

CLEAR COMMISSION FINAL REPORT

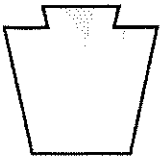
Name of Review Committee	Critical Incident
Review Committee Chair	Christa Caceres
Members of Review Committee	Amy Zapp, Benjamin Lerner, Leon Ford, Charles Bailey and Fran Chardo
Date Review Began	April 12, 2024
Report Number	CII-2024
Date of Final Report	December 16, 2024

TYPE OF COMMITTEE REVIEW

Name of Covered Agency	Pennsylvania State Police (PSP)
	Police-involved shooting resulting in death

BACKGROUND

Incident Date	December 26, 2021
Criminal Disposition	None
Agency Administrative Disposition	Use of Deadly Force and the Deadly Force Authorization Justified – Adjudication approved by the Deputy Commissioner of Administration and Professional Responsibility.



SCOPE AND METHODOLOGY OF REVIEW

Pursuant to Executive Order 2023-21, the Pennsylvania Citizen Law Enforcement Advisory & Review Commission (Commission) is authorized to review covered agencies' completed internal investigative findings related to all investigations of police-involved shootings resulting in injury or death of civilians conducted by covered agencies.

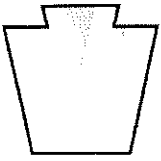
The Commission will determine if the investigative findings were:

- (a) Prompt, fair, impartial, complete, and performed in a manner consistent with applicable policies and regulations.
- (b) Reasonable under applicable law enforcement protocol, including, but not limited to, the covered agency's just cause standard, rules and regulations, collective bargaining agreements, past disciplinary precedent, or grievance and arbitration decisions.
- (c) To the extent the review identifies a perceived policy or training deficiency, the Commission shall provide a recommendation to correct the perceived deficiency for consideration by the covered agency.

Under the methodology prescribed by Executive Order 2023-21, covered agencies will provide the Commission with a comprehensive written summary and oral presentation of the completed internal investigative findings. The summary shall include a description of all investigative activities, relevant dates, a summary of the facts as determined by the investigation, and criminal and administrative adjudications.

Specifically, in performing the review of the PSP Critical Incident case number 21-1860 (21-1860), the Commission's Critical Incident Review Committee (Review Committee) used the following methodology:

1. Reviewed how the PSP completed internal investigation was conducted when compared to internal policy and relevant collective bargaining agreements to determine whether the investigation was conducted in a prompt and fair manner.
2. Reviewed internal relevant policies designed to safeguard fairness and impartiality to ensure that the PSP completed internal investigation was conducted in accordance with said policies and determine whether any conflict of interest exists based on all known information.
3. Reviewed the PSP completed internal investigation to ensure investigators collected all relevant facts reasonably obtainable and conducted all relevant interviews.
4. Compared facts and circumstances described in the PSP completed internal investigation with relevant internal policies to determine if any policy or training deficiencies exist. Where deficiencies are identified, make recommendations for corrective action(s).



RELEVANT POLICIES AND CRITERIA EXAMINED

1. PSP Administrative Regulation 4-25 – Internal Investigations, dated 3/12/19.
2. PSP Field Regulation 1-2 - Duty Requirements, dated 11/5/21.
3. PSP Field Regulation 1-1 – General Requirements, dated 8/2/21.
4. PSP Field Regulation 1-5 – Officer Involved Shooting/Serious Police Incidents, dated 4/19/21.
5. PSP Field Regulation 9-1 – Use of Force, dated 8/2/21.
6. Provisions from Boards of Arbitration Awards and Collective Bargaining Agreements between Commonwealth of Pennsylvania and the Pennsylvania State Troopers Association (Effective July 1, 2021 to June 30, 2024).

FINDINGS AND CONCLUSIONS

Summary and Statement of Facts:

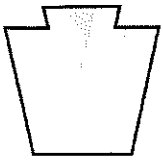
On December 26, 2021, PSP Troopers were dispatched at 10:23 p.m. to a disturbance in a home involving a firearm after a 911 call. An adult female Victim entered her residence and found her adult brother unlawfully inside, intoxicated and in possession of a firearm. While engaged in a disagreement over an inheritance, the Subject pointed a firearm at and threatened to kill the Victim. The Victim fled the residence and contacted a relative, who in turn, contacted PSP by calling 911.

Patrol Troopers arrived on scene, established a perimeter, and attempted to hail the Subject from the residence (a single-family home) at approximately 10:54 p.m. Over the course of several hours, Troopers also contacted and negotiated with the Subject via telephone and Facebook Messenger, but he refused to surrender. While the negotiations with the Subject continued, an arrest warrant was obtained for the Subject on the charges of Burglary, Terroristic Threats, and Criminal Trespass, and a search warrant was also obtained for the Subject inside the residence.

At approximately 2:45 a.m. on December 27, 2021, SERT Members took over the perimeter and established their positions. The Subject subsequently exited a rear door with an object in his right hand, began scanning the area and then re-entered the residence. Due to a lack of cover and concealment, SERT Members felt their positions were compromised, which caused them to redeploy to different locations on the perimeter. Trooper #1 repositioned himself to visually cover the residence and had a direct line of sight of the rear door. During SERT negotiations, a clear and concise surrender plan was given to the Subject.

At 3:37 a.m., the Subject was online with negotiators when he said he saw Troopers on the side of the residence. The Subject further related he would shoot the next Trooper he saw. This information was relayed to the SERT Members on the perimeter.

The Subject then exited the rear door with a firearm and pointed it towards SERT members on the perimeter. Trooper #1 subsequently fired one (1) round from his Department-issued rifle, striking the Subject. The Subject fell to the



ground and into the threshold of the doorway of the house, still maintaining possession of the firearm. Trooper #1 began issuing verbal commands to the Subject to drop the firearm and crawl out of the residence. The Subject leaned back up and scanned the area with his firearm, pointing it directly at Trooper #1. Trooper #1 fired one (1) additional round striking the Subject, which caused him to fall backwards onto his right side into the threshold of the door.

The Subject was not reacting to verbal commands nor the deployment of a noise flash diversionary device. SERT Members approached and secured the Subject, and tactical paramedics rendered aid. However, the Subject succumbed to his injuries on scene. The county coroner responded to the scene and pronounced the Subject deceased.

A PSP Major Case Team activation was initiated drawing resources from across the Troop to investigate the incident. Two IAD Members (State Police Sergeants) responded to the scene, completed, and witnessed the weapons download, and gathered other relevant information for the independent internal investigation including crime scene analysis. On December 27, 2021, Trooper #1 was placed on Administrative Duty status and a Blue Team Entry was submitted for 'Firearm Discharge' and assigned as a full administrative investigation.

On February 24, 2022, the County District Attorney (DA) provided a prosecutorial determination there was no evidence of any crime committed by Trooper #1 after reviewing all the evidence concerning the use of deadly force and the subsequent death of the Subject. Following receipt of the prosecutorial determination, an IAD administrative investigation commenced. On February 25, 2022, Trooper # 1 was returned to full-duty status.

A comprehensive internal investigation was completed on April 8, 2022 and sent to the Bureau of Emergency and Special Operations, Tactical Operations Division Director (State Police Captain) and the Bureau of Emergency and Special Operations Director (State Police Major) for Adjudication on April 22, 2022. On May 11, 2022, the Division Director provided correspondence that the incident and all investigative documentation was reviewed, and the use of deadly force by Trooper #1 and the deadly force authorization issued by Lieutenant #1 were justified. On June 1, 2022, this investigation was closed by IAD.

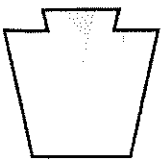
Findings and Conclusions:

Pursuant to Section 4(b) of Executive Order 2023-21, the Review Committee conducted a comprehensive review of 21-1860 in accordance with Article 8 of the Commission Bylaws, and adopts the following Findings and Conclusions:

The Review Committee found the PSP's Internal Investigation to be prompt and complete as outlined within Administrative Regulation 4-25, Internal Investigations (AR 4-25)¹ and in accordance with the PSP Collective Bargaining Agreement.² The IAD investigation was initiated promptly via Blue Team entry on December 27, 2021,

¹ AR 4-25 Section 25.04 (F) defines a Blue Team Entry as the web-based application used for recording complaints against Department personnel and capturing information concerning use-of-force incidents. AR 4-25 Section 25.06 (D) requires a Blue Team Entry for incidents involving an intentional weapon discharge and use-of-force.

² Article 26 Discipline, Section 8, Statute of Limitations, a. In cases involving alleged criminal conduct or requests for a prosecutorial determination, the notice of administrative findings shall be issued within 90 calendar days from the date the Department receives written notice from the member of the disposition/adjudication of the criminal charge or the date the Department receives the prosecutorial determination in writing.



and adjudicated within ninety (90) days of the completion of the District Attorney’s prosecutorial determination on February 24, 2022.

The Review Committee finds the IAD investigator collected all relevant facts reasonably obtainable and conducted all relevant interviews. The Review Committee found no concerns related to fairness and impartiality related to the PSP’s completed internal investigation and was presented to be free of any conflict of interest based upon the summary and statement of facts and additional documentation submitted for review. Additionally, the investigative findings were reasonable and in accordance with applicable protocol.

FINAL RECOMMENDATION(S) FOR CORRECTIVE ACTION

1. The Commission recommends an amendment to Field Regulation 1-5 - Officer Involved Shootings/Serious Incidents (FR 1-5) under Section 5.06 (E) Return to Full Duty Status.

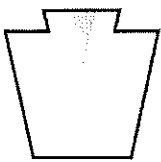
Section 5.06 (E) states:

A member/enforcement officer placed on administrative duty shall be returned to full duty upon the order of the Deputy Commissioner of Administration and Professional Responsibility after evaluation of the following:

- AR 4-28 (Critical Incident Stress Management);
- MAP Manager recommendation;
- Investigation status;
- Internal Affairs Division recommendation;
- Prosecutorial determination if applicable and available;
- Completion of TAP (Tactical Assurance Program) if applicable;
- State Police Psychologist recommendation if applicable;
- State Police Medical Officer recommendation if applicable;
- Other appropriate requirements.

Currently, a member/enforcement officer can be returned to full duty status prior to the completion of the IAD investigation after the above requirements have been satisfied. In 21-1860, the prosecutorial decision was rendered on February 24, 2022, and Trooper #1 was returned to full duty on February 25, 2022. IAD began their investigation on February 25, 2022, with an adjudication issued promptly on May 11, 2022, before ninety (90) days elapsed.

The Commission recommends that Section 5.06 (E) of FR 1-5 be amended to require that a member/enforcement officer placed on administrative duty shall be returned to full duty upon order of the Deputy Commissioner of Administration and Professional Responsibility following the completion and full review of the IAD adjudication and investigation.



2. The Commission recommends adding a provision to Field Regulation 1-5 - Officer Involved Shootings/Serious Incidents (FR 1-5) under Section 5.07 Reporting.

Section 5.07 states, “An involved member/enforcement officer will not be required to author any supplemental criminal report. However, an involved member/ enforcement officer is required to adhere to the provisions of AR 4-25 (Administrative Regulation 4-25).”

AR 4-25 Section 25.09 (C)(7) states that IAD investigators will “ensure that the subject of an administrative investigation is personally interviewed.” Additionally, (C)(14) requires all department personnel interviews conducted during an administrative investigation are recorded.

The Commission notes there are multiple provisions within FR 1-5 that detail how information is obtained from the involved member/enforcement officer following a serious incident/officer involved shooting. Appendage A of FR 1-5 requires the involved member to immediately provide information for a public safety statement, which is a brief factual account to establish the level of danger that may still exist at the scene or in the community, aid the initial police response, and focus the preliminary investigation. Section C of Appendage A further indicates:

Once a public safety statement has been obtained, no additional information shall be sought by means of direct contact with the involved member or enforcement officer. Should critical details beyond those contained in the public safety statement be required to address immediate investigative concerns, a request for this information shall be made via the attorney representing the involved member or enforcement officer.

The following FR 1-5 sections prescribe when the involved member/enforcement officer is to be interviewed:

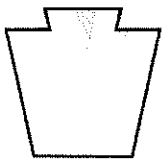
5.04 (H) Bureau of Integrity and Professional Standards, Internal Affairs Division shall:

(3) Not conduct an administrative interview(s) of the involved member(s)/enforcement officer(s) until the member(s)/ enforcement officer(s) has been interviewed in the criminal investigation, if applicable.

5.05 (E) A criminal investigatory interview of an involved member/enforcement officer shall not be conducted until the involved member/enforcement officer is afforded the opportunity to consult with counsel.

5.06 (A)(2) Criminal/administrative interviews of the involved member(s)/enforcement officer(s) shall not be conducted during these 72 hours unless circumstances warrant an earlier interview, as authorized by the Deputy Commissioner of Administration and Professional Responsibility, or the involved member(s)/enforcement officer(s) requests an earlier interview.

The Commission recognizes that AR 4-25 and the above listed provisions of FR 1-5 outline methods of acquiring and preserving the involved member/enforcement officer’s recollection of events. However, the Commission recommends members involved in Critical Incidents should be required to provide a written statement to gain a complete timeline of the events that led the member/enforcement officer to make his or her determination related to their use of force. The Commission further recommends that any written statement or interview verification from the



Pennsylvania
Citizen Law Enforcement
Advisory & Review Commission

involved member/enforcement officer be obtained consistent with existing policy, in that such a statement is taken 72 hours following the incident and with the assistance of legal counsel.

Therefore, the Commission recommends a provision be added to FR 1-5, Section 5.07, that requires the involved member/enforcement officer provide a signed written statement and/or a signed verification of the criminal and administrative interviews for the investigative record.

SIGNATURE OF THE PENNSYLVANIA CITIZEN LAW ENFORCEMENT ADVISORY AND REVIEW COMMISSION'S CHAIR AND CRITICAL INCIDENT REVIEW COMMITTEE CHAIR:

Christa Caceres

Date: 12.16.24



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

November 22, 2024

Ms. Christa Caceres, Chair
Pennsylvania Citizen Law Enforcement Advisory and Review Commission
Office of State Inspector General
555 Walnut Street, 8th Floor
Forum Place
Harrisburg, PA 17101

Re: Response to Final Report of the Commission for Report # CII-2024 [PSP Case # 2021-1860]

Dear Chief Counsel Dye:

This correspondence represents the response of the Pennsylvania State Police (PSP) to the Pennsylvania Citizen Law Enforcement Advisory and Review Commission's (Commission) final report and recommendations for Report # CII-2024. After a thorough review of the final report, the PSP will not pursue implementation of the recommendations for the below stated reasons.

1. Amend Field Regulation 1-5 – Officer Involved Shootings, Serious Police Incidents (FR 1-5) under Section 5.06 (E) Return to Duty Status.

FR 1-5 enumerates the criteria under which the Deputy Commissioner of Administration and Professional Responsibility evaluates the appropriateness to return a member to full duty status following involvement in an officer involved shooting or serious police incident. Criteria includes evaluating the recommendation of the Members Assistance Program and the Internal Affairs Division. Each of the criteria to be evaluated before a return to full duty is included to protect the interests of the public, the integrity of the investigation and preserving the member's well-being.

By placing members who are involved in an officer-involved shooting or serious police incident on administrative duty status, the PSP seeks to assure the public that the involved member(s) are serving in an administrative capacity while the PSP gathers sufficient information to gain a full understanding of the critical aspects of the incident while the criminal investigation occurs. Administrative duty status also serves to





COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

assure the public that reasonable steps have been taken to ensure the involved member is mentally fit to interact with the public following the critical incident before returning to full duty. This is done for both the public's benefit and the benefit of the involved member.

There is not a "standard" officer-involved shooting or serious police incident. They all have unique factors and considerations. Each evaluation of the lawfulness of the application of the use of force and whether the application of the use of force was done in accordance with PSP policies is made based on the facts and circumstances of the specific case, applicable laws, and PSP policy. There are certain officer-involved shootings and serious police incidents which have a clear set of facts and circumstances leading up to and including the application of force. This is due to the incident being audibly and visually recorded, the existence of physical evidence, and/or the presence of independent witnesses, etc. One example would be a traffic stop captured entirely on camera where the driver of the stopped vehicle quickly exits his vehicle with a firearm and begins shooting at a trooper, followed by the trooper firing one round and striking the suspect who was still firing at the trooper. In this scenario, the PSP would quickly gain an understanding of the incident after reviewing the recording. In other cases, it is only through the lengthy criminal and administrative investigation that the full picture of the officer involved shooting or serious police incident is understood.

When the Deputy Commissioner of Administration and Professional Responsibility returns a member to full duty based on the criteria enumerated in FR 1-5, the Deputy Commissioner does so with a full understanding of the applicable use of force employed. If the Deputy Commissioner does not have a complete and full understanding of the applicable use of force, they will not return the member or enforcement officer to full duty. In certain cases, such as the incident at hand, the criminal investigation, along with the other FR 1-5 criteria, were clear as to the appropriateness of returning the member to full duty. In other cases, it may be appropriate to wait for the disposition of the administrative investigation to be reached. To adopt a policy prohibiting the return to full duty in all officer-involved shooting/serious police incidents until the conclusion of the administrative inquiry would certainly, in some cases, only serve to penalize the member and would also needlessly deprive the public of a member who could provide police services.





COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

The Commission's recommendation would also present operational and officer safety issues for the PSP by needlessly extending the time a member or enforcement officer could not perform their primary duties. For example, smaller stations having multiple members who were involved in an officer-involved shooting or serious police incident and placed on administrative duty at the same time would encounter operational challenges with staffing and maintaining officer and public safety. At the initial stages of the criminal investigation, placing these members on administrative duty is a necessity while the facts of the case are gathered. Extending the length of time a member is on administrative duty beyond what is necessary, would mean needlessly having fewer personnel available to provide back-up to their fellow officers and respond to calls for service from the community. It also would restrict the station's ability to approve member leave and training requests.

Additionally, individual Special Emergency Response Team (SERT) members, by the very nature of their job, frequently respond to active shooter, high-risk incidents with firearms and serious police incidents and are involved to varying degrees in several officer-involved shootings or serious police incidents each year. Like all members or enforcement officers, SERT members are placed on administrative duty following involvement with officer-involved shootings or serious police incidents. Delaying SERT members' return to full duty in every case will needlessly cause harm to the effectiveness of SERT and the PSP. The members of SERT (East and West teams) occasionally cover for each other when members are unavailable. Delaying their return to duty would result in longer response times with the extended travel, jeopardizing public safety as well as both officer safety and wellness.

The Commissioners stated in their discussion at the quarterly meeting on September 23, 2024, that additional information that was not available to the District Attorney, might be uncovered during the administrative investigation as a reason for the adoption of the recommendation. As previously noted, members have 5th Amendment rights and do not have to consent to criminal interviews. If the involved members declined to submit to a criminal interview and if the District Attorney had to make a prosecutorial decision without hearing from the involved member, there would certainly be a valid concern about returning the member to full duty without having reviewed their administrative interview and adjudication of the IAD investigation. The Deputy Commissioner would in this instance have the discretion to refrain from returning the involved member to full





COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

duty until the completion of the IAD investigation. Depending on the circumstances, the Deputy Commissioner may indeed wait for the adjudication of the Internal Affairs investigation before returning the member to full duty. There is nothing in PSP policy to prevent that from occurring when appropriate.

In reality, and certainly in this specific case, members do consistently consent to criminal interviews. This has resulted in limited new information being discovered in the administrative investigation following a thorough criminal investigation and criminal interview. Certain Department policy specific questions may be clarified during the administrative investigation, but usually there is limited new critical factual information discovered in the administrative investigation. It is important to note that the IAD receives the criminal report as soon as it is approved. The IAD does not start their investigation with a blank slate, and they do not investigate the incident without knowledge of the details of the criminal investigation. If the IAD felt the criminal investigation inadequately explored a concerning area, or there were unresolved concerns, the IAD would communicate that to the Deputy Commissioner, who would not immediately return the member/enforcement officer to full duty. The PSP believes that it is prudent to evaluate each case on its own merits and not adopt a restrictive policy that may not serve the interests of the public, PSP or the individual trooper.

It is also worth noting that those covered by FR 1-5 can include a member present at the scene of an officer-involved shooting or serious police incident, who faced near-certain death or serious bodily injury, and not just a member who discharged their firearm. For example, a member, who was shot at, but never returned fire because their partner stopped the shooter, would fall into this category. In some instances, the primary reason for placing a member on administrative duty in connection to an officer-involved shooting or serious police incident is to ensure their mental well-being due to their proximity to the incident. In these instances, there is no possible violation of law or policy that could have been committed by the member that necessitates the placement on administrative duty. Other times, members at the scene of an officer-involved shooting or serious police incident are all initially placed on administrative duty until criminal interviews are conducted. Once the initial criminal interviews are completed, there is a fuller understanding of the events connected to the incident. With this understating, it may become clear that some members present could not have violated the law





COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

or PSP policy. These members, who were initially placed on administrative duty out of an abundance of caution, would needlessly be delayed returning to full duty if this recommendation was adopted.

In sum, the current version of FR 1-5 sets forth a policy that can be applied consistently, while still having the flexibility to appropriately address the specific circumstances of each officer-involved shooting or serious police incident. The recommendation of the Commission would remove needed flexibility and discretion of the Deputy of Administration and Professional Responsibility and harm the general public as it would further deprive the citizens of the Commonwealth of the services of the member. Therefore, the PSP will not adopt this recommendation.

- 2. The Commission recommends adding a provision to Field Regulation 1-5, Officer Involved Shootings/Serious Police Incidents (FR 1-5) under Section 5.07 Reporting. Specifically, the Commission recommends adding a requirement that involved members/enforcement officers provide a signed written statement and/or a signed verification of the criminal and administrative interviews for the investigative record.**

The Commission's second recommendation involves two interrelated issues. The first issue involves promptly collecting and preserving information relative to the incident. The PSP agrees with the goal of this recommendation but believes its current practices sufficiently meet the goal of this recommendation. Implementing the recommendation as written would jeopardize any criminal prosecution that may result from an improper use of force.

One of the first tasks for initial responders at the scene of a critical incident is to promptly gather information necessary to address safety at the scene. That is why members involved in an officer-involved shooting or serious police incident can be required to provide a brief public safety statement. The public safety statement is designed to obtain critical information regarding the nature of the incident. It allows for injuries and existing dangers to be addressed. It also provides a means to identify witnesses and evidence. It is important to note that the public safety statement is a compelled statement and cannot be used against the person providing it in any criminal proceedings. For this reason, the instructions to the person obtaining the public safety statement explicitly prohibit the expansion or deviation from the listed questions.





COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

Members enjoy the same 5th Amendment privileges as any person involved in a legal proceeding. They cannot be compelled to provide a written statement in a criminal investigation and then have that statement used against them in court. Although the public safety statement is compelled, its purpose and scope is narrow. As indicated in Appendage A of FR 1-5, the public safety statement is a brief factual account collected individually from an involved member or enforcement officer to establish the level of danger that may still exist at the scene or in the community, aid the initial police response, and focus the preliminary investigation.

Once the criminal investigation commences, its purpose is to determine whether a crime was committed and to uncover facts, evidence, and information to support such a determination. Requiring a written statement listing a timeline of events leading up to the use of force or any other detail would significantly deviate from the purpose of the public safety statement and would be firmly within the realm of gathering evidence to prove or disproving a crime occurred. The PSP concludes requiring a written statement along the lines of what is recommended by the Commission during the criminal investigation would result in the statement and its fruits being excluded from any criminal prosecution. It may also jeopardize the prosecution of an unlawful use of force. Therefore, the PSP will not adopt the recommendation of requiring the provision of any statement in a criminal investigation beyond a public safety statement.

Regarding the second issue, the PSP already employs a variation of the second component of the recommendation. After the 72-hour waiting period, the criminal investigators seek to promptly conduct criminal interviews with those involved with the incident. Although PSP members have the right to refuse this interview due to the protections of the 5th Amendment, historically PSP personnel have, nevertheless, consented to these criminal interviews. Because these interviews are tape-recorded, there is no misquoting the interviewee. Additionally, while the scope and breadth of a written statement are entirely controlled by the author, the scope and breadth of an interview are controlled by the criminal investigators conducting the interview, their supervisors/commanders, and the District Attorney. The recorded interview provides significantly more value than a written statement as it also captures tone, inflection, pauses, and other paralinguistic attributes. There is also a concern that if a written statement were required, members and enforcement officers would likely





COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

decline to submit to a criminal interview since they had already provided the information they wanted to convey to the investigators -- and by extension the District Attorney -- in their written statement. Important questioning which would occur during a criminal interview and would help determine whether the actions of the member was lawful would not occur if the member simply provided written statements. It is also important to note that the recorded interview of the member involved in the incident would be considered to substantive evidence in the criminal investigation, same as a signed written statement.

Following the completion of the criminal investigation, the administrative investigation follows. Typically, the subject(s) of the administrative investigation is provided with a transcript of their criminal investigation interview and asked if there are any corrections or amendments needed. While this is not a signed written statement, the verification is audibly recorded, and again would be considered to be substantive evidence.

The administrative interview is recorded as well. Although the interviews are transcribed, the adjudicator and reviewing officer review both the tape recordings and the transcriptions, ensuring they have an accurate understanding of the account provided by each person interviewed. In sum, the PSP believes the recorded interviews it conducts of involved members are accurate and gain valuable information. Therefore, the PSP will not adopt this recommendation.

Sincerely,

A handwritten signature in cursive script that reads "Col. Christopher L. Paris".

Colonel Christopher L. Paris
Commissioner Pennsylvania State Police

Cc: Pennsylvania Citizen Law Enforcement Advisory and Review Commissioners

