation pertaining to an Officer Involved Shooting and **2** investigations pertaining to accidental discharges. The Patrol Bureau investigated or managed **86** 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 uses scenarios from past incidents to teach officers how to effectively address non-lethal situations and potentially lethal confrontations. All new officers are taught in our Basic Law Enforcement Academy and receive over 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 continues to work with the Training Unit 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 did not investigate any complaints of racial profiling in 2022.

WARNING SHOTS (CALEA STANDARD 1.3.3)

Zero warning shots were reported by members of the Newport News Police Department in 2022. 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 2022, **32 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.

2022 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