



## ADMINISTRATIVE MANUAL

# ADM-270 – ADMINISTRATIVE/INTERNAL INVESTIGATIONS

Amends/Supersedes: ADM-270 (07/30/2021)

Date of Issue: 12/25/2023

### I. GENERAL

The Newport News Police Department investigates allegations of misconduct on the part of its employees. Employees shall cooperate during investigations. These investigations are conducted within the framework established herein. [26.1.8]

### II. PURPOSE

The primary function of personnel complaint investigations is to determine the validity of the complaint, examine the facts of the complaint and apply necessary corrective actions.

### III. DEFINITIONS

- A. *Administrative Investigation*: An investigation of a Newport News Police Department employee conducted as a response to a complaint (i.e., citizen, performance or conduct) or per policy. Administrative investigations, as referenced here, are the same as internal investigations.
- B. *Assistant Chief of Police*: Unless otherwise noted, for purposes of this policy, the Assistant Chief of Police shall refer to the Assistant Chief or designee in the investigated employee's chain of command structure at the time of the alleged offense.
- C. *Conduct*: Issues relating to the behavior exhibited by the employee, as outlined in the City Personnel Administrative Manual (PAM) [1000](#) policy. (See also: [ADM-260 Receipt of Complaints](#).)
- D. *Axon Standards*: A professional standards and internal affairs tool to document misconduct, policy compliance and disciplinary action. This program is accessible via Evidence.com.
- E. *Major Conduct Issues*: Any issue that, if substantiated, would be subject to the procedures listed in the [PAM-1000 Standards of Conduct](#) as a Group III offense or any Group II offense that may involve a suspension without pay, demotion or termination. The Chief of Police and executive command staff may designate a conduct issue as major based on individual circumstances
- F. *Minor Conduct Issues*: Any issue that, if substantiated, would be subject to counseling, training or categorized in the [PAM-1000 Standards of Conduct](#) policy as a Group I or Group II offense, and not constituting a Major Conduct Issue as defined above .
- G. *Performance Issues*: Issues relating to the employee's ability to carry out the duties and responsibilities of their position and the employee's application of knowledge, skills and abilities for the position. Performance issues are considered major or minor in nature, using the same evaluation criteria as conduct issues.

### IV. GENERAL

- A. While [PAM-1000 Standards of Conduct](#) and [ADM-210 Standards of Conduct/Disciplinary Action](#) are primarily referred to when evaluating conduct, any policy issued by the city or the department may expand on the general topics in that policy with more specific conduct requirements.

- B. Major Conduct and Performance Issues

[26.3.1(b)]

The Internal Affairs Division (IAD) will conduct all administrative investigations involving major conduct and/or performance issues and inquiries as directed by the Chief of Police or designee.



C. Minor Conduct and Performance Issues

[26.3.1(a)]

Minor conduct and performance issues may be investigated at the precinct/division commander level. The completed investigation is forwarded to the Assistant Chief, with a brief assessment of the employee's current work performance and recommendations regarding the appropriate course of disciplinary action.

D. Off-Duty Conduct

Off-duty incidents involving a departmental employee may be investigated preliminarily by the employee's precinct/division commander to determine whether the act would constitute a policy violation. If the preliminary investigation does not indicate a policy violation, the investigation will be terminated. If the preliminary investigation suggests misconduct, then an investigation may be conducted per this policy.

E. IAD will prepare an annual report summarizing the nature and disposition of all investigated complaints against department employees. The report will also reflect areas of concern and trends or patterns that may be useful to supervision in handling personnel matters and the Training Section for preparing training topics. This report is forwarded to the Chief of Police. [35.1.9(c); 26.3.2; 26.2.5]

## V. PROCEDURES – AXON STANDARDS

A. All complaints and conduct issues are documented and reviewed in Axon Standards. The reports, attachments and references in Axon Standards constitute investigative case files. This policy addresses the following reports:

1. The citizen complaint report is used to document complaints reported by members of the public.
2. The administrative/internal investigation report documents conduct issues reported by department members.

B. Supervisors responsible for reviewing case files are expected to complete pending case reviews upon notification that the case is in their pending tasks. Processing reports involves reviewing information, assigning investigations, entering feedback and forwarding the case to the next step in the workflow.

C. Case File Attachments

1. The assigned investigator is responsible for completing the case file, including all necessary attachments. The investigator will scan and load all hard copies, such as forms and written statements, as attachments to the case file.
2. The investigator will link relevant photos, body-worn camera footage and any other items saved in Evidence.com to the case file in the system.
3. IAD staff are responsible for managing access to case file attachments, ensuring they are restricted to only authorized staff.

D. When the chain of command completes a case file review, IAD will ensure the final disposition and actions taken are documented in the case file. All incidents of record, including written reprimands, letters of counsel, mandatory transfer, suspension, administrative leave, demotion, or termination, shall be documented. Such documentation shall include the date, time and location of the incident, the reason for the action taken and the effective date. [26.1.7(a,b)]

E. Case files in Axon Standards are confidential and will not be printed, downloaded or saved outside the system unless authorized by IAD personnel.

## VI. PROCEDURES - INVESTIGATION OF CONDUCT ISSUES

A. Personnel involved in the situation under administrative investigation shall not have any role in the investigation.



- B. If a Department employee receives information that an employee of the Department has committed a crime, the employee receiving the information will immediately notify their supervisor, who will notify IAD without delay.
- C. Investigations of sworn personnel are conducted in accordance with the Law Enforcement Officer's Procedural Guarantees (NNPD [Form #60](#)) under [§9.1.501 through §9.1-507](#) of the Code of Virginia, the Newport News Police Administrative and Operational manuals and the City PAM. If the investigation focuses on criminal matters, it will be investigated as directed by the Chief of Police or designee. [26.3.5]
- D. Investigations of administrative complaints against non-sworn personnel are conducted in accordance with the Newport News Police Administrative and Operational manuals and the City PAM. The non-sworn employee is presented with and asked to sign the Non-Sworn Personnel Procedural Guarantees Form (NNPD [Form #60A](#)). [26.3.5]
- E. As part of any administrative investigation performed by the IAD, the investigated employee may be required to participate in a line-up or have their photo used in a photospread for identification purposes. [26.3.6(c)]
- F. Interviews with employees under investigation and witnesses, when conducted by IAD staff, are recorded using available audio and/or video equipment. Recordings will be attached to the case file. If a recording is not possible, the investigator will note in their investigation that one was not completed and the reason. [26.3.6(c)]
- G. In the event a criminal investigation is necessary, the criminal investigation will take precedence. Typically, criminal investigators will speak with the involved employee(s) before the IAD investigators.
  - 1. To protect an employee's compelled administrative statement, IAD investigators will wait until the appropriate criminal investigators have concluded their interviews before speaking with the involved and witness employees.
  - 2. The IAD will also consult with the City and Commonwealth's Attorneys before conducting interviews to ensure no other relevant factors exist to warrant a delay in the administrative investigation.
  - 3. While information developed by the criminal investigator may be provided to the IAD, any compelled statements and the fruits of these statements developed by requiring police employee cooperation with the IAD cannot and will not be disclosed to the criminal investigator.
- H. Investigations are to be completed within forty-five working days of initiation. Any need for an extension requires approval by the IAD commander. [26.3.3]
- I. For all investigations, a case file is created and will include all of the available items: [26.2.2]
  - 1. Event information and information for all involved employees and members of the public.
  - 2. Summary of the investigation.
  - 3. Documents & communications provided by the complainant.
  - 4. Procedural guarantees form
  - 5. Employee's letters
  - 6. Recordings of statements and transcriptions
  - 7. A copy of [PAM-1000 Standards of Conduct](#). The employee must sign and date next to the honesty (section II-H).
  - 8. If the employee is sworn, a copy of the department's [Code of Ethics](#) is signed and dated by the employee.
  - 9. Notification of Internal Investigation (NNPD [Form#442](#))
  - 10. Procedural Guarantee form (NNPD Form [#60](#) or [#60A](#))
  - 11. Case/Transcript Review/Notification Form (NNPD [Form #316](#))



- J. Per city policy requirements, an employee may be compelled to answer questions related to their duties or fitness for duty. Failure to answer such questions may be the basis for disciplinary action and dismissal from the Department. Before any questioning, a sworn employee is presented with the Law Enforcement Officer's Procedural Guarantee form (NNPD [Form #60](#)) under [§9.1-501 through §9.1-507](#) of the Code of Virginia. In cases involving a non-sworn employee, the employee is presented with the Non-Sworn Personnel Procedural Guarantees form (NNPD [Form #60A](#)). [26.3.5]
1. The answers do not constitute a waiver of the privilege against self-incrimination in criminal matters and will not be shared with the criminal investigator. An attorney for the Commonwealth may gain access to the statements pursuant to [§19.2-201](#).
  2. No employee's attorney is entitled to be present during an administrative investigation.
  3. Employees are required to be truthful, honest, forthcoming and complete in their response to questions posed by persons conducting administrative investigations.
- K. Brady Discovery Material
1. Failure to be completely truthful in any administrative investigation may result in an additional administrative charge of being "untruthful" during an administrative investigation. If an employee is found to be untruthful in any aspect of the investigation, Brady Discovery material may arise, which could affect one's credibility as a City, Commonwealth or Federal Government witness (United States v. Giglio) as well as their ability to perform the basic duties of a police officer. Any exculpatory evidence or evidence that can be used to impeach an officer must be revealed to the Commonwealth Attorney's Office.
  2. Access to all police reports, disciplinary records and internal affairs investigation documents are made available to an attorney for the Commonwealth in accordance with [§19.2-201](#) of the Virginia Code for all complaints involving:
    - a. Use of force
    - b. Wrongful arrest
    - c. Violation of constitutional rights (state and federal).
- L. Photograph Identification Procedures [26.3.6(b)]
1. IAD will maintain photos of Department employees to assist in identifying employees accused of misconduct. If the department requires photographs of employees, their use must narrowly relate to the employee's job.
  2. Photographs or video stills of employees, whether knowingly or unknowingly taken, may be obtained for administrative investigations when it relates to the employee's job and the employee is suspected of misconduct.
- M. Medical/Laboratory Examinations [26.3.6(a)]
- Employee substance abuse testing is administered following [PAM 1205 Substance Abuse Policy and Procedures](#). If approved by the Chief of Police, any other medical or laboratory testing will be conducted, if necessary, as part of a criminal investigation.
- N. Financial Disclosure Statements [26.3.6(e)]
- An employee may be compelled to make financial disclosure statements when directly and narrowly related to allegations of misconduct involving any unlawful financial gain. Any such evidence gained during the investigation of an administrative matter will not be shared with criminal investigators.
- O. Utilization of polygraph examinations in administrative will follow [ADM-275: Polygraph Examinations](#). [26.3.6(f)]



- P. The employee may review the administrative investigative file. When reviewing the investigative file, the employee may take notes but is only entitled to review their statement once the investigation is completed. Review of exact statements from other personnel, complainants, or witnesses is prohibited. All statements are confidential and not subject to disclosure. Devices with camera capabilities (e.g., cellular phones) are not permitted in the area where the employee reviews the file. The investigative files are treated as confidential, and unauthorized viewing, access, photography, or copying of them is prohibited.
  - Q. The employee may submit a single written request for further investigative needs or present additional information pertinent to the case. This is not an opportunity to debate the case or argue guilt or innocence. This written request must be submitted directly to the administrative investigator assigned to the case within five days of reviewing the investigative file. It will become a permanent part of the file.
  - R. The Department is only required to respond to the employee's initial file review request and the employee's initial written request for a follow-up, such as additional investigative action and/or further interviews, resulting from the employee's case review.
  - S. Classifications and Notification of Complaint Findings
    - 1. After review by the Chief of Police, the Assistant Chief of Police, and/or the precinct/division commander (depending upon the group of misconduct), the complaint(s) are classified into one of the following six categories: [26.3.8]
      - a. Exonerated: The incident occurred but was lawful and proper.
      - b. Refused to cooperate: The complainant refused to cooperate with the investigation, and a determination cannot be made.
      - c. 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 before the investigation starts or during the investigation process.
      - d. Unfounded: The allegation is unfounded in that it has been proven to be false or not factual.
      - e. Substantiated: The allegation is supported by sufficient evidence to justify a reasonable conclusion that the allegation is factual.
      - f. Not substantiated: There is insufficient evidence to prove or disprove the allegation that occurred.
    - 2. Both the complainant and the involved employee(s) are notified either in person, by phone, or by mail (electronic or U.S. Postal Service) by the Chief of Police or designee of the results of complaints investigated by the IAD. The complainant will only be advised as to the disposition of the investigation; the employee(s) is advised of the disposition and recommended action(s) to be taken. [26.3.4(c)]
- NOTE:** An exception to this would be a complaint where complainant communication was handled through an attorney, in which case the City Attorney will be consulted before notifications. Such letters will advise the complainant that the matter has been investigated fully and referred to the City Attorney for further disposition. Any inquiries will be directed to that office. [26.3.4(c)]

**VII. PROCEDURES – MAJOR CONDUCT AND PERFORMANCE ISSUES INVESTIGATED BY IAD** [26.1.5]

- A. Upon completion of all investigations conducted by the IAD, the investigative file is submitted to the IAD Commander for review. [26.3.5]





- B. Upon approval, the IAD Commander, or designee, will submit the case to the Chief of Police for review and provide a briefing on the investigation results, if requested.
- C. The IAD commander or designee will notify the investigated employee(s) that they may review the investigative case file. The investigated employee(s) will sign the Case/Transcript Review/Notification Form (NNPD [Form #316](#)), which will become a part of the permanent case file.
- D. After the investigated employee(s) has been provided the opportunity to review the investigative case file, the Chief of Police will hold a due process meeting with the investigated employee(s). ([PAM-1000 Standards of Conduct](#))
- E. Based on the totality of the facts of the case as presented, the Chief of Police will make the final decision regarding case findings and discipline.

### **VIII. PROCEDURES – MINOR CONDUCT & PERFORMANCE ISSUES NOT INVESTIGATED BY IAD**

The supervisor investigating complaints shall:

- A. Review any statements, communications or documents provided by the complainant.
- B. Contact the complainant and witnesses and conduct interviews.
- C. Determine appropriate administrative charges/allegations as determined by available information.
- D. Record (e.g., digitally or otherwise) and document the statements from each employee and have them included in the investigative file.

**NOTE:** The investigator may determine that a detailed letter of involvement is sufficient.

- E. Once the investigation has concluded, the investigator will submit the case through the employee's chain of command for review and recommendations to the appropriate precinct/division commander:
- F. Upon completion, forward the completed investigation to the IAD for review. IAD then forwards it to the Chief of Police or designee.
- G. Before the Assistant Chief of Police or designee reviews and makes a final finding in an investigation (as set forth below), the employee is notified and allowed to meet with the Chief of Police or designee. The employee will have five calendar days to prepare for this meeting, although the employee's attendance in the meeting is not mandatory.
- H. Matters Reviewed by the Assistant Chief of Police

The Assistant Chief of Police reviews the minor conduct and performance issues that the precinct/division commanders investigate. Assistant Chiefs will also review IAD investigations as directed by the Chief of Police.

#### **1. Group I and Group II Violations of the Standards of Conduct**

- a. If there is substantial evidence that a violation of the Standards of Conduct may have occurred, and the violation may constitute a Group I or Group II misconduct, the complaint is returned to the precinct/division commander. The precinct/division commander will meet with the employee in question and allow them to answer the allegations. After which, the precinct/division commander will provide a final disposition.
- b. If the finding is substantiated as a Group 1 or Group II Standards of Conduct minor issue violation, the Assistant Chief of Police will make the final decision outlined in the City Standards of Conduct.
- c. If the finding is not substantiated, exonerated, or unfounded, the Assistant Chief of Police will submit a letter to the employee stating the findings.

#### **2. Group III Violations of the Standards of Conduct**

If there is substantial evidence that a Group III violation of the Standards of Conduct or a major issue, as defined herein, may have occurred, the complaint will be returned to the Chief of Police. The Chief



of Police will meet with the employee to discuss the incident. The Chief of Police will make the final decision as outlined in the procedures in the City Standards of Conduct policy.

## IX. Action Taken for Substantiated Complaints

- A. Disciplinary action shall be taken in accordance with [PAM-1000 Standards of Conduct](#). If the action taken involves the termination of employment, the employee is notified in writing as to the reason(s) they are being dismissed, the effective date of dismissal from the department, and referral to the City Human Resources for information about the status of fringe and retirement benefits after dismissal. [26.1.4(c); 26.1.7]

**NOTE:** The dismissed employee is ultimately responsible and accountable for returning all issued equipment and clothing before their separation date, as set out in [ADM-525 Out-processing and Extended Leave Reactivation Procedure](#).

- B. A psychological evaluation and subsequent treatment may be required per City [PAM 1201 Non-Occupational Disabilities Policies, Procedures and Guidelines](#).
- C. Letters issued for substantiated complaints. [26.1.4(b)]
1. Letters of Counsel may be issued and are attached to the appropriate Axon Standards report/event.
  2. Letters of Reprimand may be issued and attached to the appropriate Axon Standards report/event, with copies sent to the Chief's Office and the City's Human Resources Department. [26.1.8]
- D. Relieved from Duty [26.1.4(c)]
1. Any supervisor has the authority to relieve any Police Department employee (of lesser rank) from duty with pay until the next day when it appears that such action is in the department's best interest. [22.1.2; 26.1.5; 26.3.7]
  2. The supervisor relieving an employee from duty with pay shall immediately notify the employee's chain of command. A written report by the relieving supervisor shall immediately be forwarded to the Chief of Police through the chain of command. If the incident constitutes a conduct or performance issue, the supervisor will also submit the Axon Standards report before the end of the shift. [26.3.2]
  3. The employee being relieved from duty must report to their precinct/division commander the following business day at 0800 hours unless otherwise directed by the commander or their designee.
  4. The Chief of Police, or designee, can place any Police Department employee on administrative leave in accordance with PAM-1000. [22.1.2(a)]
  5. Equipment Issues [26.1.5]
    - a. When a sworn employee is relieved from duty, any issued equipment considered as evidence shall be processed and stored per [OPS-485 Property and Evidence](#).
    - b. The supervisor relieving the sworn employee from duty will retrieve the following non-evidentiary issued equipment:
      - 1) Badges;
      - 2) Police identification cards (notify Logistics Division to deactivate possible individual access codes);
      - 3) All department-issued firearms; any retrieved department firearms will be turned in to the Department armorer by the following City working day.
      - 4) Electronic Control Device (i.e., Taser®, etc.);
      - 5) Body-worn camera;
      - 6) City-issued cellular telephone;
      - 7) Issued portable radio(s);
      - 8) Issued laptops and computer-related property;



- a) Department-issued laptops and computer-related property (to include individually assigned MDCs and tablets) shall be turned in to the precinct/division commander for secure storage for up to thirty (30) days.
  - b) Any non-evidentiary computer-related property still held at the end of the thirty (30) days period shall be delivered to the Public Safety Information and Technology Unit and may be reassigned.
  - c. If the employee being relieved from duty is assigned a take-home vehicle, the employee's immediate supervisor will ensure that the vehicle is parked at the facility where the employee is assigned to work and that the keys are provided to the employee's precinct/division commander, or designee, who will:
    - 1) Allow the employee to remove any personal items from the vehicle;
    - 2) Provide oversight of the employee's removal of personal items from the vehicle;
    - 3) Completely inventory the vehicle's contents;
    - 4) Turn the vehicle over to the fleet coordinator for safekeeping by the following City working day. If, at the end of thirty (30) days, the employee has not been authorized to return to duty, the vehicle may be returned to the fleet's pool for reassignment.
  - d. Any retrieved equipment remaining after the other equipment provisions of this section are met shall be turned over by the supervisor to the respective precinct/division commander (or designee) for safekeeping. The precinct/division commander will maintain custody of the items until the employee is authorized to return to duty or terminates employment with the Department.
- E. Notification to the City Attorney
- 1. The IAD commander shall notify the City Attorney of all investigations that may result in a civil action against the employee or the City of Newport News. Such investigations shall include but are not limited to violation of civil rights, [42 USC § 1983](#) claims (such as the use of excessive force, false arrests), officer-involved firearms discharge, in-custody deaths, and complaints by a subordinate police employee against a superior.
  - 2. Upon notification of a complaint of this nature, the appropriate departmental personnel will review the case with the City Attorney's Office.
  - 3. The City Attorney's Office will advise and counsel the investigator(s) throughout the investigation. All records and results are considered the attorney's work product and, therefore, confidential.
- F. Access to Department Facilities
- 1. Any employee who has been dismissed or placed on administrative leave for disciplinary or fitness for duty reasons will not enter any police department facility unless a member of the IAD or designee accompanies them.
  - 2. Unless IAD provides written permission, employees who enter or attempt to enter police department facilities may be subject to prosecution for trespassing and/or other applicable administrative or criminal charges.

## **X. Confidentiality of Investigations**

[26.2.2]

- A. The progress of IAD investigations and all supporting materials are considered confidential information. This confidentiality serves the need to protect both the employee accused and the complainant.
- B. The Chief of Police, or designee, is the only person empowered to release for public consumption the details of an administrative investigation. Such releases shall be guided by city policies relating to personnel issues and applicable laws. [82.1.1(c)]
- C. This confidentiality rule in no way precludes reporting to the public statistical information on the processing of all complaints and administrative investigations received and processed by the IAD.






**XI. IAD Storage and Purging**

[26.1.8; 26.2.2; 82.3.5]

- A. All completed investigative files are stored in the IAD. These files are available for review by command staff (captain and above) and appropriate supervisory personnel. The IAD will document, maintain and purge records in compliance with the Virginia Public Records Act ([§42.1-76 of the Code of Virginia, et seq.](#)) and the records retention and disposition schedules and procedures established by the Library of Virginia and as recommended by the City Attorney's Office. [82.1.3; 82.2.2(b)]
- B. To review their own internal affairs file, employees must submit a written request to the IAD commander with an explanation of why they want to review their file. If the review is approved, the employee will make an appointment with the IAD commander.

**NOTE:** Only redacted versions of an internal affairs file are available for an approved employee review. Fully transcribed statements from witnesses, audio files of witness statements, or any other attachments are not subject to employee review.

- C. Supervisors may keep a record of actions taken against persons under their direct supervision. Such records are accessible to the Chief of Police, IAD, the individual employee, and their chain of command. Supervisors are responsible for securing these records and preventing unintentional dissemination.
- D. Supervisors may request records of actions taken against persons under their direct supervision from IAD.
- E. All records considered attorney work products are noted as such on the file folder and shall be accessible only to persons approved by the City Attorney.
- F. The Chief of Police reserves the right to deviate from this policy as circumstances warrant.

  
Steven R. Drew  
Chief of Police