

PENNSYLVANIA STATE POLICE TESTIMONY  
ACCOUNTABILITY AND EQUALITY IN LAW ENFORCEMENT  
SENATE JUDICIARY AND LAW & JUSTICE COMMITTEES  
JUNE 18, 2020



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Good morning, Chairpersons Baker, Brewster, Stefano and Farnese and members of the Senate Judiciary and Law and Justice Committees. I am Lieutenant Colonel Christopher Paris, Deputy Commissioner of Administration and Professional Responsibility of the Pennsylvania State Police (PSP). With me is Major Joseph Ruggery, Director of the Bureau of Integrity and Professional Standards (BIPS) and Lieutenant William Slaton, Commander of the Heritage Affairs Section (HAS) of the Equality and Inclusion Office. On behalf of the State Police, I would like to thank you for inviting us to participate in a discussion regarding the accountability and equality in law enforcement and the criminal justice system. This written testimony will detail our internal affairs process as it relates to serious police incidents as well as provide an overview of the HAS.

### **INTERNAL AFFAIRS**

The public has the right to expect fair and impartial law enforcement. Misconduct by our personnel must be identified, thoroughly investigated, and properly adjudicated. The overall integrity of the PSP depends upon the personal honor and integrity of our individual members. Public support and confidence can only be earned through a fair and unbiased process, by which we investigate and adjudicate allegations of misconduct and police use-of-force.

BIPS is tasked with processing all complaints or allegations of misconduct by PSP personnel. In addition, we self-initiate investigations into use-of-force incidents that meet certain criteria, regardless of whether a complaint is filed. When conducting such investigations, members of BIPS are vested with the line authority of the Commissioner. The Bureau also makes recommendations to the Commissioner regarding the policies

and procedures for the initiation and conduct of these internal administrative investigations.

Current PSP regulations establish a prompt, factual, and impartial means to thoroughly investigate complaints, allegations, and use-of-force incidents involving personnel. This testimony this morning will focus specifically on the most critical of those, our Officer–Involved Shootings/Serious Police Incidents regulation. This regulation details a uniform policy and procedure concerning officer-involved shootings and other serious police incidents, which are defined as incidents in which death or serious bodily injury occurs as a result of the use-of-force or any other action by a member in the performance of their duties. Such incidents also include, but are not limited to:

- Police pursuits resulting in death or serious bodily injury to any person
- The death of a prisoner while in our custody, control, or oversight

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

- A criminal investigation of the incident and the involved member
- A crash investigation
- A coroner’s inquest
- An administrative investigation

Should a criminal investigation be warranted, the PSP utilizes the Major Case Team concept. Each of the 15 county Troops within the PSP have designated Major Case Teams. These teams are comprised of experienced criminal investigative and specialty unit personnel to include forensic services, collision analysis and reconstruction, criminal investigative assessment, vice/narcotics, polygraph, and criminal investigators

and supervisors. The Major Case Team is led by the Troop Criminal Investigation Section Commander, under the direct supervision of the affected Area and Troop Commanders. In each activation of the team, one lead investigator is assigned. Our standard protocol is to assign a Criminal Investigation Unit supervisor from a station other than that of the involved member(s) as the lead investigator, to avoid any potential conflict of interest.

On each such Major Case Team activation, the affected county District Attorney's Office is immediately notified. In most instances, the District Attorney (DA) personally responds to the scene or sends an Assistant DA in his or her stead. Should that DA's Office employ their own investigators, as many now do, those investigators may be imbedded within our Major Case Team structure. As such, the DA's Office representatives have the opportunity to review evidence, view any video recordings of the incident, sit in on interviews, and otherwise work the investigation cooperatively alongside our members.

This is of critical importance to the integrity and transparency of the criminal investigation, as the DA ultimately bears the responsibility of rendering a determination on the member's justification to use force. If the DA were to determine that the application of force was not in keeping with Section 508 of the Pennsylvania Crimes Code, he or she has the legal authority to direct that criminal charges be filed on the Trooper. In such instances, our Major Case Team lead investigator would author and serve as the affiant to those charges, under the DA's supervision.

Should a DA have a conflict of interest due, for example, to a pre-existing relationship with the subject member, they have the option of recusing themselves and

deferring to the Pennsylvania Office of the Attorney General (AG) for a prosecutorial determination. In some counties, a coroner's inquest may also be held. The county coroner has the ability to provide additional input and evidentiary findings, independent of the criminal investigation, that the DA or AG may consider in making his or her determination.

Irrespective of the outcome of any criminal investigation, the PSP Internal Affairs Division (IAD) automatically conducts a full administrative investigation into every incident where a member uses any type of physical force resulting in death, serious bodily injury, or bodily injury to any involved individual, other than the member. This administrative investigation is conducted independently and separately from any criminal investigation.

As part of the IAD investigation, investigators review all evidence and conduct in-depth, independent interviews. Unlike the criminal investigation, members do not have the right to invoke Miranda rights and remain silent during interviews pursuant to an administrative investigation; they are compelled to answer questions truthfully and completely as a condition of their employment. Once the IAD investigation is completed, it is subject to a stringent internal review within the BIPS chain-of-command. After being approved, the completed IAD investigation is then forwarded to the subject member's Commanding Officer, who is responsible for the adjudication of the investigation.

As the adjudicator, the Commanding Officer will thoroughly review the entire IAD investigation and render a determination 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 has the ability

to request that the IAD investigator conduct any additional investigative actions deemed necessary and author a supplemental report documenting same.

Upon completion of his or her adjudication, the adjudicating officer will forward the IAD investigation and all attachments to the reviewing officer, who is generally the adjudicator's direct supervisor. The reviewing officer will then conduct a thorough, independent review of the entire IAD investigation and consult with the adjudicating officer for agreement on the adjudication. If the adjudication finding sustains a violation of the laws of the Commonwealth of Pennsylvania and/or a violation of PSP regulations, the adjudicator will initiate administrative action through the issuance of a Disciplinary Action Report (DAR). The DAR will then be forwarded to the PSP Department Discipline Office (DDO) for the determination and issuance of discipline, up to and including dismissal.

At the outset of this entire process, the involved member(s) are immediately assigned to administrative duty, pending an evaluation of the circumstances. They are also subject to mandatory referral to our Members Assistance Program, and they will not be returned to full duty until they have attended a Critical Incident Stress Defusing and Debriefing, to determine their emotional and psychological fitness for duty. Likewise, they must successfully complete our Tactical Assurance Program before returning to the field.

In addition to the role that the IAD of BIPS plays in oversight of our members, the Risk Management Section of the Bureau administers the Department's Early Intervention Program (EIP). The EIP was implemented by the PSP in 2003, as a means of identifying members that may be experiencing stress or exhibiting a pattern of conduct which may be of concern. The program is designed to function as something of an "early warning

system”, with the goal of correcting problematic behavior before there is a larger issue and the disciplinary system needs to be engaged.

Our Risk Management Officer monitors the Department database of complaints, allegations of misconduct, and use-of-force entries, to identify any members that show an abnormally high number of entries, civil lawsuits, excessive leave usage, or other potentially problematic behaviors. If necessary, the Risk Management Officer can nominate a member for inclusion into the EIP. Likewise, any PSP supervisor can complete a supervisory nomination for any member that they believe is at risk.

Once a member is entered into the EIP, a plan of action is formulated which may include:

- Additional training, such as stress management, anger management, or cultural diversity training
- Increased monitoring and supervisory scrutiny
- Evaluation by the PSP Medical Officer and/or PSP Psychologist
- Referral for independent medical and/or psychological evaluations
- And finally, referral to the Members Assistance Program

### **HERITAGE AFFAIRS SECTION**

The Pennsylvania State Police HAS is a segment of the Department dedicated to preventing, monitoring, responding to, and investigating occurrences of hate crimes in Pennsylvania and providing our municipal law enforcement partners with assistance in these investigations, administering training in a number of diversity-related topics, and

which commands over PSP's Tension Response Teams to assist PSP and upon request, municipal police agencies, with hate or bias incidents, or incidents of civil tension.

HAS has provided over a dozen PSP Cadet Classes instruction that include Cultural Diversity Awareness, Implicit Bias Awareness, and Racial Profiling Awareness. Additionally, HAS has trained over 400 hundred municipal police officers from various agencies and over 100 civilian employees in topics that include Cultural Competency, Hate Crime Recognition, and The History of Policing in America. Furthermore, recent incidents regarding concerns over police use of deadly force have resulted in a number of requests from local law enforcement agency heads to provide their officers with training in diversity-related matters. It should be noted all the aforementioned training programs have been provided at no cost to the requesting agency.

The HAS commands over PSP's Tension Response Teams (TRT). The purpose of TRT is to assist PSP Commanders with hate or bias incidents or incidents of civil tension, and to augment the role a Troop Community Services Officer plays in engaging with community organizations, religious leaders, and educators within their assigned Troop. Over the last approximately two years, the Department's TRT has been activated in over twenty separate occasions, to include the 2018 Tree of Life Synagogue attack and Antwon Rose Jr. officer-involved shooting, the 2019 officer-involved shooting of Osazie Osagie in State College, and most recently, to provide guidance to a number of law enforcement agencies on how to effectively respond to the dozens of protests which occurred throughout the Commonwealth after the death of George Floyd in Minneapolis. This guidance stresses active listening, inconspicuous staging and deployment, and other



less confrontational tactics which may not traditionally be carried out during contentious encounters between police and protestors.

Finally, to further exemplify the Department's commitment to issues impacting diverse communities, Colonel Evanchick has recently ordered the expansion of HAS. In its twenty-two-year history within PSP, HAS has only been staffed by one enlisted member, the Section Commander, whose efforts were supplemented by over three-dozen Troop Community Services Officers throughout the Commonwealth. However, Colonel Evanchick understands that while the incidents of civil unrest affect all Pennsylvanians, there is an especially deep hurt being felt by minority and underserved communities and as such, added four Heritage Affairs Liaison Officers who will be assigned at separate locations across the Commonwealth. These new Liaison Officers encompass a variety of racial and ethnic backgrounds to ensure they are reflective of the diverse communities within this Commonwealth.

In conclusion, we would like to thank the committee for giving us the opportunity to testify on these topics. We fully understand that, for any law enforcement agency to be successful in meeting its responsibilities to the people, it is vitally important to first obtain their confidence and trust. Through the implementation of fair, unbiased, and independent IAD and Risk Management processes and taking a proactive approach to addressing equality issues impacting our communities, we strive to maintain the honor and integrity with which the PSP has proudly served the citizens of the Commonwealth of Pennsylvania since 1905.