

Pennsylvania State Police Testimony
Senate Bill 400
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Presented by:
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Good morning Chairmen and members of the Senate Judiciary Committee. I am Major Wendell Morris of the Pennsylvania State Police (PSP). I currently serve as the Director of the Bureau of Integrity and Professional Standards (BIPS). Thank you for the opportunity to appear before you today to discuss with you the process by which the PSP responds to and investigates officer involved shootings. I am pleased to be sitting alongside Major Scott Miller; Major Miller currently serves as the Director of the Bureau of Liquor Control Enforcement, for the Pennsylvania State Police. I would like to thank you for providing us the opportunity to talk about this important issue.

The public has the right to expect efficient, fair, and impartial law enforcement. Misconduct by personnel must be detected, thoroughly investigated, and properly adjudicated. The integrity of the PSP 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.

The Bureau of Integrity and Professional Standards is tasked with processing 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 Division (IAD) investigations, members of BIPS are vested with the line authority of the Commissioner.

PSP regulations establish a prompt, fair, thorough, factual, and impartial means to investigate complaints, allegations, and use-of-force incidents involving personnel. The PSP Officer-Involved Shootings/Serious Police Incidents regulation is used to establish a uniform policy and procedure concerning officer-involved shootings/serious police incidents involving members/enforcement officers and to protect the

member's/enforcement officer's well-being, while preserving the interests of the public and the integrity of the investigation.

Officer-Involved shootings/Serious Police Incidents may involve several separate investigations. The investigations may include:

- A criminal investigation of the incident.
- A criminal investigation of the involved member/ enforcement officer.
- A crash investigation.
- A coroner's inquest.
- An administrative investigation.

Incident management, when appropriate is guided by the tenants of the National Incident Management System and Major Case Team Plan approach.

Major Miller will discuss the Major Case Team plan and criminal investigation that is part of an Officer-Involved Shooting investigation. I would like discuss briefly what happens during the separate administrative investigation conducted by the Internal Affairs Division.

An IAD investigation occurs for every Officer-involved shootings/Serious Police 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. The IAD investigation is conducted independently and separate from any criminal investigation. As part of the IAD investigation, IAD investigators conduct in-depth, independent interviews and review all evidence associated with the investigation. Once the IAD investigation is completed it is reviewed internally within BIPS. The completed IAD investigation is then sent to an Adjudicating

Officer. The Adjudication Officer thoroughly reviews the entire IAD investigation and renders an adjudication of the subject's conduct as directed by PSP regulations and within the time limitations as governed by existing collective bargaining agreements. If additional investigation is warranted, the adjudicating officer will contact the Director, IAD, to request the investigator conduct further investigation and prepare a supplemental report.

Upon completion of the adjudication process, the Adjudication Officer will forward the IAD investigation, and all attachments and reports to the Reviewing Officer. The Reviewing Officer will thoroughly review the entire IAD investigation and consult with the adjudicating officer for agreement on the adjudication.

If the disposition of the investigation is sustained, by the Adjudication Officer, the Adjudication Officer will initiate administrative action to include the issuance of a Disciplinary Action Report (DAR). The DAR will be forwarded to the PSP Department Discipline Office for the determination and issuance of discipline.

The entire investigative report and endorsement will then be forwarded to the Deputy Commissioner of Administration and Professional Responsibility for review and concurrence. The Deputy Commissioner of Administration and Professional Responsibility reviews all IAD investigation adjudications to ensure uniformity and accuracy, and will note his/her concurrence.

The IAD investigation and subsequent adjudication is separate and independent from the criminal investigation into an Officer-involved shooting/Serious Police Incident.

I would like to present the following statistics for the PSP for the last 5 years:

	2012	2013	2014	2015	2016
Shooting deaths by PSP Members – Please note all shooting deaths were ruled justified.	2	2	3	10	6
Firearm discharge investigations	7	14	14	23	18
Members whom received discipline for an inappropriate use of force.	3	1	2	1	1
Members whom received discipline for an inappropriate Officer involved shooting, no injury to any party.	0	1	0	1	1

In order for any law enforcement agency to be successful in meeting its responsibilities, it is vitally important to first obtain the respect and confidence of the people. An independent and transparent IAD investigation process helps build and maintain the respect and trust of the citizens we proudly serve each and every day.

I would now like to provide an opportunity to my colleague, Major Scott Miller to discuss the criminal investigation and Major Case Team plan that is implemented when an Officer-involved shooting/Serious Police Incident occurs.

Once again, I would like to thank the committee for inviting the PSP here to speak on this matter. After Major Miller's remarks, we will gladly take any questions you may have.

Good Morning, Mr. Chairman and members of the Committee. Thank you for the opportunity to speak with you today on this very important matter. As Major Morris indicated, my name is Major Scott T. Miller, and I currently serve as the Director of the Bureau of Liquor Control Enforcement. I have been asked to appear before you today as a result of my experience in some of my previous assignments, with the Pennsylvania State Police.

Prior to my current assignment, I was the Director of the Internal Affairs Division, overseeing investigations of complaints of misconduct and use of force involving any PSP personnel. Additionally, I have served as the Criminal Investigation Section Commander of Troop H, Harrisburg, overseeing the criminal investigations of seven stations, in six counties in South Central Pennsylvania (York, Adams, Franklin, Cumberland, Dauphin, and Perry); as well as having served as a Criminal Investigator for eight years. During my experience with the Pennsylvania State Police, I have been involved in or overseen the investigation of over 90 Serious Police Incidents, such as Officer-Involved Shootings, Pursuits Resulting in Death or Serious Bodily Injury, In-Custody Death of Prisoners, and 550 Use of Force Incidents.

During my previously mentioned time as a Criminal Investigator, I was a member of the Troop H, Major Case Team, and later, as the Criminal Investigation Section Commander, I oversaw the operation of this team. It is this area that I will focus my testimony before you today.

Each of the 15 Troops within the Pennsylvania State Police have designated Major Case Teams. The operation of these teams are directed by the Criminal Investigation Section Commander, who is supervised by the Troop and Area Commander. The 16th Troop is Troop T, Highspire, which is responsible for policing the Pennsylvania Turnpike. Major Criminal Incidents occurring on the Pennsylvania Turnpike System are investigated by the respective Troop, responsible for the geographic area, surrounding that area of the Turnpike.

Troop Major Case Teams consist of experienced criminal investigative and specialty unit personnel to include forensic services, collision accident and reconstruction, criminal investigative assessment, vice/narcotic, polygraph, and criminal investigation supervisors. The team is drawn from personnel resources throughout the Troop. In addition to reducing the manpower drain at any one station, and providing for the selection of key personnel; in Officer-Involved Shootings and Serious Police Incidents, it avoids conflict of interest, while ensuring sufficient manpower to address the simultaneous performance of multiple investigative tasks.

As a hypothetical example of a Major Case Team Activation, if an Officer-Involved Shooting/Serious Police Incident were to occur in the Troop H, Carlisle coverage area, the Troop H, Major Case Team would be contacted and respond to the designated staging area or command post.

In this example the Major Case Team may consist of:

- a Crime Section Supervisor (Sergeant) from Harrisburg Station
- a Crime Unit Supervisor (Corporal) from Chambersburg Station
- 2 investigators from York Station

- 1 from Newport Station
- 1 from Gettysburg Station
- 1 from Lykens Station
- 1 from Harrisburg Station
- 2 from Chambersburg Station
- 2 polygraphers, 1 from Harrisburg and 1 from Chambersburg
- 1 Vice Unit Member from Gettysburg
- 2 Forensic Services members, 1 from Harrisburg and 1 from Gettysburg
- 1 Collision Accident and Reconstructionist from Newport Station

All of which are supervised by the Crime Section Commander (Lieutenant), who reports to the Troop Commander (Captain).

When an Officer-Involved Shooting incident occurs, the respective PSP Troop Commander immediately notifies the appropriate District Attorney (DA), and in most instances the District Attorney and/or a member of their prosecution team also responds to the scene. If the incident results in the death of any person (officer or civilian personnel), the coroner or medical examiner also responds to the scene.

During the course of the investigation, the DA's office is regularly consulted for input and guidance, as necessary. Once the investigation is complete, it is then forwarded to the DA or the Office of Attorney General for a prosecutorial determination. Major Case Criminal Investigations, such as Officer-Involved Shootings and Serious Police Incidents, are complex criminal investigations; and while these investigations must be thoroughly carried out in a methodical manner, there are areas that need to be addressed expeditiously, such as ensuring the safety of citizens surrounding the scene or scenes of

the incident, ensuring the security of responding Emergency Services and additional Law Enforcement personnel, and ensuring any suspects who remain at large are identified and quickly apprehended to prevent additional injury or danger to citizens.

Some examples of the activities Law Enforcement is involved in during the early stages of Criminal Investigation of these incidents are:

- Establishing a perimeter and securing the crime scene(s).
- Determining if any suspects remain at large.
- Interviewing and documentation of the actions of first responding officers.
- Controlling of scene access, documenting any persons entering or leaving.
- Securing of firearms or weapons which were used, or may have been used, in the incident.
- Identifying witnesses and documentation of witness statements.
- Securing any photographic or video documentation.
- Securing Radio, Telephonic, and Electronic Communications involving the incident.
- Directing and managing of the investigation by supervisory and command personnel to include establishment and operation of a Command Post, if required.
- Assigning an evidence collection and documentation officer.
- Making assignments for completion of specific reporting.
- Providing ongoing investigative briefings and updates to the investigative team.
- Providing informative Media Briefings as soon as possible, without jeopardizing ongoing investigative efforts.

- Involving Clergy, Heritage Affairs Officers, and Community Leaders to address concerns, or dispel rumors.

In closing, while every Officer-Involved Shooting or Serious Police Incident presents its own unique set of circumstances, I submit the Pennsylvania State Police, Major Case Teams, are highly trained, experienced, and geographically diversified to provide a comprehensive investigative process while maintaining the public trust and confidence.

The thorough investigation, collection of facts, interviews, and evidence are then provided to the elected prosecutor, for their independent decision of the legality of the force utilized during the incident.

Again, thank you for this opportunity to appear before you, and we will be glad to answer any questions.