

INTERNAL INVESTIGATIONS

25.01 AUTHORITY

The Bureau of Integrity and Professional Standards (BIPS) is authorized to process all complaints or allegations of misconduct by personnel and to recommend to the Commissioner policies and procedures to initiate, conduct, and/or control all necessary investigations. When conducting Internal Affairs (IA) investigations, members are vested with the line authority of the Commissioner.

25.02 PURPOSE

The purpose of this regulation is to establish a prompt, fair, thorough, factual, and impartial means to investigate complaints, allegations, and use-of-force incidents involving personnel.

25.03 GOALS

- A. Protection of the Public: The public has the right to expect efficient, fair, and impartial law enforcement. Misconduct by personnel must be detected, thoroughly investigated, and properly adjudicated to assure these goals are met.
- B. Protection of the Department: The integrity of the Department depends on the personal integrity and self-discipline of all personnel. Public support and confidence is earned through a fair and impartial process of investigating and adjudicating allegations of misconduct.
- C. Protection of Personnel: Proper investigation into allegations of misconduct protects the integrity of personnel, and safeguards against false or malicious complaints.
- D. Discovery of Unsatisfactory Performance: Personnel who demonstrate an inability or unwillingness to satisfactorily perform their duties must be identified for the protection of the public, the Department, and its personnel.

25.04 DEFINITIONS

For the purposes of this regulation, the listed terms shall have the following meanings:

- A. **Adjudicating Officer:** An individual responsible for the adjudication of an IA investigation. In most cases, the individual will be the Troop Commander, Bureau/Office Director, Division Director, or other individual who serves as the Commander/Director of the subject(s) of the investigation. The Director, BIPS, upon consultation with the Deputy Commissioner of Administration and Professional Responsibility, may assign an individual other than the respective Commander/Director when deemed appropriate.

NOTE: If the subject of the investigation transfers to another Troop/Bureau/Office prior to the conclusion of the investigation and/or adjudication, the subject's former Troop Commander, Bureau/Office Director, or Division Director shall retain responsibility for completing the adjudication.

- B. **Administrative Action:** Corrective action taken by command personnel which may include the issuance of a Disciplinary Action Report (DAR), Form SP 3-336, for members, or the recommendation for discipline for employees.
- C. **Administrative Duty:** A modified duty assignment where a member or enforcement officer performs work which may be outside of the member's/enforcement officer's normally assigned duties, functions, and responsibilities. This work may include Station duties, Communications-Desk Unit assignment, duties which limit exposure to public interaction, or other assignments as authorized by the Troop Commander or Bureau/Office Director.
- D. **Administrative Investigation:** Inquiries into alleged misconduct by personnel or any inquiry into the actions of Department personnel required by directives.
- E. **Attorney Work Product (AWP):** Investigative work conducted in anticipation of litigation or for trial, specifically requested by Chief Counsel and conducted under the direction of the Office of Chief Counsel, Attorney General, or other legal counsel representing the Department, its personnel, or the Commonwealth.

- F. BlueTeam: A web-based application used for recording complaints against Department personnel and capturing information concerning use-of-force incidents.

NOTE: The BlueTeam portal and user's manual can be accessed via the PSPiNet, Administrative Center, under the "BlueTeam Information" link. Personnel should review the instructions in the user's manual prior to accessing and utilizing the BlueTeam application.

- G. Bodily Injury: Impairment of physical condition which requires medical treatment or hospitalization.
- H. Complainant: A person with knowledge of an alleged incident of misconduct or violation of a statute or Department directive, who brings the information to the attention of the Department.
- I. Complaint: An allegation identifying conduct which would constitute a violation of statute or Department rules and regulations.
- J. Full Duty: A member's/enforcement officer's normally assigned duties and job functions.
- K. IA Investigation: An in-depth and impartial fact-finding process, reported using the General Investigation Report, Form SP 7-0025.
- L. IAD Control Number: A sequential number assigned by the Internal Affairs Division (IAD) to index all complaints, IA investigations, and Supervisory Resolutions.
- M. IAD History: A record of IA investigations for Department personnel which includes IAD control numbers, complaint dates, types of complaints, and administrative actions.
- N. Medical Treatment: Care received at a recognized medical facility or from a licensed medical practitioner.
- O. Misconduct: A violation of the Pennsylvania State Police (PSP) Code of Conduct, Governor's Code of Conduct, or any other conduct which could reasonably be expected to destroy public respect and confidence in the PSP.
- P. Non-Complaint Investigation: An investigation into the action(s) of Department personnel required by this regulation.

- Q. **Reviewing Officer:** The individual responsible for reviewing an IA investigation and concurring with the adjudication rendered by the adjudicating officer. In most cases, the individual would be the Area Commander, Bureau/Office Director, or other individual who serves as the supervisor of the adjudicating officer. The Director, BIPS, upon consultation with the Deputy Commissioner of Administration and Professional Responsibility, may assign an individual other than the respective supervisor when deemed appropriate.
- R. **Serious Bodily Injury:** Bodily injury which creates a substantial risk of death or causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
- S. **Sexual Impropriety:** Any form of sexual harassment or sexual misconduct which is categorized as follows:
1. **Sexual misconduct:** Any form of uninvited or unwelcome sexual touching, sexual contact, or conduct of a sexual nature which victimizes another.
 - a. Sexual touching or sexual contact includes intentional touching or other physical contact, whether applied directly to the skin or to clothing covering the skin of one's self or another individual, which is meant to, is reasonably likely to, or is reasonably perceived to abuse, degrade, harass, humiliate, or sexually arouse any person.
 - b. Sexual misconduct also includes any conduct specified in the following sections of Title 18 Pa.C.S., whether or not criminally charged:
 - (1) Section 3121, Rape.
 - (2) Section 3122.1, Statutory sexual assault.
 - (3) Section 3123, Involuntary deviate sexual intercourse.
 - (4) Section 3124.1, Sexual assault.
 - (5) Section 3124.2, Institutional sexual assault.
 - (6) Section 3125, Aggravated indecent assault.

- (7) Section 3126, Indecent assault.
 - (8) Section 3127, Indecent exposure.
 - (9) Section 3129, Sexual intercourse with animal.
 - (10) Section 3131, Unlawful dissemination of intimate image.
 - (11) Section 5901, Open lewdness.
 - (12) Section 6301, Corruption of minors (only as it relates to acts of a sexual nature).
 - (13) Equivalent offenses committed in other jurisdictions (whether or not criminally charged).
2. Sexual harassment: As outlined in AR 4-26, Discrimination, Discriminatory Harassment, Sexual Impropriety, and Retaliation, sexual harassment is defined to include: any unwelcome sexual advances; requests for sexual favors; and/or other conduct of a sexual nature (regardless of criminal charges) where any of the following occur:
- a. Submission to or rejection of such conduct is an explicit or implicit term or condition of an individual's employment.
 - b. Submission to or rejection of such conduct is used as a basis for employment decisions affecting such individuals.
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- T. Supervisory Resolution: The process utilized to address allegations that are minor in nature and better resolved by the involved member's direct supervisor through coaching, counseling, mentoring, mediation, training, enhanced supervision, or other action.
- U. Weapon: Refers to any shotgun, rifle, or handgun.

25.05 GENERAL DUTIES, RESPONSIBILITIES, AND REQUIREMENTS

- A. Director, BIPS, or Designee:
1. Maintain supervisory oversight for all IA investigations and Supervisory Resolutions. Specific investigative procedures may be ordered if it is determined to be necessary, prudent, or desirable.
 2. Maintain overall authority in the assignment of criminal investigations to either a member of the IAD or a Troop/Bureau criminal investigator.
 3. Determine an appropriate investigator or investigative entity, with concurrence of the Deputy Commissioner of Administration and Professional Responsibility, when the subject of an investigation is a member of BIPS.
 4. Ensure a record of all investigations is maintained; all investigations are conducted in a fair, prompt, thorough, and impartial manner; and investigative reports are kept in a secured area within BIPS. Reports shall be completed within the time limits established through collective bargaining agreements.
 5. Assist the Director, Equality and Inclusion Office (EIO), in the investigation of equal employment opportunity-related complaints upon request. Also, review other such complaints and investigations in consultation with the Director, EIO. Fulfill responsibilities as designated in AR 4-26.
 6. Ensure the completion of an annual report which includes statistical summaries of the activities of BIPS. The statistical summaries shall be made available to the public and Department personnel.
 7. Provide a weekly summary of complaints and IA investigations to the Commissioner and retain authority to report directly to the Commissioner in matters requiring the highest level of executive awareness.
 8. Provide a weekly email report of all reported complaints to the Deputy Commissioner of Administration and Professional Responsibility and to the Department Discipline Office (DDO).

9. Provide a Bureau quarterly report, to include monitoring sexual impropriety complaints and related trends/statistics, for submission to the Commissioner, through the Deputy Commissioner of Administration and Professional Responsibility.
10. Within two weeks of receipt of a Personnel Order listing promotions or transfers, ensure an IAD history of each promoted and/or transferred member is furnished to the new Commander/Director of the member.
11. Ensure information is provided to appropriate segments of the Department, which may include the Bureau of Training and Education, the Risk Management Section, the Office of Chief Counsel, and EIO, when trends or issues are detected through IA processes or investigations.

B. IAD Members:

1. Be selected based upon the following criteria:
 - a. Be volunteers.
 - b. Have demonstrated that they possess a high degree of investigative skill and the ability to write clear, concise, and complete investigative reports.
 - c. Have an excellent reputation, among both their peers and supervisors, in terms of integrity and overall performance.
 - d. Be familiar with those statutes; collective bargaining agreements; and Department directives, policies, and procedures related to IA investigations.
 - e. Have a thorough knowledge in the collection and preservation of evidence.
 - f. Have knowledge of the availability of records and information maintained by other sources and agencies.
 - g. Possess the ability to perform photographic surveillance and possess or be willing to acquire

the proper certification required to perform electronic surveillance.

- h. Be in good physical condition and present a professional appearance.
 - i. Be able to interact effectively with people and be proficient in interviewing and interrogation techniques.
2. Members assigned as IAD investigators shall not remain in the position for more than three years. This rotation process will allow for the infusion of new personnel and new ideas and allow greater member participation.

25.06 COMPLAINT PROCESSING

- A. 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 telephone number, 1-866-426-9164, or by downloading and completing the Complaint Verification, Form SP 1-108 (refer to Appendage A). The Complaint Verification form is available **at any PSP installation, or can be accessed via the PSP public website at www.psp.pa.gov, by selecting "Contact Us," and then clicking on the "PSP Compliment/Complaint Procedures" link. The Complaint Verification form can be submitted online or printed and mailed to BIPS, 7820 Allentown Boulevard, Harrisburg, PA. 17112.**
- B. Citizen Complaint Reception:
- 1. Complainants shall be afforded the right to file a complaint against personnel at any time and not be turned away in the absence of a supervisor, nor should they be instructed to contact BIPS directly. This does not prohibit supervisors from re-contacting a complainant to clarify information.
 - 2. Complainants shall not be required to appear at a Department installation to initiate a complaint.
 - 3. Complainants may remain anonymous; however, a reasonable effort to obtain identification should be made.

- C. Personnel Receiving Complaints:
1. Receive complaints against personnel in a professional manner.
 2. Ensure the confidentiality of all complaints is maintained.
 3. Ensure complaints, whether anonymous, verbal, or written, are entered into the BlueTeam application as soon as practical, but no later than the end of the assigned shift of the person receiving the complaint. This includes complaint information, whether from within or outside of the Department, discovered or brought to the attention of supervisory personnel.
 - a. Any complaint of sexual impropriety shall immediately be entered into the BlueTeam application. Due to the serious and sensitive nature of sexual impropriety complaints, additional procedures are outlined in AR 4-26.
 - b. Personnel desiring to initiate a complaint shall be responsible for completing their own BlueTeam entry.
 - c. A BlueTeam entry shall be submitted in cases of alleged civilian misconduct, except for minor performance inadequacies such as a mishandled call, tardiness, insubordination, approval-in-error, etc. Questions concerning the necessity of an entry shall be referred to the Director, IAD. Upon submission of a BlueTeam entry, BIPS will notify the Director, PSP Employee Relations Division, Public Safety Human Resource Delivery Center, of the entry, and a determination will be made as to the level of the investigation into the allegation.
 4. Serious cases may warrant the immediate response of an IAD investigator. Personnel receiving a complaint at times other than normal working hours, in addition to completing the BlueTeam entry, shall immediately notify the Troop Officer of the Day (OD). The Troop OD shall ensure notification is made to the appropriate BIPS, IAD Commander for an evaluation of the necessity of an immediate response. Any incident resulting in death or serious bodily injury; involving the physical arrest of personnel or alleging major breaches of conduct by

personnel; involving sexual impropriety or domestic violence; or is likely to generate more than routine public interest, should be considered serious in nature (refer to FR 1-5, Officer Involved Shootings/Serious Police Incidents).

NOTE: The BIPS, IAD, "After-Hours and Emergency Contact List" is available through the [Department Watch Center](#).

D. Categories Requiring a BlueTeam Entry:

1. Arrest of Department personnel: This shall apply to any arrest, indictment, summons, citation, or receipt of legal process for violations of federal, state, or miscellaneous statutes including, but not limited to, felonies, misdemeanors, and summary offenses under the Crimes Code, Vehicle Code, etc.

NOTE: Parking tickets are excluded from the reporting requirements of this regulation, unless a citation or summons is issued for failure to respond.

2. Baton: The issued baton is used as an impact weapon on any person.
3. Bias-based profiling: Allegation involving the detention, interdiction, or other disparate treatment of any person on the basis of their race, sex, sexual orientation, gender, national origin, ethnicity, age, or religion, rather than on the basis of reasonable suspicion.
4. Code of Conduct: Allegation involving general duty requirements not specifically covered in the other categories.
5. Differential treatment: Allegation involving discrimination or hostile work environment.
6. Domestic violence: Allegation involving the participation of Department personnel in domestic violence incidents, including those served with a Protection From Abuse (PFA) order.
7. Escape: The escape of a person in custody, control, or oversight by a Department member or enforcement officer.

8. Intentional conducted electrical weapon (CEW) discharge: Incident where a member intentionally discharges a CEW, except for general maintenance and authorized training.
9. Intentional weapon discharge: Incident involving the intentional discharge of a weapon by a member/enforcement officer, or the discharge of a weapon by another law enforcement officer in the presence of a member/enforcement officer, except for those incidents listed in Section 25.08B.8. of this regulation.
10. Legal intervention: The intentional use of force, including deadly force, by members designed to terminate a pursuit by disabling or stopping a fleeing vehicle or its operator.
11. Lost or stolen PSP badge, official identification card, or Department-issued or authorized weapon.
12. Oleoresin Capsicum spray or other chemical agent: Pepper mace or other chemical agent is used on any person, except for general maintenance or authorized training.
13. Precision immobilization technique (PIT): Incident involving the intentional use of the PIT to terminate a pursuit by disabling or stopping a fleeing vehicle or its operator.
14. Prisoner injury: Injury sustained to any person in custody, control, or oversight by a Department member or enforcement officer.
15. Sexual impropriety: Allegation involving sexual harassment or sexual misconduct against Department personnel.
16. Special Emergency Response Team (SERT) deployment of any of the following devices:
 - a. Hand-deployed chemical agent grenades, such as the AAI and the T-16.
 - b. Noise-flash diversionary devices (NFDD) which are intentionally deployed to the interior of a residence or structure.

NOTE: The intentional deployment of a NFDD outside of a residence or structure for the purpose of creating noise to alert the subject(s) to the presence of law enforcement outside the structure does not require a BlueTeam entry.

- c. Stingball grenades.
- d. Use of explosives such as those utilized in explosive breaching techniques.
- e. SERT discharge of a weapon for delivering chemical agents, breaching munitions, or for the sole purpose of extinguishing a light. This would include the utilization of the AL-6, 37mm and 40mm gas guns.
- f. SERT member utilization of impact weapon systems firing less-lethal projectiles, which are targeted specifically at a human target for the purpose of gaining compliance or submission to arrest. This would include the 12-gauge beanbag munitions, Sage K01 and K01 LE 37mm impact batons, and the Penn Arms 40mm impact batons.

NOTE: The on-scene SERT coordinator shall ensure a BlueTeam Use of Force entry is made, as soon as practical, to document any of the aforementioned SERT deployments.

- g. Deployment of any other less-lethal device.
- 17. Technology: Allegation involving inappropriate use of Department computers or misuse of network resources.
 - 18. Unintentional CEW discharge: Incident where a member unintentionally discharges a CEW, regardless of the member's duty status. The involved member shall notify a supervisor as soon as practical after the discharge occurs.

NOTE: This does not include unintentional discharges occurring during Department-authorized weapons training or qualification, unless the discharge causes an injury or death. Nothing shall preclude initiation of a BlueTeam entry when deemed necessary by an instructor conducting said training.

19. Unintentional weapon discharge: Incident where a member/enforcement officer unintentionally discharges a shotgun, rifle, or handgun, under any of the following circumstances:

- a. The unintentional discharge occurs while the member/enforcement officer is on duty or in/on Commonwealth-owned or -leased building, property, or vehicle, regardless of the weapon involved or duty status of the member/enforcement officer.

NOTE: This does not include unintentional discharges occurring during Department-authorized weapons training or qualification, unless the discharge causes an injury or death. Nothing shall preclude initiation of a BlueTeam entry when deemed necessary by an instructor conducting said training.

- b. The unintentional discharge occurs while the member/enforcement officer is off duty, and the involved weapon is a Department-owned/-issued or -authorized personal weapon.
- c. The unintentional discharge results in the injury or death of any person, or otherwise warrants a criminal investigation, regardless of the weapon involved or the duty status of the involved member/enforcement officer.

NOTE: The involved member/enforcement officer shall notify a supervisor as soon as practical after the discharge occurs.

20. Unlawful conduct: Alleged violation(s) of federal, state, or local statutes.

21. Unreasonable use of force: Any allegation of an unreasonable use of force.

22. Use of force: Incident where a member/enforcement officer uses any type of physical force resulting in death, serious bodily injury, or bodily injury to any involved individual, other than the member/enforcement officer.

- a. Members and enforcement officers involved in any use-of-force incident shall report the incident as soon as practical to a supervisor.
 - b. The supervisor shall immediately notify, through the chain of command, the Troop Commander responsible for the area in which the incident occurred. For a member not under their command, the Troop Commander shall notify the member's Troop Commander or Bureau/Office Director and, if on detached status, the member's current Troop Commander or Bureau/Office Director. For Liquor Enforcement Officers, the Troop Commander shall notify the Director, Operations Division, Bureau of Liquor Control Enforcement. If death or serious bodily injury occurred to any individual, the Troop Commander shall immediately notify the Deputy Commissioner of Operations and the Deputy Commissioner of Administration and Professional Responsibility, through the chain of command. The Troop Commander shall also provide immediate notification to BIPS.
 - c. When supervisory personnel are notified of a use-of-force incident, they shall enter the required information concerning the incident into the Use-of-Force module within the BlueTeam application as soon as practical. The supervisor shall ensure this is completed prior to the end of their shift.
 - d. Supervisory personnel shall also report self-initiated use-of-force and weapon-discharge incidents involving themselves, as soon as practical, to their supervisor and complete the required BlueTeam entry.
23. Vehicle pursuit: A pursuit involving a crash that results in death, serious bodily injury, or bodily injury to any involved individual, other than the member operating the pursuing unit.

25.07 ADMINISTRATIVE DUTY

- A. A member/enforcement officer shall immediately be placed on Administrative Duty pending an evaluation of the circumstances surrounding the incident by the Deputy Commissioner of

Administration and Professional Responsibility when the member/enforcement officer:

1. Uses deadly force to stop the action of another person, as referenced in FR 9-1, Use of Force.
 2. Intentionally discharges a weapon at a person, whether or not the intended target is hit; or discharges a weapon to provide directed fire.
 3. Uses physical force or takes any other action that results in a death or serious bodily injury.
- B. In addition, any member/enforcement officer who uses physical force or takes any other action that results in a lesser injury may, at the discretion of the Deputy Commissioner of Administration and Professional Responsibility, be assigned to Administrative Duty pending the evaluation of the circumstances surrounding the incident.
- C. For those incidents in which responsibility cannot be immediately determined, all members/enforcement officers directly involved in the use of force incident shall be placed on Administrative Duty, when appropriate.

NOTE: Administrative Duty is not to be construed as disciplinary action.

25.08 ASSIGNMENT CRITERIA AND RESPONSIBILITIES

- A. The Director, IAD, or designee, shall assign, coordinate, and exercise supervisory control over all IA investigations and Supervisory Resolutions required by this regulation.
- B. IA Investigations:
1. The following criteria will be considered by the Director, IAD, in determining if the IAD will assume investigative responsibility or if the IA investigation will be assigned to Troop/Bureau/Office personnel:
 - a. Seriousness or complexity of the allegation to be investigated.
 - b. Source of the complaint.

- c. Number of personnel involved.
- d. Duty assignment of personnel involved.
- e. Geographical limitations.
- f. Need for internal security relative to all or part of the investigation.
- g. Any exceptional circumstance noted by or brought to the attention of the Director, IAD.

NOTE: If the Director, IAD, determines that investigatory difficulties exist in an ongoing investigation assigned to a Troop/Bureau/Office, the IAD may assume full or partial responsibility for conducting that specific investigation. This may occur at any stage of the investigation.

- 2. The IAD shall retain primary responsibility for investigating allegations of serious misconduct, sexual impropriety, domestic violence, corruption, and ethics violations.

NOTE: The assigned investigator, in complaints alleging sexual impropriety, shall have completed training, unique to conducting such investigations and approved by the Director, BIPS. No complaint alleging sexual impropriety shall be deemed withdrawn on the basis of a complainant failing to return a Complaint Verification form. All such complainants shall be interviewed, in person, by the assigned IAD investigator.

- 3. Complaints received from citizens or Department personnel, who are the subject of a criminal investigation or prosecution, alleging bias or misconduct by investigators or personnel involved in the investigation or prosecution, shall be brought to the attention of the prosecuting attorney when applicable. Unless otherwise directed by the Director, BIPS, the Department shall defer investigation of the complaint until after the investigation and prosecution are concluded, and the complainant has exhausted all remedies provided for by the criminal justice system.

NOTE: This includes prosecution of offenses under the Vehicle Code and other titles, statutes, and acts.

4. Complaints received from Department personnel who are the subject of a pending IA investigation or administrative action, alleging bias or misconduct by investigators or personnel involved in the investigation or the disciplinary process, shall be brought to the attention of the Director, BIPS. Unless otherwise directed by the Director, BIPS, the Department shall defer the decision to conduct an investigation of the complaint until after the IA investigation and administrative action are concluded, and the complainant has exhausted all remedies provided for under Department rules and regulations and applicable collective bargaining agreements.
5. Incidents of physical force, legal intervention, vehicle pursuit, or weapon discharge which result in death or serious bodily injury, or any complaint alleging discrimination or sexual impropriety provide a high potential for liability to the Department and its personnel. The Office of Chief Counsel shall be provided notice of complaints of this nature by the Director, IAD, as soon as possible after receipt.
6. When the use-of- force incident results in bodily injury that requires medical treatment to personnel only (no other investigative criteria applies), an IA investigation is not required.
7. Unintentional CEW discharge incidents which result in injury to any person shall require an IA investigation; otherwise, a Supervisory Resolution shall be completed as the Department's initial response.
8. An investigation is not required for the following weapon-discharge incidents:
 - a. Discharges occurring during firearms training/ qualification, unless injury occurs or is requested by the training instructor; or as deemed appropriate by the Director, IAD.
 - b. A member/enforcement officer discharging a weapon while off duty, as permitted by law for purposes such as hunting, fishing, or target shooting.
 - c. When a member destroys an animal in accordance with the provisions of FR 9-1.

9. SERT deployment of any of the devices listed in Section 25.06D.16. of this regulation shall not require an IA investigation, unless the deployment results in death or serious bodily injury to any involved individual.

C. AWP:

1. Upon request from Chief Counsel, and with the approval from the Director, BIPS, an AWP investigation may be conducted into the factual circumstances surrounding an incident.
 - a. An AWP is conducted under the direction of the designated attorney.
 - b. An AWP may be conducted after a completed IA investigation to assist in formulating legal strategies or theories in defense of the Department and its personnel.
 - c. An AWP is designated and maintained separately from an IA investigation.
2. An IA investigation, with a subsequent adjudication, shall be conducted instead of an AWP when:
 - a. There are indications that there was misconduct on the part of Department personnel.
 - b. An AWP is initiated and evidence of misconduct by Department personnel is uncovered.

D. Supervisory Resolution:

1. It is the policy of the Department that minor complaints or performance inadequacies are best addressed through supervisory intervention rather than an IA investigation. The Supervisory Resolution process is intended to afford Troop Commanders and Bureau/Office Directors a mechanism to expeditiously resolve complaints against members at the Troop/Bureau/Office level without entering the formal discipline system. Addressing and resolving minor complaints or minor performance inadequacies is predominantly a function of supervision and the chain of command.

2. A Supervisory Resolution may be used at the direction of the Director, IAD, for those BlueTeam entries involving allegations that are minor in nature and better addressed by the involved member's direct supervisor through coaching, counseling, mentoring, mediation, training, enhanced supervision, or other action. Minor complaints that may be resolved through the Supervisory Resolution process include, but are not limited to, minor interaction complaints, dissatisfaction with performance of duty, rudeness, discourtesy; minor infractions or omissions/commissions which violate Department policy or regulation; and minor performance inadequacies.

NOTE: Complaints involving use of force, or which identify a pattern of performance inadequacies, or which are not of a minor nature, may be formally investigated, rather than addressed through the Supervisory Resolution process.

3. A Supervisory Resolution shall be upgraded to an IA investigation if it uncovers allegations of misconduct that would give rise to formal discipline. This determination will be made by the Director, IAD, in consultation with the Troop Commander or Bureau/Office Director. When possible, the decision to upgrade to an IA investigation should be made prior to interviewing the subject(s) of the investigation, in order to determine whether the use of Administrative Warnings, Form SP 1-104 (refer to Appendage D), and union representation is appropriate.

E. The Director, IAD, or Designee:

1. Assign IA investigations to either a member of the IAD or to a supervisor designated by a Troop/Bureau/Office.
2. In consultation with the Director, BIPS, assign criminal investigations to either a member of the IAD or a Troop/Bureau criminal investigator.
3. Ensure assignment of Supervisory Resolutions to the involved member's direct supervisor, if possible.
4. Review completed Supervisory Resolution Forms, Form SP 1-112 (refer to Appendage B), to ensure the Supervisory Resolution process is administered in a uniform manner throughout the Department.

5. Ensure records of Supervisory Resolutions are maintained by the IAD.
6. Ensure all IA investigations and Supervisory Resolutions are conducted in a fair, prompt, thorough, and impartial manner.
7. Ensure notification to the Director, EIO, of all BlueTeam entries alleging sexual impropriety, discrimination, discriminatory harassment, or retaliation, as well as the name of the assigned investigator and IAD Control number, if appropriate.
8. Send all investigations conducted alleging sexual impropriety, discrimination, discriminatory harassment, or retaliation to the Director, EIO, for review prior to adjudication.
9. Ensure completed IA investigations are routed to the appropriate adjudicating and reviewing officers.
10. Make notifications to the Office of Chief Counsel as required by this regulation.

F. Area Commanders and Bureau/Office Directors:

1. When assigned, fulfill the duties and responsibilities of a reviewing officer in accordance with Section 25.11 of this regulation.
2. When assigned, fulfill the duties and responsibilities of an adjudicating officer in accordance with Section 25.11 of this regulation.
3. Upon request, assist members of the IAD with investigations required by this regulation.

G. Troop Commanders and Division Directors:

1. Ensure compliance with the provisions of this regulation and the provisions of AR 4-26, when the alleged conduct may include sexual harassment.
2. Assign a Lieutenant, Noncommissioned Officer, or Enforcement Officer 3 outside of the subject's chain of command to those investigations required by this regulation that are to be investigated at the

Troop/Bureau/Office level. The Director, IAD, reserves the authority to require a different investigator.

NOTE: When a Pennsylvania State Troopers Association (PSTA) member is the subject of an investigation, officers of the PSTA (President, Vice President, Secretary, and/or Treasurer) or members of the Grievance Committee shall not be assigned to conduct the investigation.

3. Upon request, assist members of the IAD with investigations required by this regulation.
4. Assign all Supervisory Resolutions to the appropriate supervisor for resolution; preferably to the involved member's direct supervisor, and ensure the results are reported on a Supervisory Resolution Form.
5. Contact the Director, IAD, when a Supervisory Resolution uncovers evidence that may warrant a formal IA investigation.
6. Ensure the assigned supervisor contacts the complainant at the beginning of the Supervisory Resolution to clarify the allegations and, when applicable, at the conclusion of the Supervisory Resolution to provide the outcome of the review.
7. Provide electronic endorsement of completed Supervisory Resolution Forms in accordance with Appendage B.
8. Follow-up with a formal letter to the complainant, when required by the Director, IAD.
9. When assigned, fulfill the duties and responsibilities of an adjudicating officer in accordance with Section 25.11 of this regulation.

25.09 INTERNAL AFFAIRS INVESTIGATIONS

- A. Personnel shall ensure that the confidentiality of all complaints, interviews, and investigations are maintained.

B. Investigative Procedures:

Citizen complaints shall be authenticated through the completion of the Complaint Verification form. If the Complaint Verification form is not attached to the complaint, the investigator shall request the complainant to complete and endorse the form in the allotted section, preferably before a formal interview.

1. If the complainant refuses to sign the form, the investigator shall print "Refused" in the signature block. The investigator shall attempt to complete an interview of the complainant and shall subsequently confer with the Director, IAD, for a determination on the future course of the investigation.
2. If travel distance or other circumstances prohibit a personal interview, the investigator shall request assistance from BIPS in obtaining a completed Complaint Verification form.

NOTE: If the complainant is a member or employee, and they submit to a recorded interview, a Complaint Verification form is not required.

C. Investigators:

1. Officially notify affected personnel as soon as practical of a pending investigation. The Notification of Inquiry, Form SP 1-102 (refer to Appendage C), shall be issued to the subject(s) and serve as the official notification; this may be accomplished electronically. A signed copy will need to be obtained by the investigator prior to commencing the administrative interview. The investigator shall determine the appropriate time to issue the notification.

NOTE: The Department is cognizant of the potential for retaliation against complainants and witnesses throughout the investigatory process. Therefore, investigators shall exercise appropriate discretion as to the date and time of the issuance of the Notification of Inquiry, being particularly mindful of the potential for retaliation, or the accusation thereof, after the subject becomes aware of the initial complaint or allegation.

2. Ensure that all investigations conducted are thorough and impartial.

3. Contact the Director, IAD, or designee, immediately whenever investigative difficulties occur or when assistance is required in any phase of the investigation.
4. Assist federal, state, county, and municipal law enforcement agencies with investigations, wherein personnel may be implicated in illegal activities or other acts of misconduct, in consultation with the Director, IAD.
5. Notify the Director, IAD, immediately when it becomes apparent, by the facts gathered during an investigation, that the involved person may have committed a criminal offense.
6. When the evidence obtained during the investigation supports the possibility a crime may have occurred, obtain a written prosecutorial decision from the district attorney prior to the issuance of the Administrative Warning.
 - a. This decision should include whether the evidence supports criminal culpability on the part of the involved person; whether the elements of a criminal offense are established and, if so, identification of the offense(s) that the involved person is culpable; and whether they authorize the initiation of a criminal prosecution against involved person and, if so, for what charges.
 - b. The Director, IAD, shall be notified in the event the district attorney declines to render such a written prosecutorial decision, or fails to render same within 30 days of having received the investigative report for prosecutorial review.
7. Ensure that the subject of an administrative investigation is personally interviewed.

NOTE: Circumstances unique to the investigation may not require an interview of the subject personnel as determined by the Director, BIPS, or designee.

8. Ensure constitutional rights specified in *Miranda v. Arizona* and *Garrity v. New Jersey* are protected, and provisions granted by existing collective bargaining agreements are not violated.

- a. Members who are a subject of the IA investigation have the right to have a PSTA representative with them during questioning. Members shall be notified of this right and shall be afforded representation upon request. If the member is not a subject of the investigation and objectively believes their statements could result in administrative action being taken against them, PSTA representation shall be afforded upon request. When practical, reasonable notice of the time, date, and location of their administrative interview shall be provided in advance.

NOTE: Members shall assume responsibility for arranging for union representation. Absent exigent circumstances, members shall be provided reasonable time to arrange for representation. Members have no right to a specific representative, only to one that is the nearest and most readily available.

- b. Employees shall be afforded all rights with respect to their affiliated union membership as specified in their current collective bargaining or recognized union agreement, and any statutory rights.
 - c. The Administrative Warning in IA investigations shall be issued and read to the involved person to advise them of any applicable rights, and that the questioning concerns administrative matters relating to the official business of the Department.
 - d. Ensure compliance with FR 3-3, Discipline, Section 3.07A, as applicable.
9. Ensure personnel who are the subject of a criminal investigation are afforded constitutional protections guaranteed as a result of United States Supreme Court decisions in *Miranda v. Arizona* and *Garrity v. New Jersey*, as applicable.
 - a. The Rights Warning and Waiver to Pennsylvania State Police Personnel, Form SP 1-103 (Appendage E), shall be given to the subject(s) of any criminal investigation to delineate criminal investigative interviews from internal investigative interviews, and to advise the individual(s) of their

rights under "*Miranda*" consistent with prevailing case law.

- b. Ensure compliance with FR 3-3, Section 3.07B, as applicable.
10. Provide personnel who are required or requested to sign any forms during an IA investigation with a copy of any signed forms.
 11. Ensure personal contact, when practical, is made with complainants, witnesses, and involved personnel. A thorough investigation shall be conducted, and a reasonable effort shall be made to determine the identity of anonymous complainants.
 12. Strictly adhere to Department directives, contract/agreement provisions, Pennsylvania Rules of Criminal Procedure, and statutes while conducting an investigation.
 13. Complete all reports of the investigation and ensure they are received by the Director, IAD, or designee, within 30 days after assignment, unless an extension is granted by the Director, IAD, or designee. The granting of extensions shall be based solely on criteria related to the complexity of the investigation and available resources. Investigators, not assigned to the IAD, requiring an extension shall contact their Troop Commander or Bureau/Office Director.

NOTE: When an investigation has not been submitted within 90 days of assignment, the investigator shall provide status reports in writing every 30 days to the complainant until the investigation has been submitted; email correspondence is acceptable. Status report notifications shall be documented in the investigative report.

14. Ensure all Department personnel interviews conducted during an administrative investigation are recorded.
 - a. A subject, who is a PSTA member, may simultaneously record the interview being conducted. At the conclusion of the interview, the subject's recording shall be immediately placed in an envelope by the IAD investigator. The

envelope shall then be sealed, and the subject shall place their signature, date, and time upon the seal. The sealed envelope shall be further enveloped in a self-addressed, stamped envelope provided by the subject. The package shall be immediately mailed to the PSTA office where the enclosed envelope shall be retained in a sealed condition until notified by the IAD that the contents of the interview may be released to the subject(s).

NOTE: If the recording is made in digital format, the recording shall be copied to a CD, thumb drive, or other storage device; and then deleted from the digital recording equipment.

- b. Prior to beginning the recorded interview, the person being interviewed and those present for the interview shall be informed of the recording.
- c. During administrative investigations, personnel have no right to refuse the interview being recorded.
- d. Individuals not employed by the Department shall be asked to have their interview recorded; however, they have the right to refuse their interview being recorded. **Upon written request to the Director, IAD, the individual interviewed shall be provided with a copy of their recorded interview.**
- e. Interviews that have not been recorded (for reasons such as a non-Department individual interview or equipment malfunction) will be reduced to writing on the BIPS Interview Verification Form, Form SP 1-110 (refer to Appendage F), by the investigator. Investigators shall then show the written statement to the interviewee for their review and signature.

NOTE: Individuals of the public retain the right to refuse to sign a completed BIPS Interview Verification Form to authenticate their interview.

- f. Recorded interviews may be summarized for reporting purposes. The investigator must ensure the summary is accurate, and include the original

recording as an attachment to the applicable investigative report.

- g. **Department personnel** who have been recorded during an administrative investigation may obtain a copy of their recorded interview. Upon written request to the Director, IAD, the interviewee shall be provided with a copy of their recorded interview, in accordance with the **applicable** collective bargaining agreement provisions. **The interviewee** shall immediately provide Department Correspondence, Form SP 3-201, **to the Director, IAD**, verifying receipt of the recording.

NOTE: If an interviewee requesting a copy of a recorded interview has no such related provisions in their collective bargaining agreement, the pertinent provisions outlined in the current PSTA collective bargaining agreement shall be applied.

15. Ensure personal property of personnel is not subject to search and seizure for administrative investigations. Department property may be searched at any time, even if assigned to or used exclusively by a single individual. This search may be conducted by any authorized person pursuant to an investigation.
16. Not express assumptions, personal opinion, or conclusions in the investigative report. Additionally, the investigator shall not comment or offer opinions to the person interviewed about the potential outcome of the eventual adjudication and/or any disciplinary penalties.

D. Department Personnel:

1. At any time during the course of an administrative investigation, may be ordered by the appropriate authority and shall submit to any or all of the following:
 - a. Breath test.
 - b. Urine test.
 - c. Blood test.
 - d. Hair test.

- e. Polygraph test.
 - f. Lineup.
 - g. Medical/psychological/psychiatric examination.
 - h. Any other non-testimonial evidence or test, such as photographs and financial disclosure statements.
 - i. Questions related to alleged misconduct or performance of duty.
 - j. DNA testing.
2. Shall be advised that none of the results of tests or information received from procedures listed in this regulation can be used against them in a criminal prosecution.
 3. Shall be interviewed by the investigating officer.

NOTE: Circumstances unique to the investigation may not require an interview of the subject personnel as determined by the Director, BIPS, or designee.

4. Shall obtain the results of any of the test/examination procedures listed in this regulation upon written request to the Director, IAD. The results may be provided in the form of a copy or other written documentation.
5. Shall be afforded all rights contained in existing collective bargaining agreements.
6. Shall cooperate and answer all questions truthfully and completely.
7. Shall comply with a request from the investigating officer or other authority to submit Department Correspondence containing an account of their direct or indirect knowledge and/or direct or indirect involvement. The Department Correspondence shall include complete answers to any related questions of the investigator. Absent exigent circumstances, personnel shall be provided 48 hours to submit the correspondence to the investigator or higher authority. Any subsequent correspondence requests for additional information may be made by the investigator citing specific questions to be answered. All submitted

correspondence shall be included as attachments to the investigative report.

25.10 SUBMISSION OF INTERNAL AFFAIRS INVESTIGATIONS

- A. All applicable investigative reports, excluding attachments, shall be prepared in Microsoft Word format. The completed Word document file shall be copied onto a compact disc (CD-R), and included as the final attachment to the report. The original completed report, including attachments, shall be forwarded directly to the Director, IAD, by the assigned investigator.
- B. The Director, IAD, or designee, shall review the report(s) for investigative content and completeness, and either forward it for further processing or return it to the investigator for additional investigation. At the discretion of the Director, IAD, or at the request of the Office of Chief Counsel, a copy of the completed investigative reports shall be forwarded to the Office of Chief Counsel for evaluation.
- C. BIPS shall forward the investigative report to the appropriate adjudicating and reviewing officer for review and necessary administrative action.
- D. The IAD shall be the central location for the collection and maintenance of all IA investigation information. All IA reports are of a confidential nature and may be reviewed only upon authorization of the Commissioner or designee.
- E. IA investigations and Supervisory Resolution Forms shall be purged annually, two years from the date involved personnel separate from the Department, unless litigation or officially required circumstances warrant retention.

25.11 ADJUDICATION OF INTERNAL AFFAIRS INVESTIGATIONS

- A. Adjudicating Officer:
 - 1. Thoroughly review the entire IA investigation and render an adjudication of the subject's conduct as directed by this regulation and within the time limitations as governed by existing collective bargaining agreements. Adjudication dispositions are outlined in Section 25.12 of this regulation. Obtain concurrence of the reviewing officer regarding the adjudication finding(s) prior to proceeding

further, including notifying the subject(s) of the investigation. Adjudication of personnel who have separated from the Department is required.

NOTE: If additional investigation is warranted, the adjudicating officer shall contact the Director, IAD, to request the investigator conduct further investigation and prepare a supplemental report.

2. If the disposition of the investigation is sustained, initiate administrative action when warranted, in accordance with FR 3-3 or AR 4-9, Employee Discipline.
 - a. When administrative action is initiated on a member in accordance with FR 3-3, the adjudicating officer shall prepare a summary report outlining the basis for discipline. The summary report shall be submitted and approved by the reviewing officer prior to issuance. The summary report and a copy of the IA investigation, with attachments, shall be provided to the member. The member can then request a pre-disciplinary conference (PDC) with the adjudicating officer in accordance with the current collective bargaining agreement.
 - b. If the member elects to meet with the adjudicating officer, the PDC must be conducted in accordance with the current collective bargaining agreement. Adjudicators are encouraged to utilize a Commissioned Officer or a Sergeant to witness the PDC. The details of the PDC shall be reported on a Supplemental General Investigation Report and attached to the original investigative report. A copy of the Supplemental General Investigation Report shall be forwarded to the DDO via email, at ra-pspdepartdisciplineoff@pa.gov, within ten days of the PDC.
 - c. If the adjudicating officer determines it is appropriate to issue a DAR, the adjudicating officer shall submit the DAR to the reviewing officer for approval prior to issuance. The DAR shall clearly state the misconduct or performance issue(s) that is being sustained, with a statement that the allegation(s) is "SUSTAINED." The adjudicating officer shall block print or type their name on the

“Signature – Initiating Officer” line. Adjudicators shall endeavor to issue the DAR in accordance with the time limitations published in the current collective bargaining agreement. The original DAR shall be forwarded directly to the DDO. A copy of the DAR shall be issued to the subject, and a second copy of the DAR shall be emailed to the DDO, at ra-ppspdepartdisciplineoff@pa.gov.

- d. When administrative action is initiated for employees, the provisions of AR 4-9 shall be applicable.
3. Address other performance issues uncovered through the investigation, in separate Department Correspondence, by counseling, and/or training, which shall be made a part of the supervisory file.
 4. Initiate a BlueTeam entry when a separate and distinct allegation of misconduct is discovered during the adjudication review. Otherwise, the following steps should be taken when it is discovered that someone other than, or in addition to, the involved personnel have violated Department policies, regulations, or procedures, and there is likelihood that administrative action will be taken:
 - a. Advise the additional subject(s) of the complaint by issuing a Notification of Inquiry.
 - b. If appropriate, direct the subject(s) to submit Department Correspondence to the adjudicating officer addressing the issue(s) listed in the Notification of Inquiry.
 - c. If no further investigation is required concerning the additional subject(s), continue the adjudication process. If further investigation is required, notify the Director, IAD.
 - d. List the subject(s) in the Supplemental General Investigation Report(s).
 5. Prepare and submit Department Correspondence to the reviewing officer detailing, at a minimum, the following:

- a. A statement of a disposition as outlined in Section 25.12 of this regulation. If there is more than one element to the allegation and the dispositions differ, each element must be individually addressed. The report must clearly indicate the required concurrence between the adjudicating and reviewing officers.
- b. Justification for each disposition, along with any mitigating or aggravating circumstances that influenced the decision.
- c. A statement indicating the reviewing officer concurs with the initial determination(s), and that the reviewing officer has approved the summary report, if applicable.
- d. A statement indicating the member waived their right to a PDC, if applicable.
- e. A statement indicating the reviewing officer concurs with the final adjudication(s), and that the reviewing officer has approved the DAR, if applicable.
- f. A statement that notification regarding the results of the investigation was made to the complainant in writing.
- g. A statement identifying any suggested training determined to be appropriate as a result of the investigation.
- h. Notification to personnel who had previously been issued a Notification of Inquiry shall be made in writing, by either Department Correspondence or through the initiation of administrative action, as soon as practicable and within established time limits. The correspondence shall include a specific disposition using one of the defined terms contained in this regulation.
- i. Provide a copy of all related reports to include, at a minimum, a copy of the summary report and the DAR, if applicable.

6. Refer the investigation to the appropriate Criminal Investigation Unit or the IAD, depending on who conducted the IA investigation, when the facts of the investigation reveal that false information has been provided with the intent to implicate personnel in the commission of a crime, or the facts indicate other unlawful conduct on the part of the complainant.
 7. Upon completion of the adjudication process, forward the IA investigation and all attachments and reports, along with Department Correspondence, to the reviewing officer. The adjudicating officer shall also forward a copy of the signed DAR, the summary report, and the Department Correspondence to the reviewing officer and the DDO via email, at ra-pspdepartdisciplineoff@pa.gov.
 8. Ensure the availability of union representation, as required, in accordance with the applicable collective bargaining agreement(s).
- B. Reviewing Officer:
1. Thoroughly review the entire IA investigation and consult with the adjudicating officer for agreement on the adjudication.
 - a. If after consultation, the reviewing officer and adjudicating officer reach consensus as to the adjudication of the IA investigation, the reviewing officer shall prepare a detailed endorsement indicating his/her independent review of the investigative report and clearly identify the required concurrence with the adjudicating officer.
 - b. If after consultation, the reviewing officer and adjudicating officer cannot reach consensus as to the adjudication of an IA investigation, the appropriate Deputy Commissioner shall mediate the matter and return the matter for adjudication to the original adjudicator; reassign the adjudication to the Area Commander, Bureau/Office Director, or Division Director; or request that the Deputy Commissioner of Administration and Professional Responsibility reassign the adjudication.
 2. The entire investigative report and endorsement shall be forwarded to the Deputy Commissioner of Administration

and Professional Responsibility for review and concurrence. The Deputy Commissioner of Administration and Professional Responsibility shall forward all reports to the Director, BIPS, for further action or filing.

- C. Deputy Commissioner of Administration and Professional Responsibility:
 - 1. Review all IA investigation adjudications to ensure uniformity and accuracy and note his/her concurrence.
 - 2. If non-concurrence, retain overall authority to direct the IA investigation for re-adjudication by either the original adjudicator/reviewing officer, or by selecting a different adjudicator/reviewing officer.

25.12 DISPOSITIONS FOR INTERNAL AFFAIRS INVESTIGATIONS

- A. Bias-Based Profiling, Code of Conduct, Differential Treatment, Domestic Violence, Sexual Impropriety, Technology, and Unlawful Conduct:
 - 1. Sustained: Investigation indicates misconduct did occur.

NOTE: An adjudicated disposition of sustained shall result in the initiation of administrative action.
 - 2. Not sustained: Investigation failed to prove or disprove the allegation.

NOTE: If the disposition of the investigation is not sustained, the member may be counseled and/or receive training.
 - 3. Unfounded: Indicates that the incident did not or could not have occurred as alleged.

NOTE: If the disposition of the investigation is unfounded, the subject shall not be counseled.
 - 4. Policy void: Indicates that the action of the involved Department personnel was consistent with existing Department policy, but the complainant still suffered harm.

B. Intentional Weapon Discharge, Legal Intervention, Use of Force, or Vehicle Pursuit:

1. Justified: The actions taken were within the guidelines under the existing circumstances as established by the Department or by law.
2. Improper: The actions taken were not within the guidelines under the existing circumstances as established by the Department or by law.

NOTE: An adjudicated disposition of improper shall result in the initiation of administrative action, as well as applicable **supplemental** training, when appropriate, as provided through the Bureau of Training and Education.

C. Unintentional CEW Discharge:

1. Unintentional Discharge—Hazard Assessed: The CEW was unintentionally discharged in a manner that could reasonably be construed to have created a significant safety hazard to persons or property. Factors to consider include, but are not limited to, previous unintentional discharge(s); direction of the blast doors, prongs, or electrodes; proximity of other persons present, location, availability of hazard mitigation devices/spark test area; and other applicable Department regulations or training considerations.

NOTE: An adjudicated disposition of Unintentional Discharge—Hazard Assessed shall result in the initiation of administrative action.

2. Unintentional Discharge—Special Circumstances Assessed: The CEW was unintentionally discharged while established and accepted safety practices were observed, and special or unusual circumstances existed at the time (e.g., wrestling with a suspect for control of the CEW). The adjudicator must articulate the special or unusual circumstances.
3. Unintentional Discharge—Equipment Malfunction: The CEW was unintentionally discharged as a result of an equipment malfunction.

NOTE: An equipment malfunction, when claimed or suspected, requires examination of the CEW and any

related equipment by the Troop CEW Maintenance Officer, CEW Armorer, CEW Master Instructor, or any other applicable entity. Verification is required in the adjudication.

4. All unintentional CEW discharge incidents, other than those caused by equipment malfunctions, will result in the member receiving **supplemental** training in addition to any other action taken.

D. Unintentional Weapon Discharge:

1. Unintentional Discharge—Hazard Assessed: The weapon was unintentionally discharged in a manner that could reasonably be construed to have created a significant safety hazard to persons or property; regardless of actual injury or damage. In a majority of such instances, violation of one of the four cardinal rules of firearms safety, as specified in the Bureau of Training and Education [Firearms Safety Training](#) video, will be evident. These rules are:

- a. Treat every weapon as if it were loaded.
- b. Always keep the muzzle pointed in the safest direction.
- c. Keep your finger off the trigger and outside the trigger guard, until on target and ready to shoot.
- d. Know your target and what is beyond.

Additional factors to be considered include, but are not limited to, previous unintentional discharge(s), proximity of other persons present, location, availability of hazard mitigation devices, and other applicable Department regulation or training considerations.

NOTE: An adjudicated disposition of Unintentional Discharge—Hazard Assessed shall result in the initiation of administrative action.

2. Unintentional Discharge—Special Circumstances Assessed: The weapon was unintentionally discharged while established and accepted safety practices were observed, and special or unusual circumstances existed at the time (e.g., wrestling with a suspect for control of the

weapon). The adjudicator must articulate the special or unusual circumstances.

3. Unintentional Discharge—Equipment Malfunction: The weapon was unintentionally discharged as a result of an equipment malfunction.

NOTE: When an equipment malfunction is claimed or suspected, the involved weapon shall be examined by all appropriate Department entities including, but not limited to, BIPS, IAD and the Risk Management Section; the Bureau of Research and Development; the Bureau of Forensic Services; and/or the Department gunsmith or appropriate armorer. Verification of a malfunction, based upon the applicable examinations, is required in the adjudication.

4. All unintentional weapon discharge incidents, other than those caused by equipment malfunctions, will result in the member/enforcement officer receiving **supplemental** training, in accordance with FR 9-2, Weapons Qualification and Proficiency Training.

25.13 SUPERVISORY RESOLUTION ASSIGNMENTS

A. Assigned Supervisor:

1. Receive the assignment from the Intake Section, IAD, via email. A blank Supervisory Resolution Form, directions on how to complete the form, and an assigned due date of 14 days will be an attachment to the email (refer to Appendage B).
2. Contact the complainant first, to clarify the allegations and ensure no additional information exists regarding the incident that would require an IA investigation. If additional information exists, the assigned supervisor shall consult with his/her Troop Commander or Bureau/Office Director for direction, prior to proceeding.

NOTE: If the complainant refuses to cooperate with the supervisor, states they no longer wish to proceed with their complaint, and/or fails to return telephone calls, it shall be documented on the Supervisory Resolution Form.

3. Discuss the incident with the involved member regarding the alleged conduct, regardless of the complainant's cooperation, unless the incident warrants an IA investigation. Since the involved member is not considered a subject of an IA investigation, no Administrative Warning, Notification of Inquiry, or PSTA representation shall be provided.

NOTE: If an involved member requests to be provided with the Administrative Warning, Notification of Inquiry, or PSTA representation, the assigned supervisor shall inform the member they are not a subject of an IA investigation, and the complaint is being addressed as a supervisory issue. Therefore, they would not be entitled to the documents/representation.

4. Supervisory Resolutions shall be resolved using one of the below determinations:
 - a. No issue: Evidence failed to substantiate an issue.
 - b. Performance issue: Evidence determined supervisory action was warranted and appropriate supervisory action(s) taken.
 - c. IA investigation warranted: Contact with complainant uncovered allegations of misconduct that would rise to formal discipline.

5. Document the supervisory session on a Supervisor's Notation, Form SP 3-352, if appropriate.

NOTE: The IAD does not review or receive a copy of the Supervisor's Notation.

6. At the completion of the Supervisory Resolution, ensure the complainant is re-contacted, if applicable, and provided the outcome of the review.

NOTE: It is not necessary to provide specifics, but rather whether or not supervisory action was necessary, based on the disposition of the Supervisory Resolution.

7. Send the completed Supervisory Resolution Form, via an email attachment, through channels, to his/her Troop Commander or Bureau/Office Director.

8. If at any time during a Supervisory Resolution it appears an IA investigation is warranted, the Supervisory Resolution process shall cease, the involved member shall not be interviewed, and a Supervisor's Notation shall not be issued. The appropriate Troop Commander or Bureau/Office Director shall be notified immediately.
- B. Troop Commander or Bureau/Office Director:
1. Review the Supervisory Resolution Form for concurrence that the issue was properly resolved.
 2. Note concurrence via email, and forward the Supervisory Resolution Form to the Director, IAD.
 3. Notify the Director, IAD, when it appears that a Supervisory Resolution requires an IA investigation.