



Newport News Police Department - Administrative Manual

ADM-265 – ADMINISTRATIVE FIREARMS DISCHARGE INVESTIGATIONS

Amends/Supersedes: ADM-265 (09/28/2016)

Date of Issue: 05/07/2021

I. GENERAL

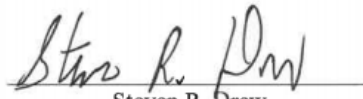
- A. The Newport News Police Department shall investigate and review all incidents of firearm discharges involving any employee of the Police Department, whether on or off-duty, with the exception of approved Departmental training purposes, lawful hunting and lawful recreational target practice. [4.2.1(a)]
- B. An administrative investigation and review may also be conducted regarding any incident or action involving the death or serious injury of a Department employee or citizen at the discretion of the Chief of Police, or their designee. [4.2.1(b), 11.3.4(b)]
- C. The word “employee” for the purpose of this policy shall mean all sworn, civilian, and auxiliary personnel of this Department, whether part-time or full-time positions.
- D. Additional sworn Department police personnel may be selected to assist the Internal Affairs Division at the discretion of the Chief of Police, or their designee.
- E. In the event of a firearms discharge involving an employee, the ranking on-duty supervisor for the area in which the incident occurred will be responsible for ensuring that the appropriate chain of command and the Internal Affairs Division Commander, or designee, are notified. Upon notification, additional Internal Affairs Division members will respond.
- F. The Records Unit supervisor will be notified by the Internal Affairs Division Commander in any officer-involved shooting, requiring a "Officer-Involved Shooting" form submission to the Virginia State Police, as set forth in [§ 52.28.2](#) of the Code of Virginia.

II. PROCEDURE

- A. The Internal Affairs Division will be notified of any shooting incident falling within the parameters of this policy. Upon notification of the Internal Affairs Division Commander, or their designee, they shall respond to a designated point and begin their investigation of the incident. [26.3.1(b)]
 - 1. It shall be the responsibility of the Internal Affairs Division Commander to monitor the activity of the investigators, to include: [26.3.1(b)]
 - a. Ensuring that none of the investigators have had a relationship with the employee(s) under investigation within the last six months;
 - 1) of a personal nature (i.e., related by blood or marriage, roommates, romantic, etc.); or
 - 2) of a working nature (i.e. assigned to the same watch, unit, special assignment, etc.);
 - b. Ensuring the investigators have the necessary resources needed to complete the investigation; and
 - c. Providing advice and direction when necessary
- B. The investigation will be conducted and guided by the following:

1. In the event a criminal investigation is necessary, the criminal investigation will take precedence. The Internal Affairs Division will observe the investigation without interfering, and will not interview the involved officer(s).
 - a. To ensure the protection of an officer's compelled administrative statement, investigators will wait until the appropriate criminal investigators have concluded their interviews before speaking with the involved officer(s).
 - b. The Internal Affairs Division will also consult with the City and Commonwealth's Attorneys prior to conducting interviews to ensure no other relevant factors exist to warrant a delay in the administrative investigation. [11.3.4(c)]
 - c. While information developed by the Criminal Investigative Team may be provided to the Internal Affairs Division, any compelled statements developed by requiring police officer cooperation with the Internal Affairs Division cannot, and will not be disclosed to the Criminal Investigative Team. [26.3.3, 11.3.4(a,b)]
 2. The Forensic Services Unit shall process the scene and provide copies of all reports and photographs to the Internal Affairs Division and the criminal investigators.
- C. The investigation of a shooting, or the discharge of an employee's firearm, will focus on gathering facts related to the case to include:
1. Possible training considerations;
 2. Examination of the quality of supervision; and/or
 3. Development or recognition of possible employees' behavior patterns to aid in determining current or possible future City liability.
- D. Investigative Report Timeline
1. Upon initial activations, the Internal Affairs Division will submit an initial report to the Office of the Chief of Police within 24 hours of the activation. This report will provide a brief overview of the incident and identify the team members conducting the administrative investigation. [26.3.2]
 2. All criminal firearms discharge investigations will normally be completed within 90 days of the incident and submitted to the Commonwealth's Attorney for review. Requests for a time extension must be submitted to and approved by the Investigations Bureau Commander.
 3. All administrative firearms discharge investigations should be completed within 90 days after the Commonwealth's Attorney's determination. [26.3.1]
 4. Exceptions will be made whenever compelling, extenuating circumstances are encountered, with approval of the Chief of Police, or their designee. [26.3.3]
- E. Administrative Firearms Discharge Investigation Disposition [4.2.2; 26.1.4(a,b,c); 26.3.8]
1. Upon completion of the administrative report, the Internal Affairs Division Commander will forward the written report with the completed investigative file, to the Office of the Chief of Police.
 - a. The report will address the points previously outlined in section II. C. Any accompanying documents (i.e., lab reports, witness statements, etc.) will also be attached to the completed investigation report for examination.
 - b. The investigated employee's bureau and precinct/division commanders will review the report and accompanying documents providing notations regard any recommendations, issues or concerns. These recommendations will then be forwarded to the Office of the Chief of Police in preparation for the ad hoc committee.

- c. The Internal Affairs Division will present its fact findings to a committee consisting of the Executive Staff, Training Section commander and supervisors, involved employee's precinct/division commander, and representatives from the Office of the City Attorney. The committee may request a more detailed clarification of facts or further investigation to ensure a factual and thorough investigation is completed.
2. Once the final outcome has been determined by the committee and approved by the Chief of Police or their designee. Appropriate letters will be drafted to the employee(s) and complainant(s) involved, advising them of the final disposition as deemed appropriate by the Chief of Police, or their designee. [26.3.4(c)]
3. The letter to the employee(s) will be given to the Internal Affairs Division Commander, who will make arrangements to meet with the employee(s) (and supervisors if appropriate) to discuss the investigative findings and the final determination approved by the Chief of Police.
4. The Internal Affairs Division Commander and the Training Section Commander will review the completed investigation for any training related concerns which may then be the subject of further training development as needed. [26.3.4]
5. The Internal Affairs Division Commander will forward the final determination, as approved by the Chief of Police, to the Records Unit supervisor to update the Virginia State Police "Officer-Involved Shooting" form, as necessary.


Steven R. Drew
Chief of Police