

BUREAU OF INTEGRITY
AND
PROFESSIONAL STANDARDS



2019
ANNUAL REPORT

Bureau of Integrity and Professional Standards 2019 Annual Report

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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 2019 Overview

During calendar year 2019, the Bureau of Integrity and Professional Standards, Internal Affairs Division (IAD), processed 1,686 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 discharge, or legal interventions as required by Department Regulation; and civil litigation involving Department personnel.

Of these 1,686 complaints, 278 investigations were conducted, and 281 were handled as Supervisory Resolutions. This number represents an increase from the 273 investigations conducted during calendar year 2018.

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 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 Pennsylvania State Police 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 1,686 complaints processed in 2019, 637 were initiated by citizens. Of that number, 43 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 2019, 1,969,675 (1,003,260 assigned police incidents, plus 966,416 traffic-related contacts), to the 43 citizen complaints resulting in an investigation revealed a ratio of one citizen complaint investigation for every 45,806 citizen contacts. In 2018, this ratio was one citizen complaint investigation for every 32,482 citizen contacts.

COMPLAINT PROCEDURES

The Pennsylvania State Police, Internal Affairs Division thoroughly investigates all allegations of personnel (enlisted or civilian) misconduct.

There are several methods for citizens to file complaints alleging misconduct by Department personnel. Complaints can be filed at any Department installation, 24 hours a day, 7 days a week, either in person, telephonically, or in writing. This includes filing complaints directly with the Internal Affairs Division by calling the toll-free line, 866-426-9164, or by downloading, completing, and mailing a Complaint Verification Form located on the Pennsylvania State Police Website at www.psp.state.pa.us. In addition to the above methods, an electronic email complaint form was added to the PSP Website on 10/03/16.

ANONYMOUS COMPLAINTS

Anonymous complaints have been a challenging 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 one (1) percent of the complaints processed by the Internal Affairs Division.

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 Internal Affairs Division 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 death, serious bodily injury, or bodily injury to any involved individual, other than the member/enforcement officer.

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 2017 - 2019 has been isolated in the following charts:

2017 / 2018 / 2019					
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)
2017	5	4	11	0	12
2018	19	3	6	3	10
2019	12	8	6	3	7

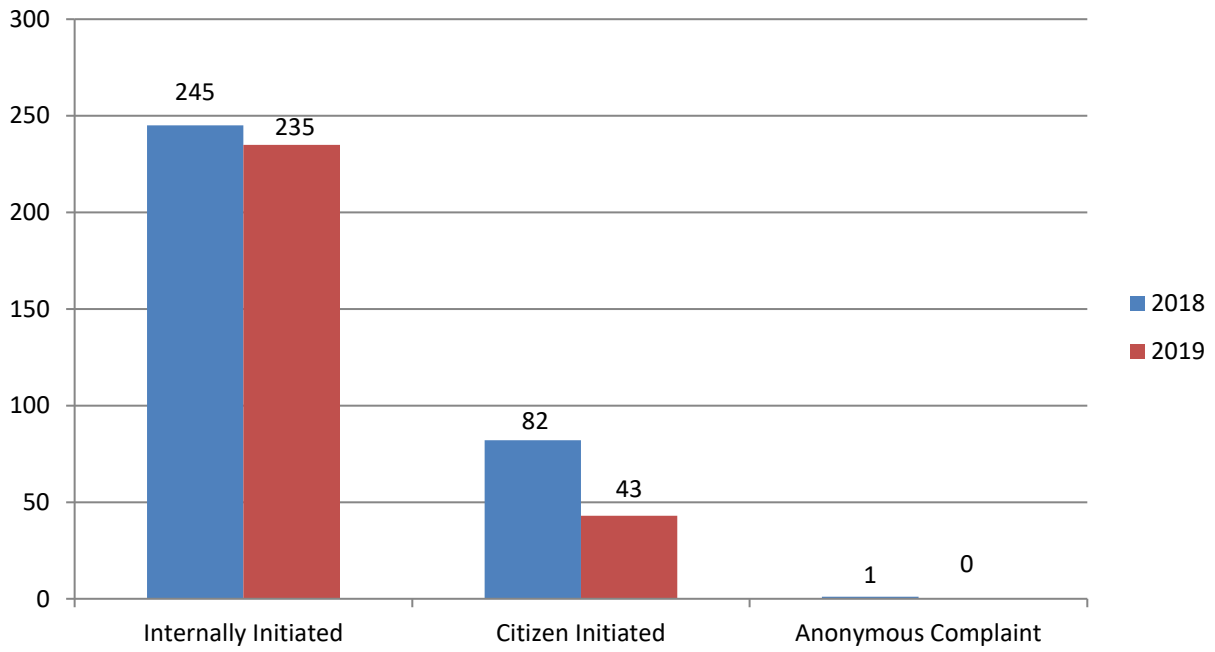
Category	Year	Sustained	Not Sustained	Unfounded	Information Only	Pending
	Bias-Based Profiling	2017	0	0	4	1
2018		0	4	15	0	0
2019		0	1	9	1	1
Domestic Violence (PFA issued)	2017	3	1	0	0	0
	2018	0	2	1	0	0
	2019	0	5	0	2	1
Domestic Violence Related (no PFA issued)	2017	5	2	3	1	0
	2018	3	3	0	1	0
	2019	0	3	1	0	2
Sexual Impropriety (Sexual Harassment)	2017	0	0	0	0	0
	2018	0	1	2	0	0
	2019	2	1	0	0	0
Sexual Impropriety (Sexual Misconduct)	2017	2	0	6	2	2
	2018	3	4	3	0	0
	2019	1	0	6	0	0

IAD INVESTIGATIONS AND SUPERVISORY RESOLUTION BY SOURCE

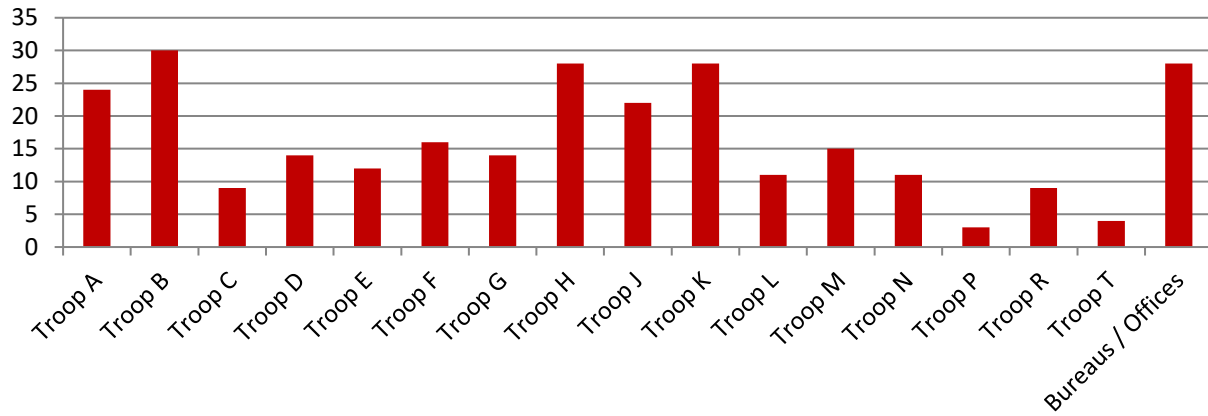
The following chart provides statistical information for each Troop showing the number of IAD Investigations and Supervisory Resolutions conducted in 2019, based on the complainant source.

2019 IAD INVESTIGATIONS AND SUPERVISORY RESOLUTIONS COMPLAINANT SOURCE				
TROOPS	IAD Investigations		Supervisory Resolutions	
	Internally Initiated	Citizen Complaint	Internally Initiated	Citizen Complaint
A	22	2	2	15
B	28	2	5	16
C	7	2	3	5
D	11	3	3	11
E	11	1	2	10
F	12	4	1	11
G	10	4	3	11
H	21	7	3	32
J	20	2	5	14
K	24	4	4	17
L	11	0	4	18
M	12	3	3	11
N	9	2	3	13
P	3	0	4	4
R	9	0	1	13
T	2	2	0	14
Bureaus/Offices	23	5	6	14

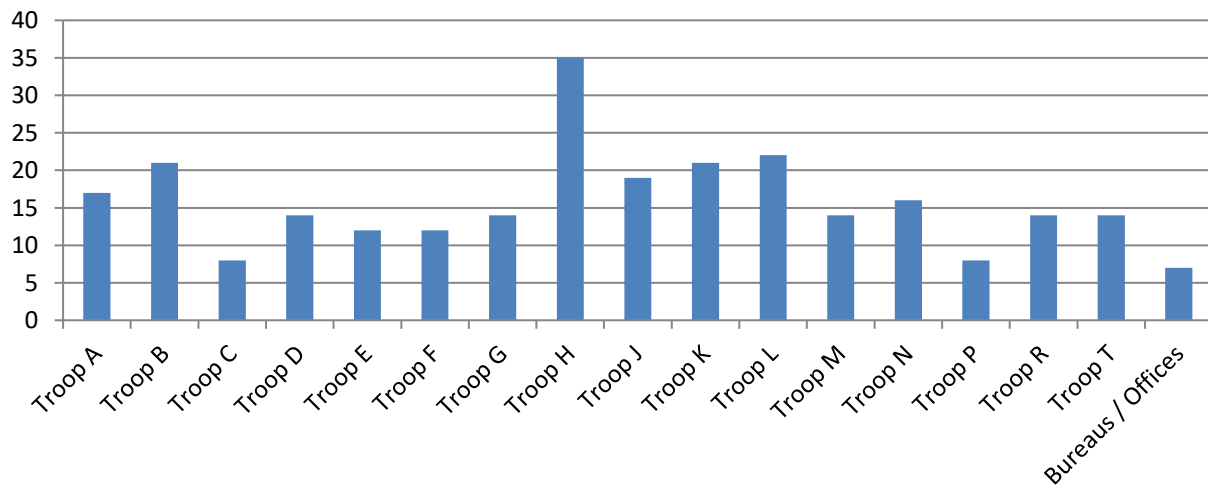
Internal Affairs Investigations by Complaint Source 2018 versus 2019



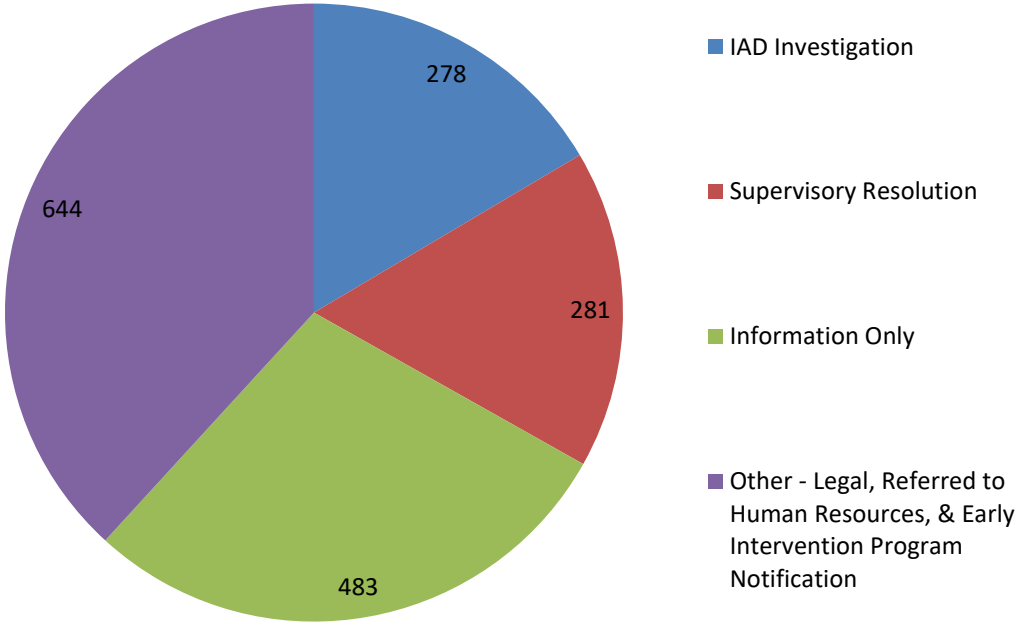
2019 Internal Affairs Investigations Troop/Bureau/Office



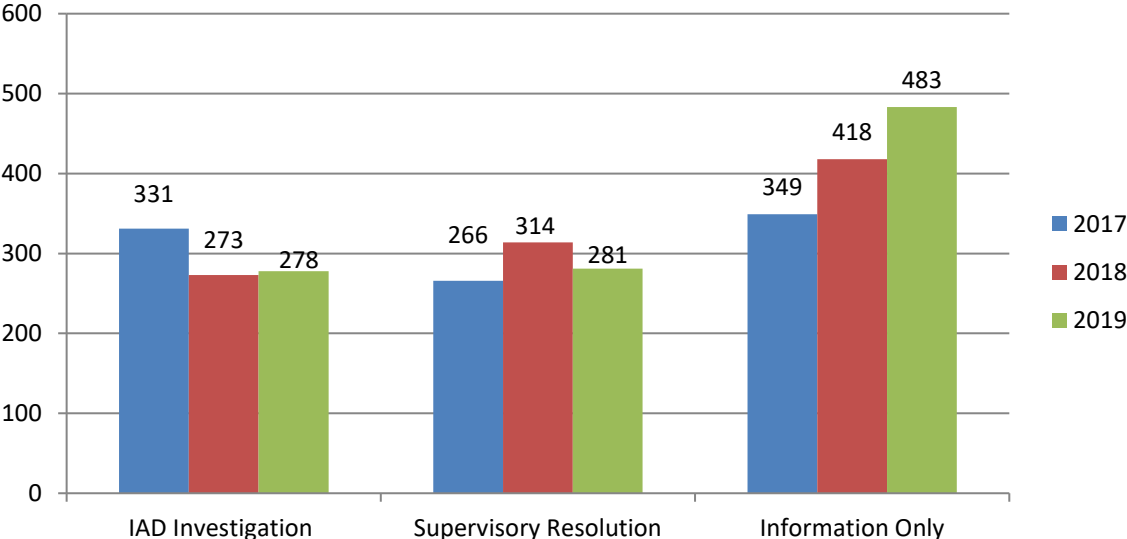
Supervisory Resolutions 2019 Troop/Bureau/Office



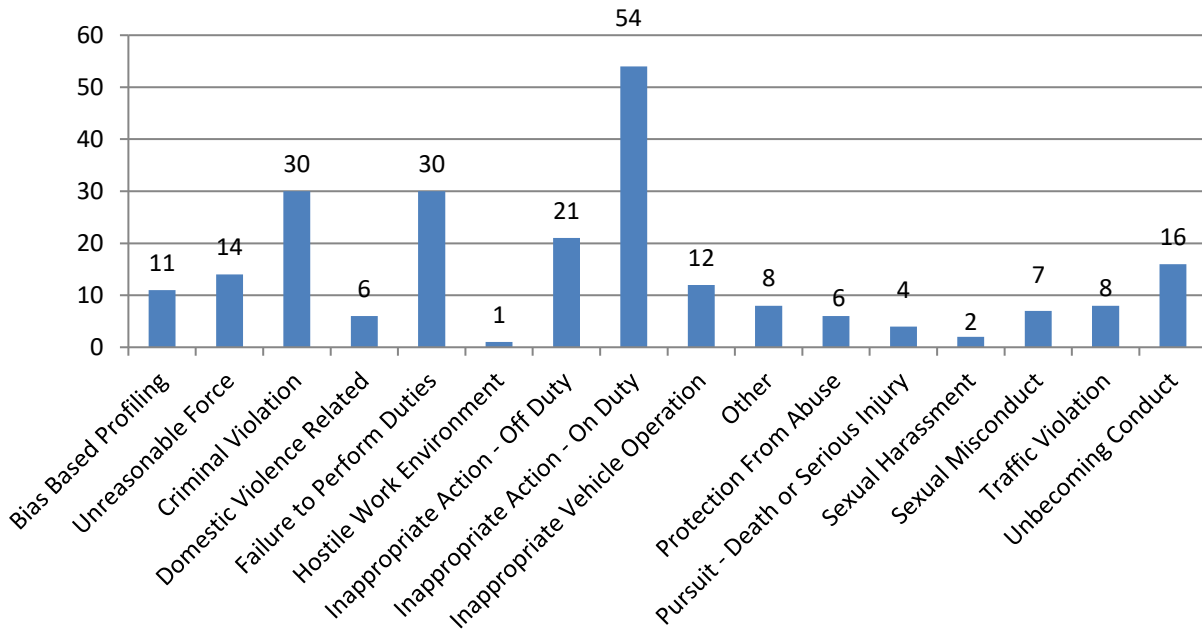
Complaint Designations for 2019 Calendar Year



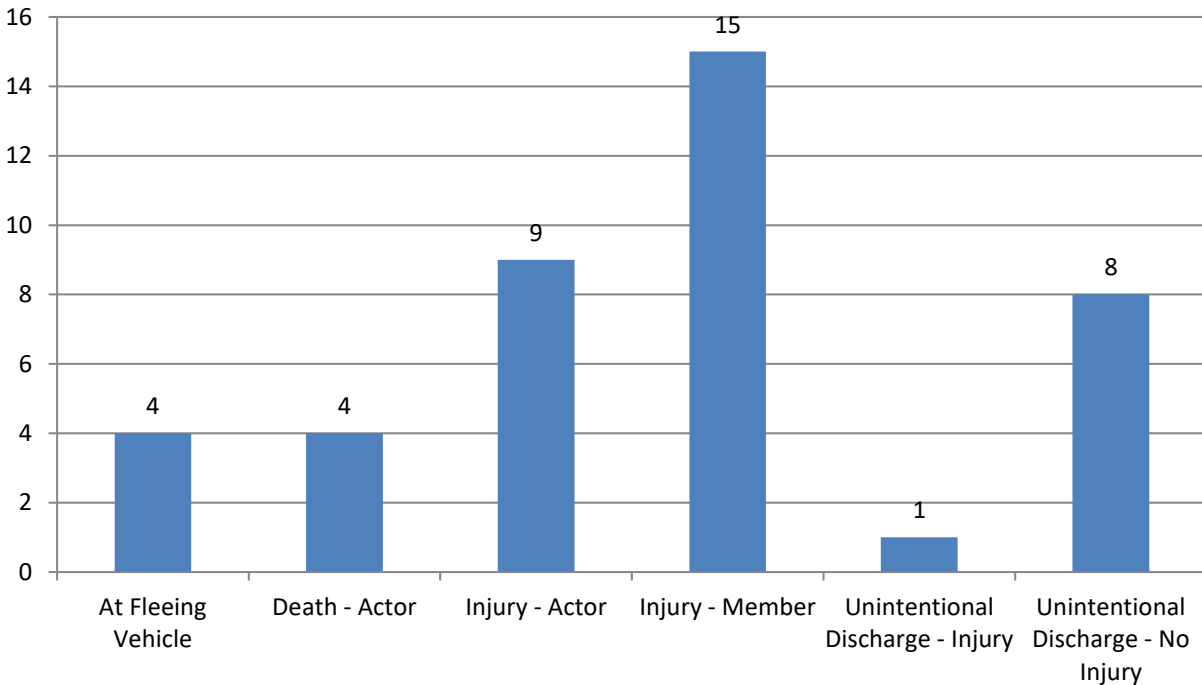
IAD Investigations, Supervisory Resolutions, and Information Only(s) 2017 – 2019 (Calendar Year)



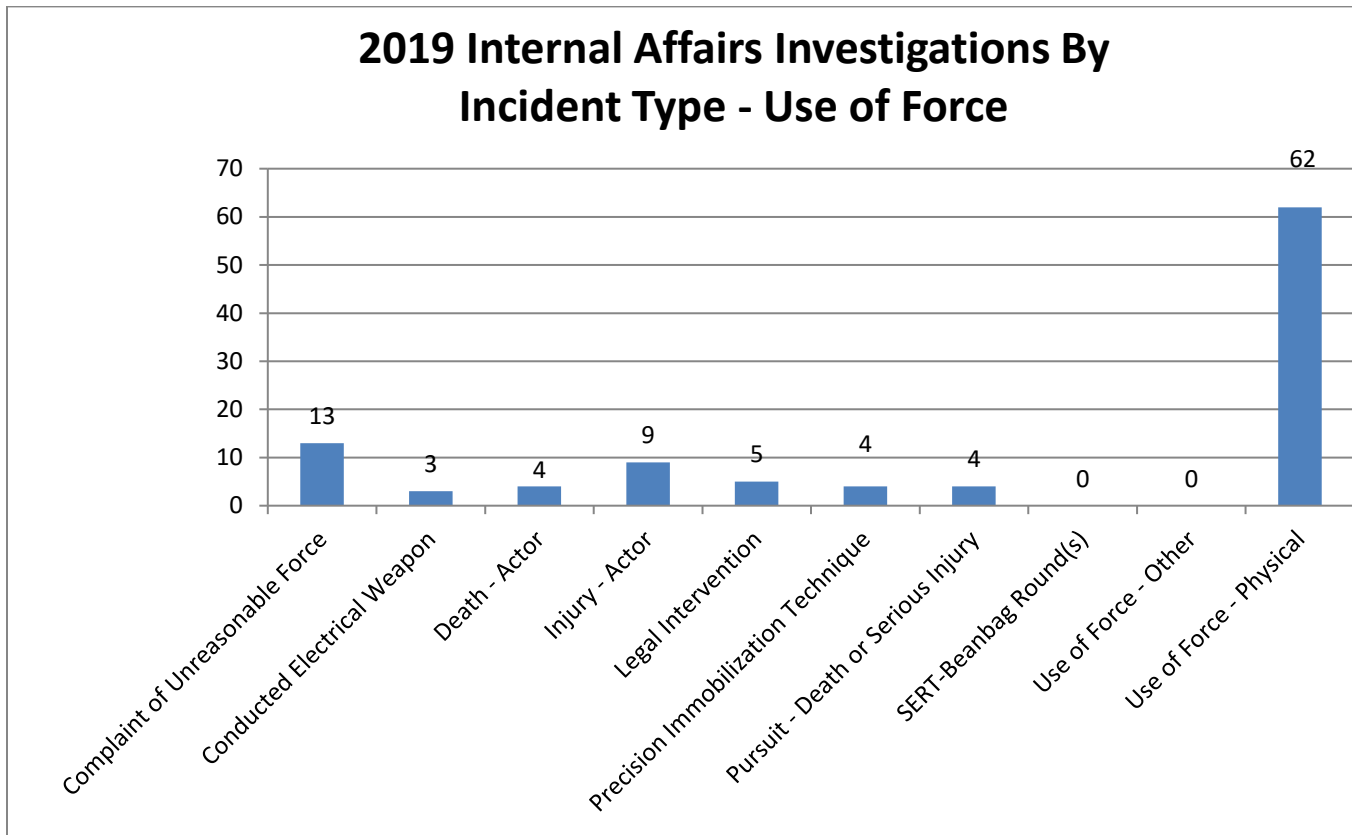
2019 Internal Affairs Investigations By Incident Type - Complaint



2019 Internal Affairs Investigations By Incident Type - Firearm Discharge

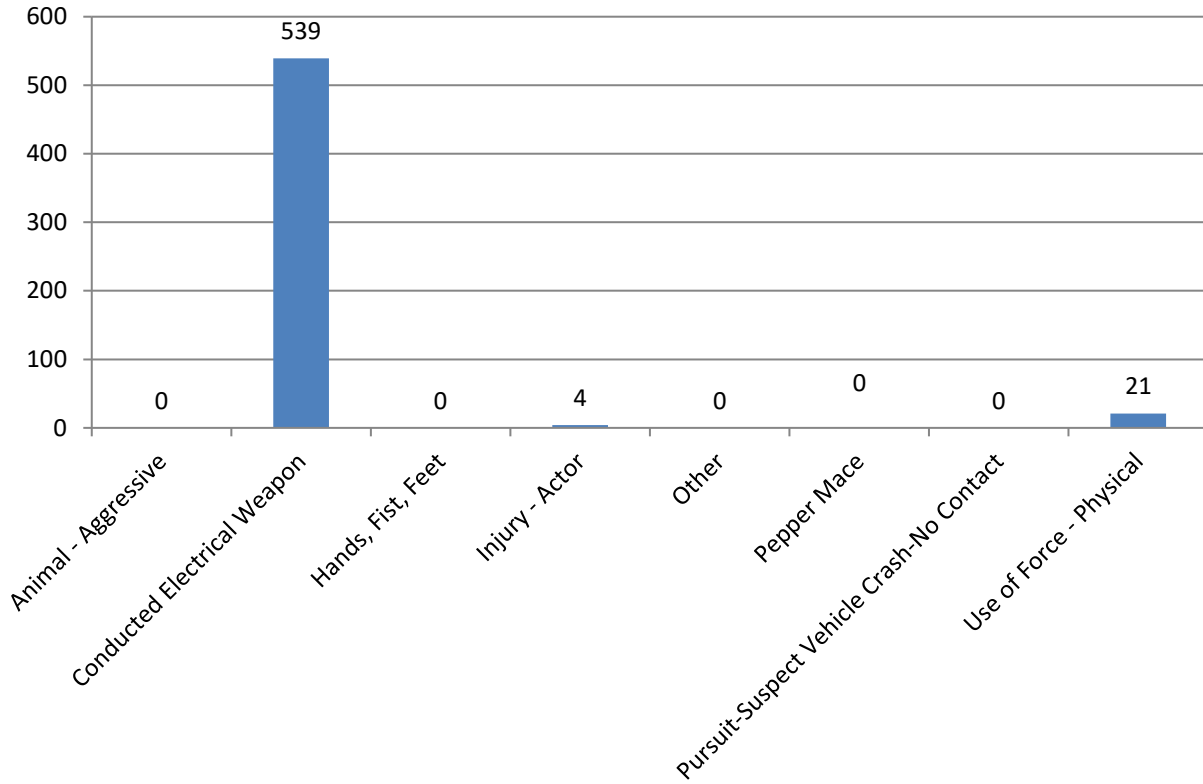


2019 Internal Affairs Investigations By Incident Type - Use of Force



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

2019 Early Intervention Program Notification By Force



Systems and Process Review Division 2019 Overview

The Systems and Process Review Division conducted 59 reviews of Department locations during 2019. 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 2019.

Of the 63 total reviews conducted, 59 were scheduled reviews, which included nine (9) Troop Headquarters, 20 Stations, six (6) Bureau Headquarters, two (2) detached Bureau locations, nine (9) Unit locations, eight (8) Office locations, zero (0) Task Force locations, and five (5) Strike 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 150 total individual functions rated, none received Unsatisfactory ratings. As a result of their exemplary administration, 45 functions earned Exceptional ratings and merit recognition as follows:

Bureau of Criminal Investigation, North-Central Strike Force, Strike Force
Function

Bureau of Emergency and Special Operations, Aviation Patrol Unit (APU) #1,
Reading, Unit Function

Bureau of Emergency and Special Operations, APU #2, Avoca, Unit Function

Bureau of Emergency and Special Operations, APU #3, Harrisburg, Unit
Function

Bureau of Emergency and Special Operations, APU #4, Altoona, Unit Function

Bureau of Emergency and Special Operations, APU #5, Latrobe, Unit Function

Bureau of Emergency and Special Operations, Hazardous Device and
Explosives Section, West, Unit Function

Bureau of Emergency and Special Operations Headquarters, Bureau Function

Bureau of Gaming Enforcement Headquarters, Bureau Function

Bureau of Gaming Enforcement, Harrah's Chester Gaming Office, Staff Function

Bureau of Gaming Enforcement, Mount Airy Stroudsburg Gaming Office, Crime Function, Staff Function and Property Management Function

Bureau of Gaming Enforcement, PARX Bensalem Gaming Office, Crime Function, Staff Function and Property Management Function

Bureau of Gaming Enforcement, Pocono Downs Gaming Office, Staff Function and Property Management Function

Bureau of Gaming Enforcement, Sugarhouse Gaming Office, Crime Function and Property Management Function

Bureau of Liquor Control Enforcement, District Enforcement Office #7, Punxsutawney, Office Function and Property Management Function

Bureau of Patrol, Bureau Function

Bureau of Training and Education, Academy, Bureau Function

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

Troop C, Marienville, Staff Function and Property Management Function

Troop C, Punxsutawney, Staff Function

Troop F, Emporium, Crime Function, Patrol Function, and Staff Function

Troop F, Mansfield, Staff Function

Troop G, Lewistown, Staff Function

Troop H, Gettysburg, Crime Function, Patrol Function, Staff Function, and Property Management Function

Troop K, Media, Staff Function

Troop M, Fogelsville, Crime Function and Staff Function

Troop N, Hazleton, Crime Function, Patrol Function, Staff Function, and Property Management Function

Troop P, Wyoming, Staff Function

In 2019, the following Action Recommendations were submitted, which identified issues meriting further consideration by the Department, during the scheduled reviews. Multiple recommendations were also noted in the Specialty Reviews.

It was recommended the Department review the contents of Administrative Regulation (AR) 3-3, Storage and Security of Property and revise this Regulation to clarify proper procedures to be followed when United States currency has become contaminated with drugs, biological fluids, or other hazardous materials, and which poses a health and/or safety hazard, or which has otherwise become mutilated.

It was recommended that AR 3-3, Storage and Security of Property, 3.05 Entering and Removing Items in Property Storage Areas, C. Identifying, Packaging, and Tagging Property: All property shall be properly identified, packaged, or tagged in accordance with OM 7-7, Crime Laboratory, prior to being placed into any property storage area, 4., be revised to specifically indicate:

NOTE: When it is not practical, Forensic Services Unit (FSU) members, Computer Crime Task Force (CCTF) personnel, and a member submitting evidence at a Pennsylvania State Police (PSP), Regional Crime Laboratory are not required to have a second member view the evidence or sign the evidence envelope/container when resealing it after examination, provided the evidence was properly sealed per this regulation initially and was previously entered into a Property Management System (PMS). When resealing the evidence, the FSU member, CCTF personnel, or submitting officer at a PSP Regional Crime Laboratory shall sign their name, including rank, and list the date and time on the evidence seal. The FSU member or CCTF personnel shall enter "FSU" or "CCTF" on the evidence seal, as applicable. The FSU member, CCTF personnel, or submitting officer resealing evidence at a PSP Regional Crime Laboratory shall ensure the contents of the evidence envelope/container are correct and properly labeled in accordance with this Regulation.

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.

At the onset of 2019, there were fourteen (14) members in EIP; ten (10) were a result of Supervisory Nomination, and four (4) were a result of a Database Nomination. During 2019, ten (10) members were removed after successfully completing the program and improving in all areas of concern. There are currently four (4) members enrolled in the EIP.

Members were also monitored during 2019 for EIP Inclusion due to Sick Leave Notices and/or Restrictions, as detailed by the Public Safety Human Resource Delivery Center. In 2019, only one (1) Sick Leave Restriction was issued, and one (1) Sick Leave Usage Notice was issued.

As part of the EIP, members were monitored in 2019 for inclusion because of Member Performance Evaluations (MPEs) containing ratings of "Needs Improvement." It should be noted that during the Human Relations transition to the Public Safety Human Resource Delivery Center, all performance evaluations meeting the criteria may not have been received and routed accordingly. From those that were received in 2019, 26 members were given a "Needs Improvement" rating on their "Annual" MPE. The majority of them were placed on a Member Performance Improvement Plan. Additionally, 12 members were placed on Interim MPEs by their Troop/Bureau Commands. In the majority of those instances, a Member Performance Improvement Plan was also initiated. Three (3) of the members with a "Needs Improvement" rating were participating in the EIP, and several 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, Recovery Trek, was chosen to oversee the program in April 2016. During the 2019 calendar year, 455 tests were conducted in accordance with Field Regulation (FR) 3-5. Of those, 25 tests were performed on Bureau of Liquor Control Enforcement, Liquor Enforcement Officers. Of the 455 tests, which were conducted, one (1) resulted in a positive test.

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.