

**Bureau of Integrity and Professional Standards
2018 Annual Report**

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In lieu of distributing the 2018 Bureau of Integrity and Professional Standards Annual Report, this report will be posted on the PSP Intranet.

Bureau Mission Statement

Ensure integrity and productivity are maintained throughout the Department by:

Promoting voluntary compliance to Department rules, regulations, and policies;

Investigating allegations of misconduct promptly, thoroughly, and fairly;

Overseeing periodic inspections and conducting reviews of all Department facilities, records, equipment, and personnel;

Guaranteeing the public is served by a well-disciplined, responsive, and efficient State Police force.

Internal Affairs Division 2018 Overview

During calendar year 2018, the Internal Affairs Division (IAD), Bureau of Integrity and Professional Standards, processed 1,574 complaints. This number is comprised of citizen complaints; internally initiated complaints by Department personnel which alleged a violation of Department Regulations; use of force, weapon discharges, or legal interventions as required by Department Regulation; and civil litigation involving Department personnel.

Of these 1,574 complaints, 273 investigations were conducted and 314 were handled as Supervisory Resolutions. This number represents a decrease from the 331 investigations conducted during calendar year 2017.

The remaining complaints were processed as Information Only. In those instances, no investigation was necessary based upon the information provided by the complainant. This information either identified someone other than Pennsylvania State Police (PSP) personnel involved in the alleged misconduct, and, as such, the complaint was referred to another agency; a determination was made that no discernible misconduct, in violation of PSP policies or procedures, was identified; the complaint was previously investigated; or the issues raised in the complaint are pending court proceedings.

COMPARISON OF CITIZEN COMPLAINTS VERSUS CITIZEN CONTACTS

Of the 1,574 complaints processed in 2018, 624 were initiated by citizens. Of that number, 41 resulted in an IAD investigation being conducted. The remaining citizen-generated complaints were classified as Information Only or handled as Supervisory Resolutions.

Comparison of the total number of statewide Trooper – citizen contacts in 2018, 1,889,009 (896,294 assigned police incidents, plus 992,715 traffic-related contacts), to the 41 citizen complaints resulting in an investigation, revealed a ratio of one citizen complaint investigation for every 46,037 citizen contacts. In 2017, this ratio was one citizen complaint investigation for every 36,014 citizen contacts.

COMPLAINT PROCEDURES

The PSP IAD thoroughly investigates all allegations of personnel misconduct (enlisted or civilian).

There are several methods for citizens to file complaints alleging misconduct by Department personnel. Complaints can be filed at any PSP installation, 24 hours a day, 7 days a week, either in person, telephonically, or in writing. This includes filing complaints directly with the IAD by calling the toll-free line, 866-426-9164, or by downloading, completing, and mailing a Complaint Verification Form located on the PSP Website at www.psp.pa.gov. In addition to the above methods, an electronic email complaint form was added to the PSP Website on October 3, 2016.

ANONYMOUS COMPLAINTS

Anonymous complaints have been a controversial issue since the inception of the Bureau of Integrity and Professional Standards. However, anonymous complaints continue to have minimal impact upon the total number of complaint investigations conducted. Of the 14 anonymous complaints received in 2018, three met the criteria for investigation. The 14 anonymous complaints accounted for less than 1 percent of the complaints processed by the IAD.

IAD INVESTIGATION TYPES

For reporting purposes, investigations conducted pursuant to an IAD complaint are classified as either an IAD Investigation or a Supervisory Resolution.

IAD Investigations are conducted as a result of a misconduct allegation which, if founded, would give rise to formal discipline (written reprimand, suspension, demotion, transfer, or termination from employment). IAD Investigations also consist of those incidents which automatically require an investigation due to Department Regulations. This would include legal intervention, weapon discharge, use of force whereby the actor receives an injury requiring medical treatment, and civil litigation involving Department personnel.

Supervisory Resolutions are conducted for minor complaints or performance inadequacies best addressed through supervisory intervention rather than a formal IAD investigation. The Supervisory Resolution process is intended to afford Troop Commanders/Division Directors a mechanism by which minor complaints against members can be expeditiously resolved at the Troop/Bureau level; without the need to enter the complaints into the formal discipline system. Addressing and resolving minor complaints or performance inadequacies is a function of supervision and the chain of command.

COMPLAINT CLASSIFICATION CATEGORY DEFINITIONS

Complaints are categorized by classification, sub-classification, and specific allegation(s). The following are classifications used by IAD:

Bias-Based Profiling: Allegations involving the detention, interdiction, or other disparate treatment of any person on the basis of their racial or ethnic status rather than on the basis of reasonable suspicion.

Code of Conduct: Allegations involving general duty requirements not specifically covered in the other categories.

Differential Treatment: Allegations involving discrimination and hostile work environment.

Domestic Violence: Allegations involving the participation of Department personnel in Domestic Violence incidents including those served with a Protection From Abuse (PFA) Order.

Sexual Impropriety: Allegations involving sexual harassment or sexual misconduct against Department personnel. Sexual misconduct includes any uninvited or unwelcome sexual touching, sexual contact, or conduct of a sexual nature which victimizes another. Sexual misconduct also includes those types of conduct (whether or not criminally charged) which are described in the sexual offenses subchapter of the Pennsylvania Crimes Code as well as sections: 5901, Open lewdness; 6301, Corruption of minors (but only as it relates to acts of a sexual nature); and, equivalent offenses committed (whether or not criminally charged) in other jurisdictions.

Technology: Allegations involving inappropriate use of Department computers or misuse of network resources.

Unlawful Conduct: Allegations involving Crimes Code, Vehicle Code, or miscellaneous law violations.

Use of Force: Allegations involving excessive use of force, or incidents involving force which results in injury to the actor necessitating medical treatment.

Vehicle Pursuit: A pursuit in which legal intervention is employed or involves a crash resulting in serious injury or death.

Weapon Discharge: Incidents involving Department personnel discharging a firearm or explosive device or being present when a firearm is discharged.

An additional classification, *Legal*, encompasses those investigations requested by the Office of Chief Counsel as a result of pending or anticipated civil litigation against Department personnel.

COMPLAINT DISPOSITION DEFINITIONS

The following complaint dispositions are used specifically with the bias-based profiling, code of conduct, differential treatment, domestic violence, sexual impropriety, technology, and unlawful conduct investigation classifications:

Sustained: Investigation indicates misconduct did actually occur.

Not Sustained: Investigation failed to conclusively prove or disprove the allegation.

Unfounded: Indicates the incident did not or could not have occurred as alleged.

Policy Void: Indicates the action taken by involved personnel was not inconsistent with existing Department policy, but the complainant still suffered harm.

The following dispositions are used specifically with the use of force, vehicle pursuit, and weapon discharge investigation classifications:

Justified: The action taken was within the guidelines for the use of force, under the existing circumstances, as established by the Department.

Improper: The action taken exceeded the limits defined by the Department or by law for the use of force.

SUPERVISORY RESOLUTION DETERMINATION DEFINITIONS

No Issue: The Supervisor found that the actions in question were within the guidelines of PSP Regulations.

Performance Issue: The Supervisor found that the actions in question were not within the guidelines of PSP Regulations.

IAD Investigation Warranted: The Supervisor found that the actions in question should be addressed through an IAD Investigation.

BIAS-BASED PROFILING, DOMESTIC VIOLENCE, AND SEXUAL IMPROPRIETY

Due to the significance of *Bias-Based Profiling, Domestic Violence, and Sexual Impropriety* incidents, specific statistical information from 2016 - 2018 has been isolated in the following charts:

2016 / 2017 / 2018					
BIAS-BASED PROFILING, DOMESTIC VIOLENCE, AND SEXUAL IMPROPRIETY					
COMPLAINT TOTALS					
YEAR	Bias-Based Profiling	Domestic Violence (PFA issued)	Domestic Violence Related (no PFA issued)	Sexual Impropriety (Sexual Harassment)	Sexual Impropriety (Sexual Misconduct)
2016	8	7	9	3	2
2017	5	4	11	0	11
2018	19	3	6	3	10

Category	Year	Sustained	Not Sustained	Unfounded	Information Only	Pending
	Bias-Based Profiling	2016	0	0	2	6
	2017	0	0	4	1	0
	2018	0	4	15	0	0
Domestic Violence (PFA issued)	2016	1	4	0	0	2
	2017	3	1	0	0	0
	2018	0	1	1	0	1
Domestic Violence Related (no PFA issued)	2016	7	2	0	0	0
	2017	5	2	3	1	0
	2018	2	2	0	1	1
Sexual Impropriety (Sexual Harassment)	2016	2	0	0	0	1
	2017	0	0	0	0	0
	2018	0	0	2	0	1
Sexual Impropriety (Sexual Misconduct)	2016	1	0	0	0	1
	2017	3	0	4	2	2
	2018	1	3	3	0	3

IAD INVESTIGATIONS AND SUPERVISORY RESOLUTION BY SOURCE

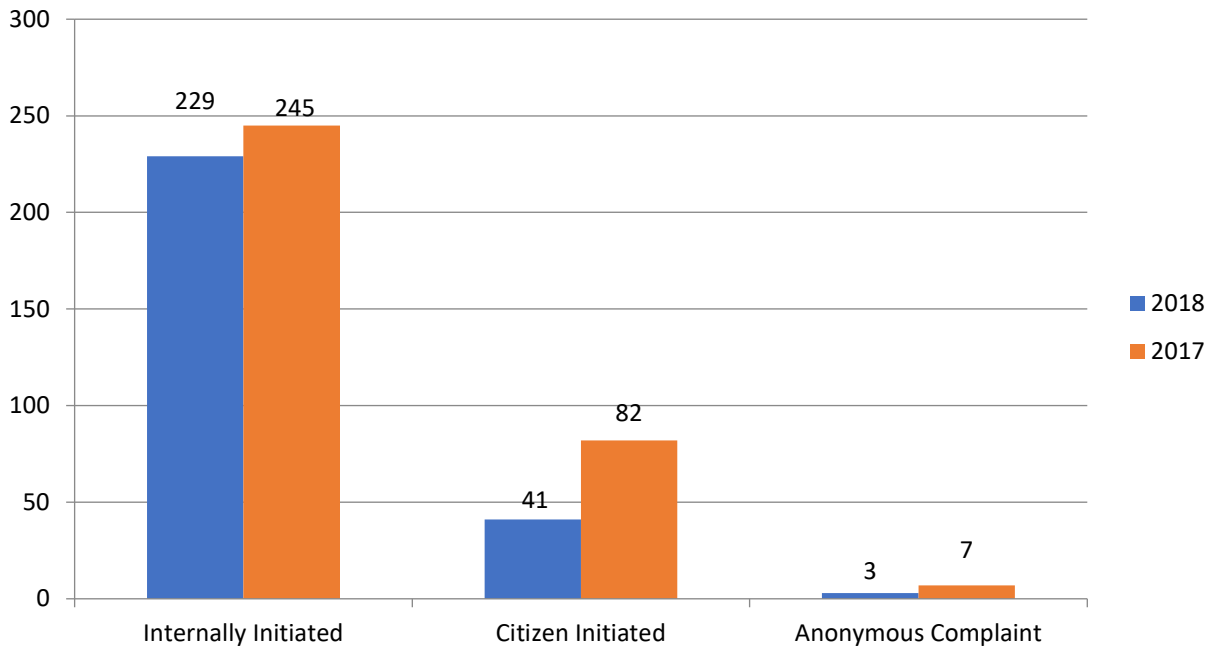
The following chart provides statistical information for each Troop showing the number of IAD Investigations and Supervisory Resolutions conducted in 2018, based on the complainant source:

2018 IAD INVESTIGATIONS AND SUPERVISORY RESOLUTIONS COMPLAINANT SOURCE				
TROOPS	IAD Investigations		Supervisory Resolutions	
	Internally Initiated	Citizen Complaint	Internally Initiated	Citizen Complaint
A	15	0	2	18
B	17	2	5	16
C	6	1	4	21
D	8	5	1	8
E	13	0	4	10
F	11	2	6	15
G	17	2	4	19
H	24	9	11	25
J	9	1	10	18
K	24	2	2	21
L	14	1	3	11
M	15	3	1	13
N	10	3	3	27
P	3	2	0	8
R	8	4	1	10
T	6	1	1	10
Bureaus/Offices	29	3	3	3

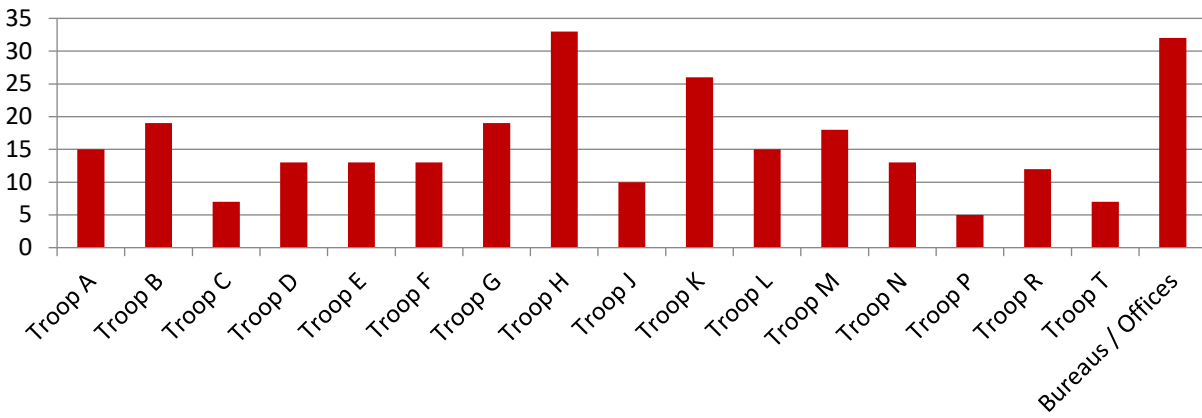
- **Other source for IAD Investigations Anonymous (3)**

Charts and Graphs

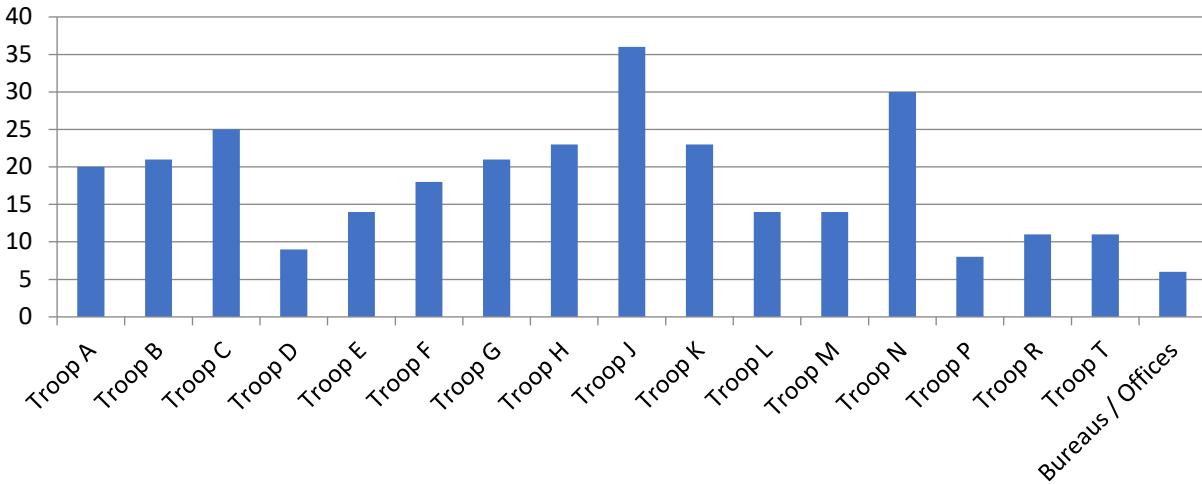
Sources of IAD Investigations for 2017 and 2018



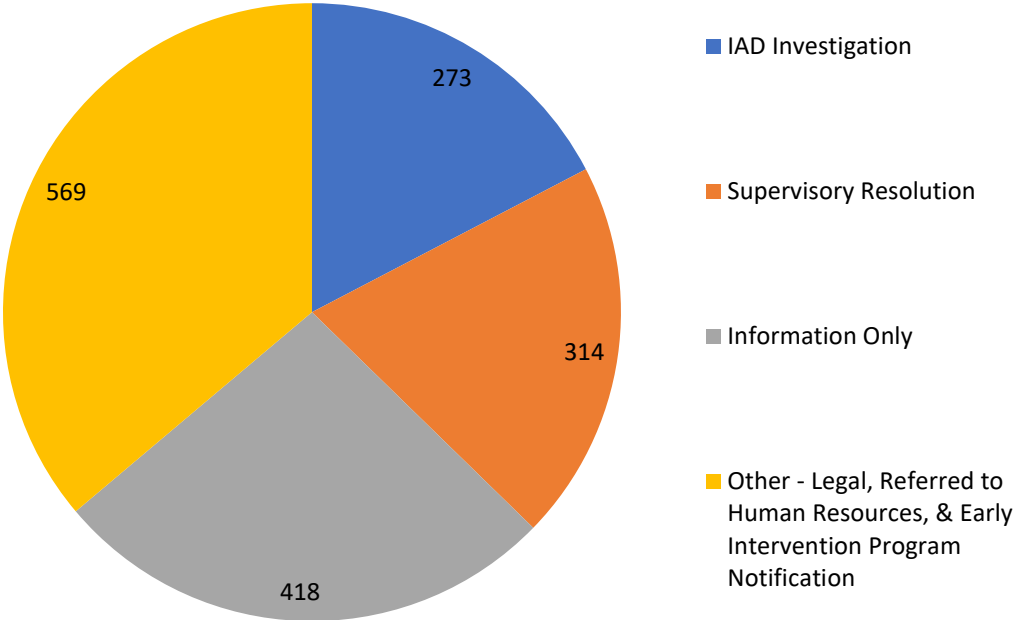
2018 IAD Investigations Troop/Bureau/Office



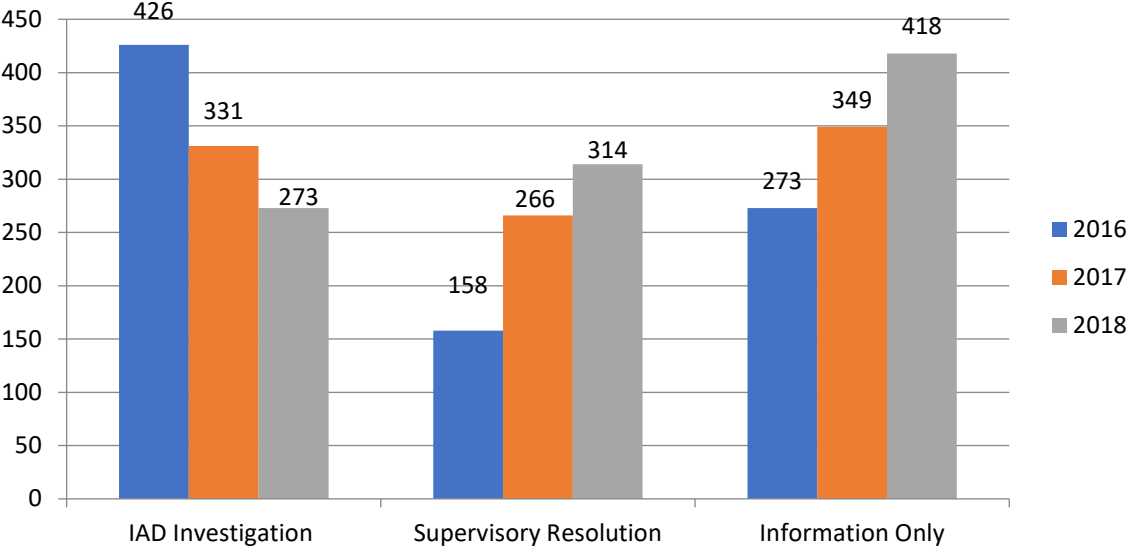
Supervisory Resolutions 2018 Troop/Bureau/Office



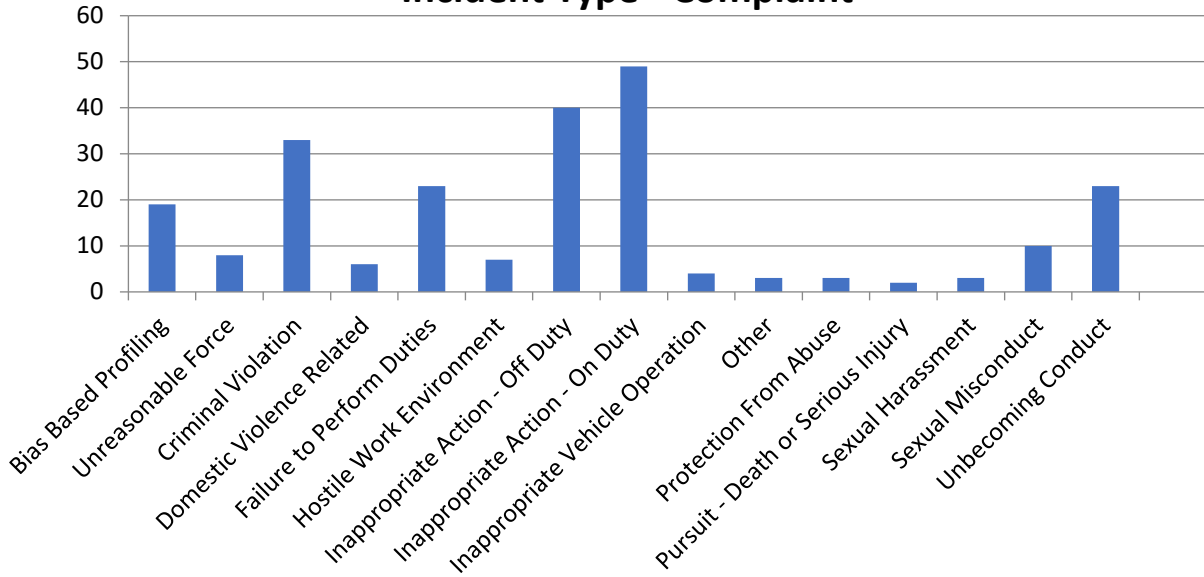
Complaint Designations for 2018 Calendar Year



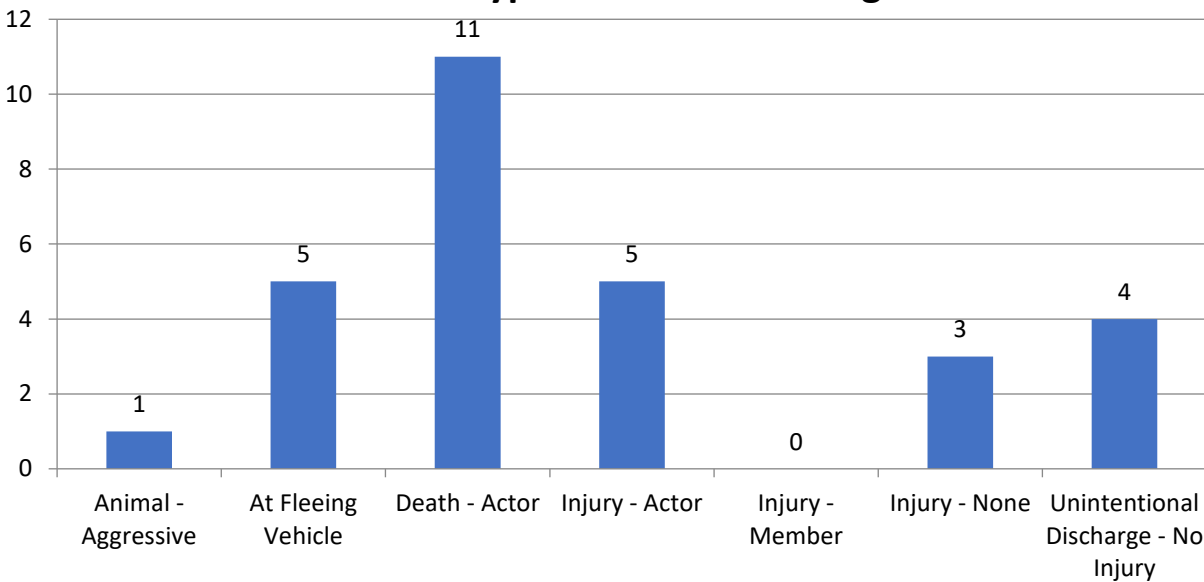
IAD Investigations, Supervisory Resolutions, and Information Only(s) 2016 – 2018 (Calendar Year)

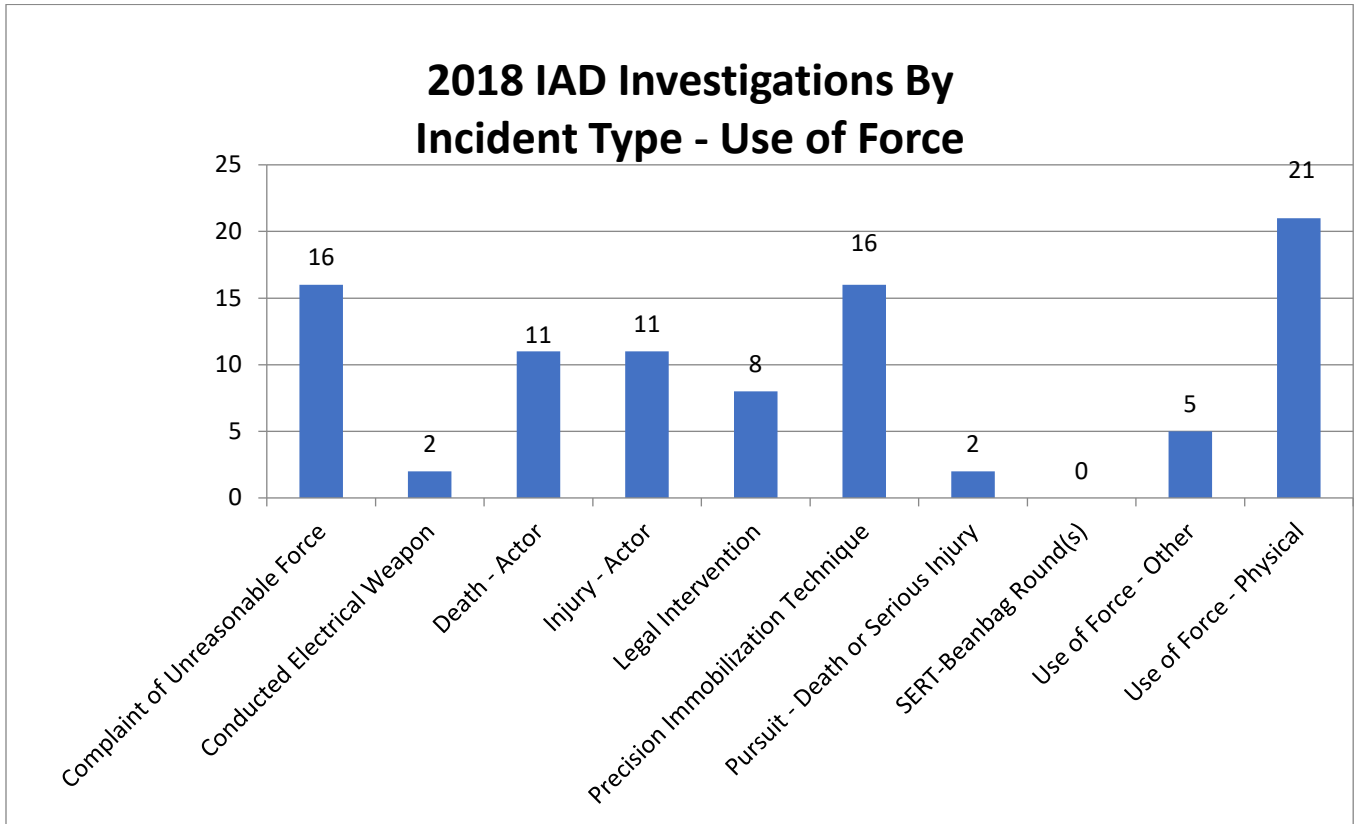


2018 IAD Investigations By Incident Type - Complaint



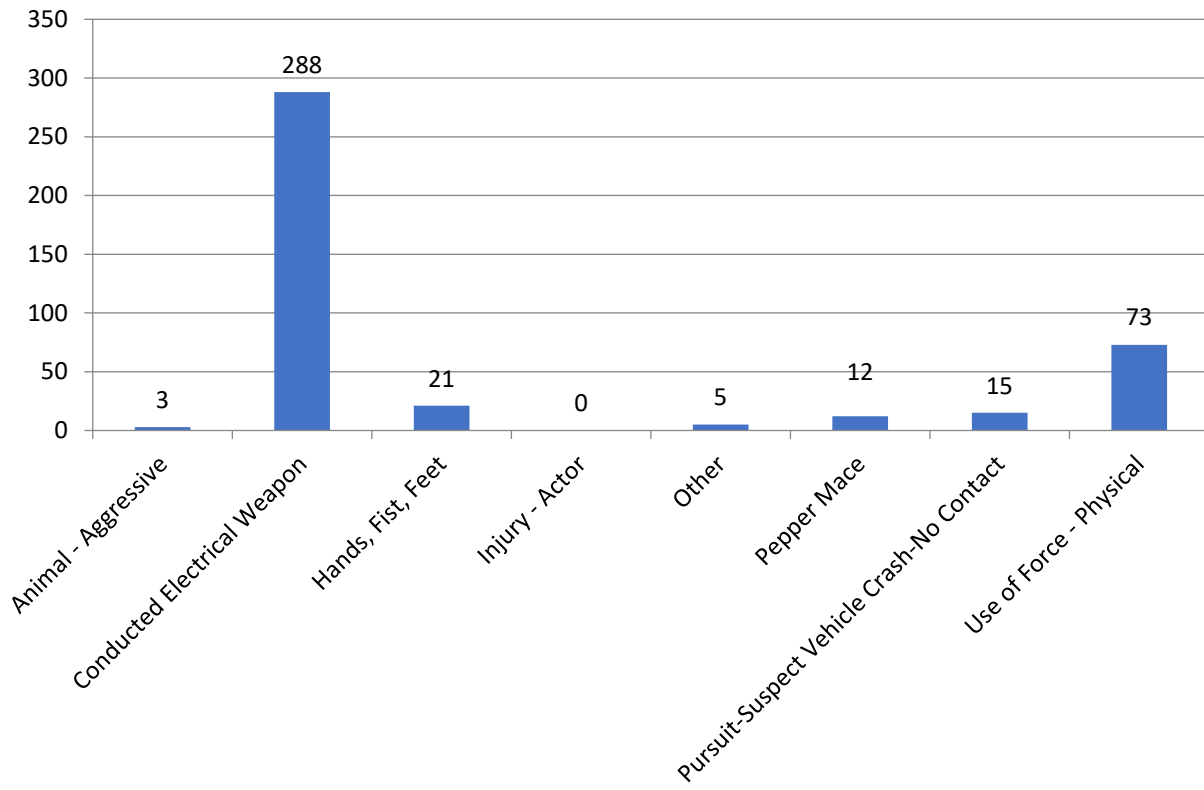
2018 IAD Investigations By Incident Type - Firearm Discharge





*Some investigations contain more than one Use of Force Type or Allegation.

2018 Early Intervention Program Notification By Force



Systems and Process Review Division 2018 Overview

The Systems and Process Review Division conducted 56 reviews of Department locations during 2018. Each review encompassed an in-depth inspection of facilities, vehicles, equipment, personnel, records, reports, and when applicable, secured property. Allocation and utilization of resources, adherence to Department goals and strategies, operational efficiency, and the administration of police services were also evaluated. Where appropriate, operations were divided into the following functions: Patrol, Crime, Staff, Property Management System, Unit, Bureau, Office, and Task Force. Each function was critically assessed for performance, effectiveness, and compliance with existing regulations. Based upon their levels of achievement and comparison to other locations within the Department, Exceptional, Commendable, Satisfactory, Needs Improvement, or Unsatisfactory ratings were assigned to each function. Also, the Systems and Process Review Division conducted four (4) Specialty Reviews during 2018.

Of the 60 total reviews conducted, 56 were scheduled reviews, which included five (5) Troop Headquarters, 23 Stations, four (4) Bureau Headquarters, one (1) detached Bureau location, nine (9) Unit locations, 10 Office locations, and four (4) Task Force locations. There were zero (0) follow-up reviews convened in response to Unsatisfactory ratings assigned during previous reviews. The remaining four (4) reviews were Specialty Reviews.

The majority of the functions were deemed Commendable or Satisfactory. Of the 144 total individual functions rated, none received Unsatisfactory ratings. As a result of their exemplary administration, 31 functions earned Exceptional ratings and merit recognition as follows:

Bureau of Communications and Information Services, Staff Function

Bureau of Criminal Investigation, Eastern Auto Theft Task Force,
Task Force Function

Bureau of Criminal Investigation, Organized Crime Unit, Harmarville,
Unit Function

Bureau of Criminal Investigation, Organized Crime Unit, Jonestown,
Unit Function

Bureau of Criminal Investigation, Tactical Intelligence Unit, Franklin,
Unit Function

Bureau of Criminal Investigation, Tactical Intelligence Unit, Harmarville,
Unit Function

Bureau of Criminal Investigation, Tactical Intelligence Unit, Jonestown,
Unit Function

Bureau of Criminal Investigation, Western Auto Theft Task Force,
Task Force Function

Bureau of Emergency and Special Operations, Aviation Patrol Unit 6, Franklin,
Unit Function

Bureau of Forensic Services, Staff Function

Bureau of Gaming Enforcement, Valley Forge Gaming Office, Staff Function

Bureau of Liquor Control Enforcement Headquarters, Staff Function

Bureau of Liquor Control Enforcement, District Enforcement Office (DEO) No. 3,
Harrisburg, Office Function and Property Management Function

Bureau of Liquor Control Enforcement, DEO No. 5, Altoona,
Office Function and Property Management Function

Bureau of Liquor Control Enforcement, DEO No. 6, Williamsport,
Office Function and Property Management Function

Bureau of Training and Education, Southeast Training Center, Staff Function

Troop A, Indiana, Staff Function

Troop C, Ridgeway, Staff Function and Property Management Function

Troop E, Corry, Patrol Function and Property Management Function

Troop F, Stonington, Property Management Function

Troop J, Lancaster, Crime Function and Staff Function

Troop M, Belfast, Patrol Function

Troop N, Bloomsburg, Staff Function

Troop T, Highspire, Staff Function

Troop T, Somerset, Staff Function

There were no Action Recommendations identified meriting further considerations by the Department during the scheduled reviews. Multiple recommendations were noted in the Specialty Reviews.

RISK MANAGEMENT SECTION

Early Intervention Program

The Risk Management Officer oversees the Department's Early Intervention Program (EIP). The purpose of the EIP is to aid supervisors in identifying members/enforcement officers who may be having difficulty managing stress or are exhibiting a pattern of conduct, which may be of concern to the Department. The goal of the EIP is to divert members/enforcement officers from the disciplinary system.

During 2018, nine (9) members were nominated via Database Nomination by the Risk Management Officer. Inclusion was declined by the Troop Commander for two (2) members; one (1) member is awaiting to return to full duty status; and one (1) member resigned. Nine (9) members entered the EIP from Supervisory Nominations, and all remain in the EIP at this time. Of those, one (1) member is awaiting to return to full duty status. Five (5) members were removed after successfully completing the program and improving in all areas of concern. There are currently 14 members enrolled in the EIP.

One (1) member was monitored during 2018 for EIP Inclusion because of Sick Leave Notices and/or Restrictions, as detailed by the Public Safety Human Resource Delivery Center. That member successfully completed the mandated Restriction timeframe.

Twelve members were monitored in 2018 for inclusion because of Employee Performance Reviews (EPRs) containing ratings of "Needs Improvement" or "Unsatisfactory." Of those, six (6) were placed on Interim Evaluations by their Troop/Bureau Commands. One (1) member was included in the EIP, and one (1) member is awaiting to return to Full Duty Status for nomination. Two (2) members are still being monitored for possible inclusion.

Random Drug Testing Program

The Random Drug Testing Program was transferred from the Equality and Inclusion Office to the BIPS Risk Management Section in May 2016. A new vendor, RecoveryTrek, was chosen to oversee the program in April 2016. During the 2018 calendar year, 423 tests were conducted in accordance with Field Regulations (FR) 3-5. Of those, nine (9) tests were performed on Liquor Control Enforcement Officers. All tests yielded negative results.

In compliance with the United States, Department of Health and Human Services (DHHS) and the United States, Department of Transportation (DOT) 49 CFR Part 40, Federal Testing Standards for Random Drug Testing expanded at the onset of 2018, to include testing for synthetic opioids. FR 3-5.04 requires any changes to the testing process be made in agreement with the Pennsylvania State Troopers Association (PSTA). The Risk Management Section is currently reviewing the issue with the PSTA to include such testing.