

BUREAU OF INTEGRITY
AND
PROFESSIONAL STANDARDS



2020
ANNUAL REPORT

Bureau of Integrity and Professional Standards 2020 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 2020 Overview

During calendar year 2020, the Bureau of Integrity and Professional Standards, Internal Affairs Division (IAD), processed 1,840 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 1,840 complaints, 344 investigations were conducted and 260 were handled as Supervisory Resolutions. This number represents an increase from the 278 investigations conducted during calendar year 2019.

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 1,840 complaints processed in 2020, 751 were initiated by citizens. Of that number, 56 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 2020, 1, 957, 297 (1,246,084 assigned police incidents, plus 711,213 traffic-related contacts), to the 56 citizen complaints resulting in an investigation, revealed a ratio of one citizen complaint investigation for every 34,952 citizen contacts. In 2019, this ratio was one citizen complaint investigation for every 45,806 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 PSP 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 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 7 anonymous complaints received in 2020, none met the criteria for investigation. The 7 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 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 questions 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 2018 - 2020 has been isolated in the following charts:

2018 / 2019 / 2020 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)
2018	19	3	6	3	10
2019	12	8	6	3	7
2020	33	9	5	1	5

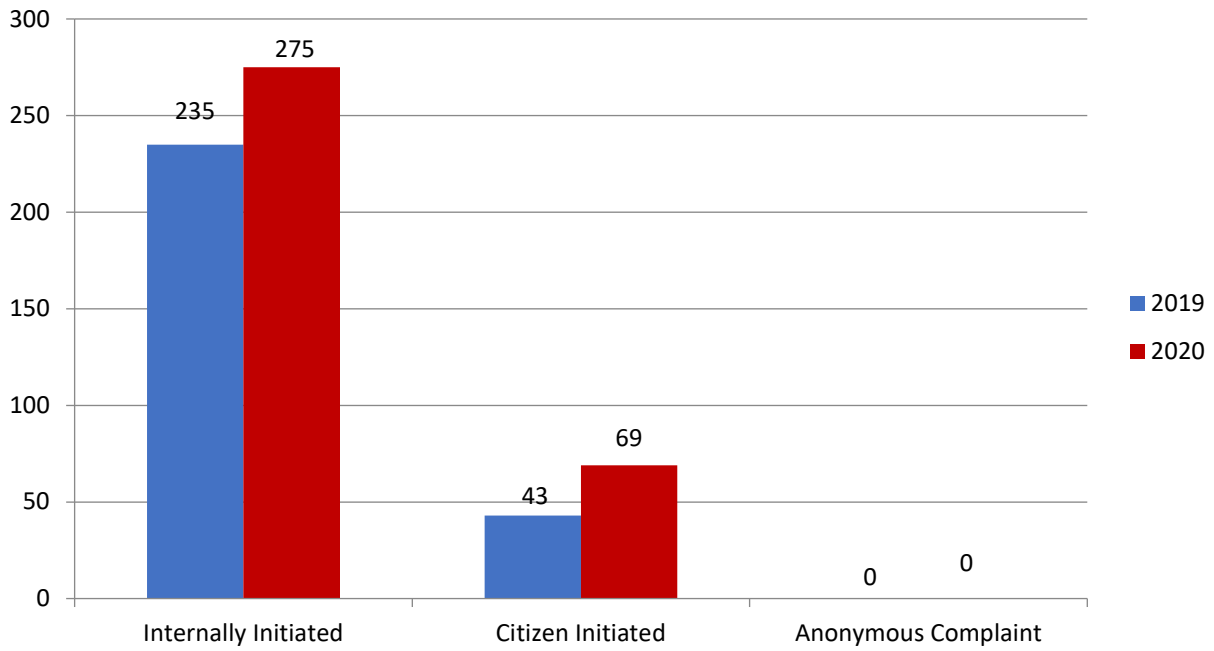
Category	Year	Sustained	Not Sustained	Unfounded	Information Only	Pending
	Bias-Based Profiling	2018	0	4	15	0
2019		0	1	9	1	1
2020		1	5	20	1	6
Domestic Violence (PFA issued)	2018	3	2	1	0	0
	2019	0	5	0	2	1
	2020	0	4	1	0	4
Domestic Violence Related (no PFA issued)	2018	3	3	0	1	0
	2019	0	3	1	0	2
	2020	0	2	2	0	1
Sexual Impropriety (Sexual Harassment)	2018	0	1	2	0	0
	2019	0	1	0	0	0
	2020	2	0	0	0	1
Sexual Impropriety (Sexual Misconduct)	2018	3	4	3	0	0
	2019	1	0	6	0	0
	2020	1	0	1	0	3

IAD INVESTIGATIONS AND SUPERVISORY RESOLUTION BY SOURCE

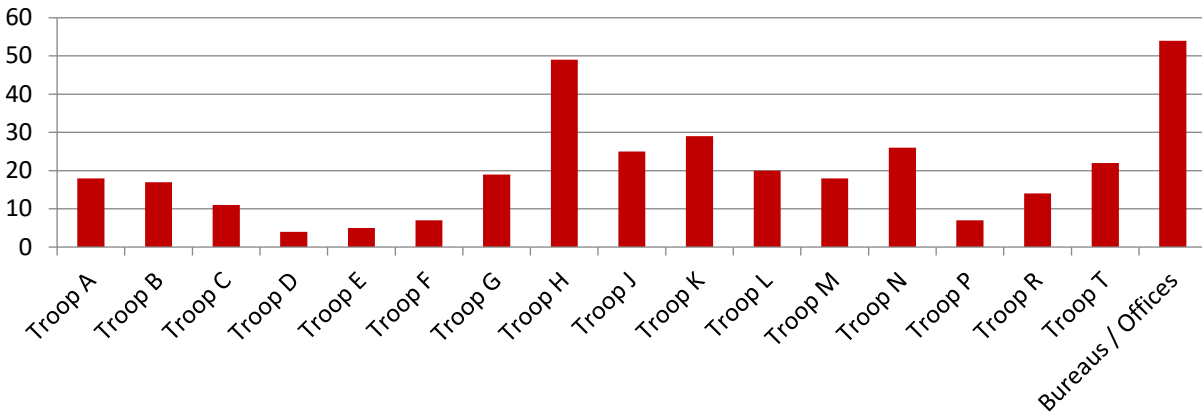
The following chart provides statistical information for each Troop showing the number of IAD Investigations and Supervisory Resolutions conducted in 2020, based on the complainant source.

2020 IAD INVESTIGATIONS AND SUPERVISORY RESOLUTIONS COMPLAINANT SOURCE				
TROOPS	IAD Investigations		Supervisory Resolutions	
	Internally Initiated	Citizen Complaint	Internally Initiated	Citizen Complaint
A	16	2	4	12
B	13	4	8	15
C	10	1	4	9
D	15	3	2	6
E	13	2	0	7
F	10	3	3	8
G	17	2	4	9
H	34	15	4	23
J	20	4	4	24
K	24	5	6	16
L	18	2	4	13
M	12	6	5	5
N	18	8	3	12
P	7	0	2	6
R	10	4	1	3
T	13	2	2	11
Bureaus/Offices	19	12	17	8

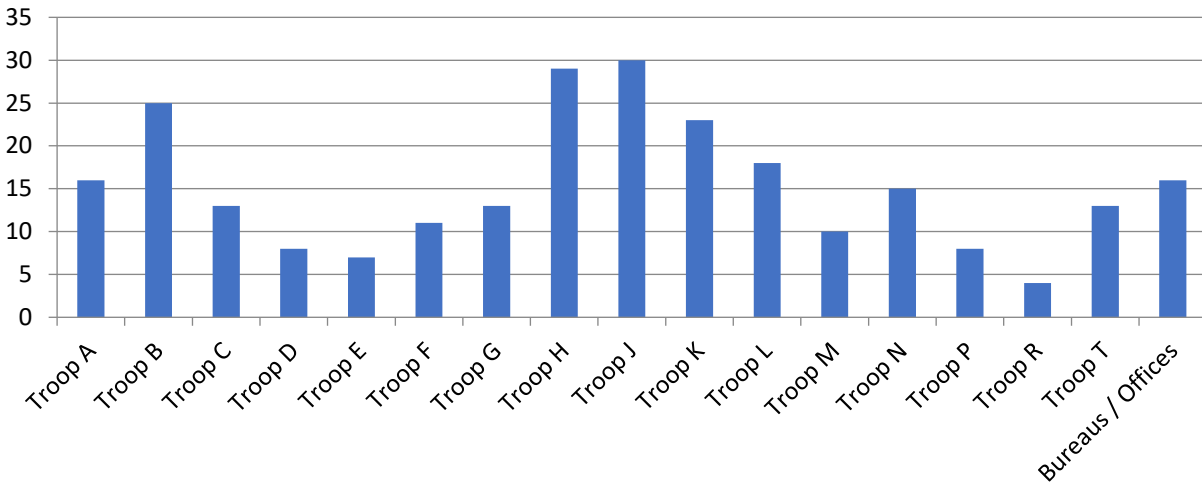
Internal Affairs Investigations by Complaint Source 2019 versus 2020



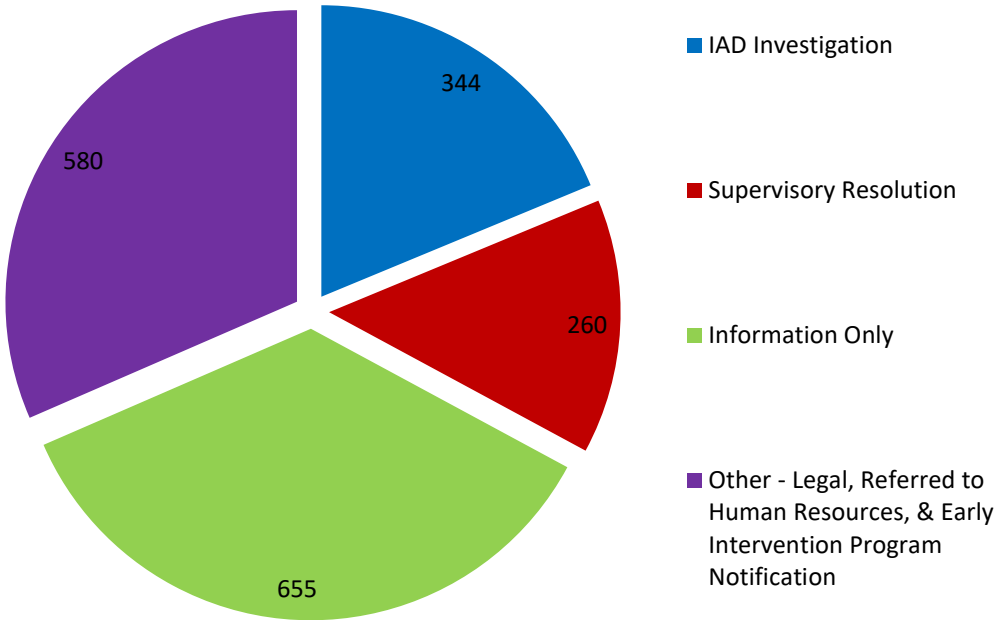
2020 Internal Affairs Investigations Troop/Bureau/Office



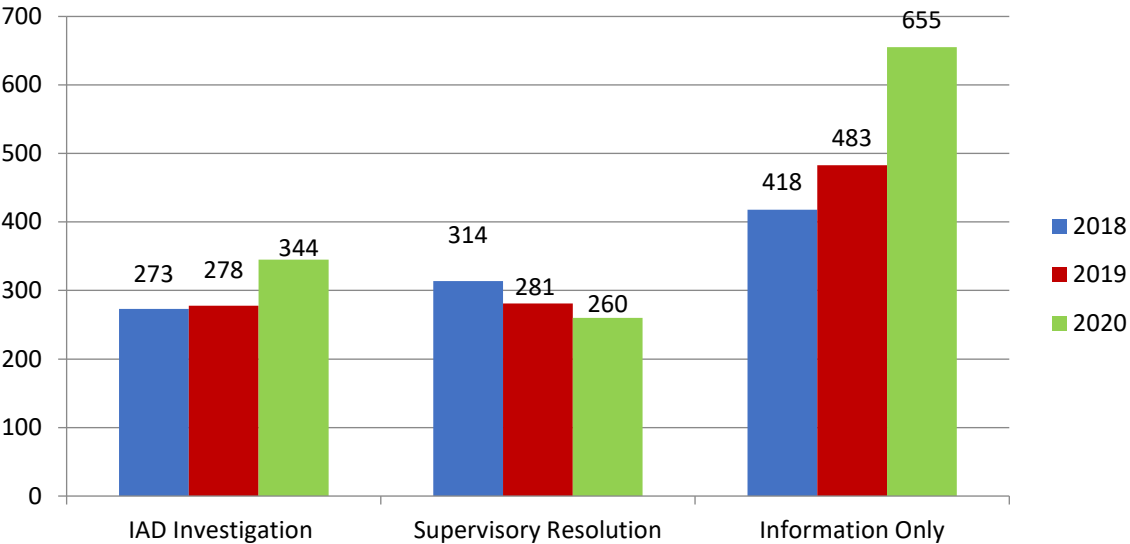
Supervisory Resolutions 2020 Troop/Bureau/Office



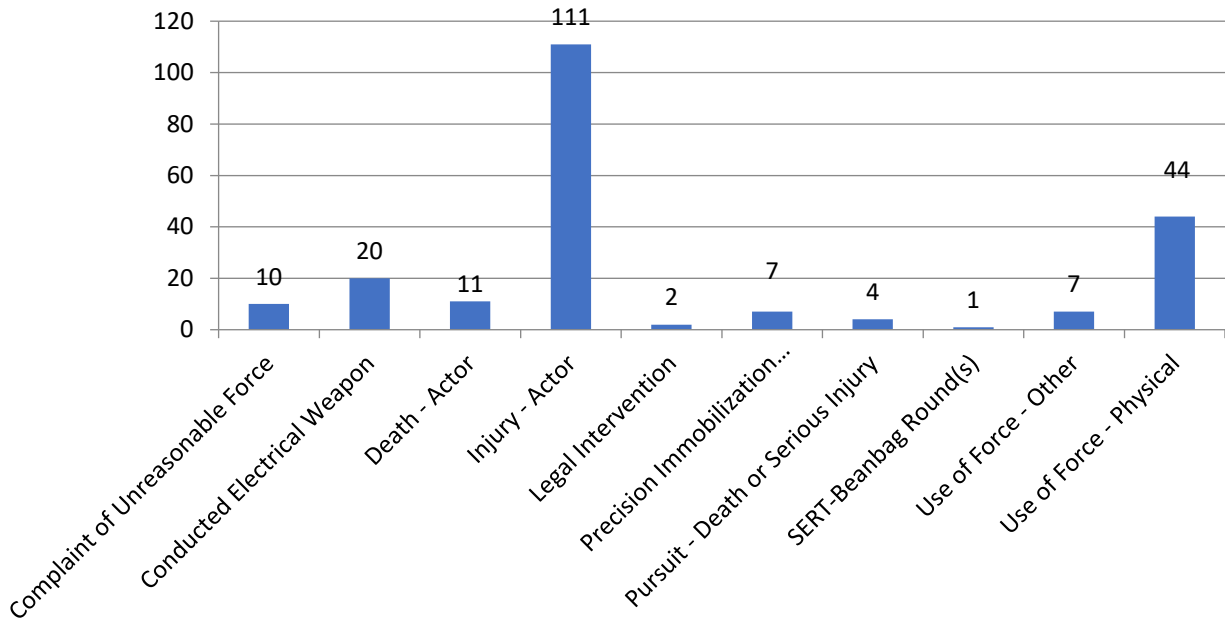
Complaint Designations for 2020 Calendar Year



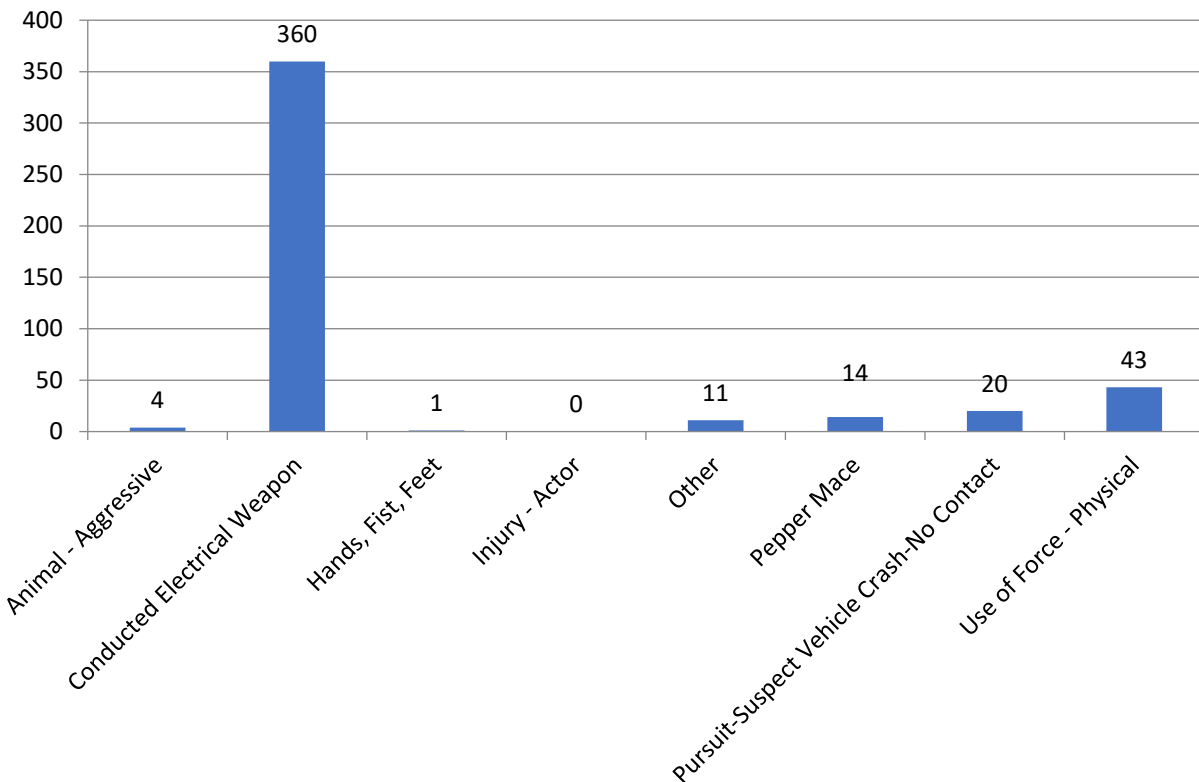
IAD Investigations, Supervisory Resolutions, and Information Only(s) 2018 – 2020 (Calendar Year)



2020 Internal Affairs Investigations By Incident Type - Use of Force



2020 Early Intervention Program Notification By Force



Systems and Process Review Division 2020 Overview

The Systems and Process Review Division conducted 52 reviews of Department locations during 2020. 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 six (6) Specialty Reviews during 2020.

Of the 52 total reviews conducted, 45 were scheduled reviews, which included One (1) Troop Headquarters, 30 Stations, one (1) Bureau Headquarters, one (1) detached Bureau location, three (3) Unit locations, four (4) Office locations, four (4) Task Force locations, and one (1) Strike Force location. There was one (1) follow-up review convened in response to a Specialty Review regarding an Internal Affairs Division Investigation. The remaining six (6) reviews were Specialty Reviews.

The majority of the functions were deemed Commendable or Satisfactory. Of the 147 total individual functions rated, none received Unsatisfactory ratings. As a result of their exemplary administration, 26 functions earned Exceptional ratings and merit recognition as follows:

Bureau of Criminal Investigation (BCI), Organized Crime Unit, Ebensburg, Unit Function

BCI, Northwest Computer Crime Task Force, Task Force Function

BCI, Southwest Computer Crime Task Force, Task Force Function

BCI, Southeast Computer Crime Task Force, Task Force Function

BCI, Safe Highways Initiative thru Effective Law Enforcement and Detection (SHIELD) Unit, Unit Function

Bureau of Gaming Enforcement (BGE), Nemaquin Uniontown Gaming Office, Crime Function, Property Management Function and Staff Function

BGE, Penn National Grantville Gaming Office, Crime Function, Property Management Function and Staff Function

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

Troop F, Milton, Staff Function

Troop G, McConnellsburg, Crime Function, Property Management Function and Staff Function

Troop H, Chambersburg, Staff Function

Troop K, Skippack, Property Management Function

Troop N, Stroudsburg, Patrol Function and Staff Function

Troop R, Dunmore, Staff Function and Property Management Function

Troop T, Everett, Crime Function and Staff Function

The following Action Recommendations were submitted during 2020, which identified issues meriting further considerations by the Department during the scheduled reviews. Multiple recommendations were also noted in the Specialty Reviews.

ACTION RECOMMENDATION 20-01: It is recommended the Department review the contents of Administrative Regulation (AR) 3-3, Storage and Security of Property, Section 3.07, Escheat Process, Subsection E (1) (c), Delivery of Escheatable Property, and clarify the verbiage relative to obtaining a certified check or money order for escheatable money being sent to the Bureau of Unclaimed Property.

This recommendation emanates from concerns encountered during a review at Troop J – York conducted September 14 – 17, 2020.

An incident was encountered during this review, where the Station deposited the 2020 Escheatable Money in the amount of \$2,418.92 into the Station's Canteen Fund/Civic Association at Fulton Bank. The monies were immediately converted to a certified check and withdrawn. The Station personnel used this account, in order to obtain the certified check, without additional fees.

AR 3-3, Storage and Security of Property, Section 3.07, Escheat Process, Subsection E (1) (c), Delivery of Escheatable Property reads "A copy of the Property Record associated with the escheatable property shall be placed in an envelope and packaged with the property being delivered. In cases where money is being escheated, a certified check or money order shall be obtained in exchange for the money. The certified check or money order shall be made payable to the Commonwealth of Pennsylvania. The Bureau of Unclaimed Property will not accept money."

The Station personnel completed the exchange of the monies for a certified check in accordance with the Regulation above. However, their process could be perceived as or give the appearance of impropriety. Another concern could be if any interest is/was earned upon the deposit into the Station's Canteen Fund/Civic Association.

Potential wording suggestions should clarify the use of the Purchasing Card (P-Card) to pay for fees directly associated with obtaining a certified check or money order. Additional consideration should be given to adding verbiage such as "Escheatable monies shall not be deposited into any Commonwealth-owned account in order to obtain the certified check or money order."

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.

In 2020, there were seven (7) Members in EIP, six (6) were a result of Supervisory Nomination and one (1) was a result of a Database Nomination. There are currently seven (7) Members enrolled in the EIP.

Members were also monitored during 2020 for EIP Inclusion due to Sick Leave Notices and/or Restrictions, as detailed by the Public Safety Human Resource Delivery Center. In 2020, three (3) Sick Leave Restrictions/Usage Notice were issued to Members.

As part of the EIP, Members were monitored in 2020 for inclusion because of Member Performance Evaluations (MPEs) containing ratings of "Needs Improvement". From those that were received in 2020, 24 Members were given a "Needs Improvement" rating on their Annual or Interim MPE and placed on a Member Performance Improvement Plan. Two (2) of the Members with a "Needs Improvement" rating are currently active EIP inclusions, 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. In December 2020, a Request for Quote (RFQ) was prepared and submitted for administration of the Random Drug Testing program. Two (2) vendors responded to the RFQ, and Recovery Trek was selected to continue to oversee the program. During the 2020 calendar year, 399 tests were conducted in accordance with Field Regulations (FR) 3-5. Of those, 13 tests were performed on Liquor Control Enforcement Officers. Of the 399 tests conducted, 390 resulted in negative results, and nine (9) resulted in negative-dilute 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. Effective August 2020, an agreement was reached in corroboration with the Pennsylvania State Troopers Association (PSTA) to expand the current testing panel. The new panel will now include Marijuana Metabolite (THC), Cocaine Metabolites, Opiate Metabolites, Phencyclidine (PCP), Amphetamines, Barbiturates, 6-Acetylmorphine, Methadone, Fentanyl, and four semi-synthetic opioids: Hydrocodone, Oxycodone, Hydromorphone, and Oxymorphone – common names for these substances are OxyContin, Percodan, Percocet, and Vicodin.