

FINAL REPORT OF THE COMMISSION

Name of Review Committee	BIAS-BASED POLICING REVIEW COMMITTEE
Chairperson(s) of Review Committee	MARVIN BOYER
Members of Review Committee	DENISE ASHE, KEIR BRADFORD-GREY, ESQ., Dr. A. SURESH CANAGARAJAH, Ph.D, and BRENDA TATE
Non-Member Advisors	Commission Chairperson SHA BROWN, OSIG Senior Special Investigator TIFFANY WELCOME, and Vice-Chairperson ELIZABETH C. PITTINGER
Ex-officio Member	ANGELA FITTERER*
Date Review Started	08/09/2021
Report Number	21-0009-P
Date of Report	08/05/2022

* NOTE: Appointment of an Ex-officio (or non-voting) Member to all Review Committees is required by Article 8 (Review Process), Section 8.2 (Commission Sub-committees and Review Committees) of the Commission's Bylaws; however, the Ex-officio Member does not vote on any of the content contained in this report.

TYPE OF COMMITTEE REVIEW

Name of Covered Agency	PENNSYLVANIA STATE POLICE
Nature of Completed Internal Investigative Findings Under Review (i.e., Police-Involved Shooting, Lower-Level Use of Force, Bias-based Policing)	BIAS-BASED POLICING

BACKGROUND

Incident Date	October 25, 2018
Troop Jurisdiction of Incident	Troop J (covering York, Lancaster, Chester)
Criminal Disposition	Not Applicable
Agency Administrative Disposition	Unfounded – Commanding Officer Troop J (February 14, 2019)

SCOPE AND METHODOLOGY OF REVIEW

Under Executive Order 2020-04, as amended, the Pennsylvania State Law Enforcement Citizen Advisory Commission (Commission) reviews a Covered Agency's completed internal investigations concerning allegations of racial or ethnic discrimination and other bias-based policing or external complaints of bias-based policing during interactions with law enforcement personnel to determine the following:

1. Whether the completed internal investigation was:
 - prompt;
 - fair;
 - impartial;
 - complete; and
 - performed in a manner consistent with applicable policies.
2. Whether the internal adjudicatory findings and discipline (if any) were reasonable under standard law enforcement protocol; and
3. Whether there is a perceived policy or training deficiency.

Under the methodology contemplated by Executive Order 2020-04, as amended, a Covered Agency is required to provide a Comprehensive Written Summary and a present an Oral Presentation of its completed internal investigation that shall include a description and relevant dates of all investigative activities along with a summary of all facts as determined by the investigation, and criminal and administrative adjudications.

In performing its review of the matter currently under consideration, the Commission's Bias-Based Policing Review Committee (Review Committee) used the following methodology:

1. Reviewed how the Covered Agency's completed internal investigation was conducted when compared to internal policy and relevant collective bargaining agreements to determine whether the investigation was conducted in a prompt and fair manner.
2. Reviewed internal relevant policies designed to safeguard fairness and impartiality to ensure that the Covered Agency's completed internal investigation was conducted in accordance with said policies and determine whether any conflict of interest exists based on all known information.
3. Reviewed the Covered Agency's completed internal investigation to ensure investigators collected all relevant facts reasonably obtainable and conducted all relevant interviews.
4. Reviewed the Covered Agency's adjudication report to ensure all relevant facts were considered, including all known actions by the law enforcement officer(s), to determine whether the adjudicator's decision was reasonable and based on a totality of the circumstances.
5. Compared the discipline issued (if any) with past disciplinary precedent to confirm that the discipline (if any) was reasonable and consistent with the Covered Agency's just cause standard, rules and regulations, collective bargaining agreements, and/or grievance and arbitration decisions.
6. Compared facts and circumstances described in the Covered Agency's completed internal investigation with relevant internal policies and training along with best practice guidelines (i.e., Final Report of "*The President's Task Force on 21st Century Policing*") to determine if any policy or training deficiencies exist. Where deficiencies are identified, make recommendations for corrective action(s).

RELEVANT POLICIES AND CRITERIA EXAMINED

1. Collective Bargaining Agreement between the Commonwealth of Pennsylvania and the Pennsylvania State Troopers Association (effective dates July 1, 2017 through June 30, 2020);
2. United States Department of Justice's (US DOJ) Standards for Internal Affairs (2005);
3. PSP Policy No. FR 1-1 (General Requirements);
4. PSP Policy No. FR 1-2 (Duty Requirements);
5. PSP Policy No. AR 4-6 (Rules of Conduct for Employees);
6. PSP Policy No. AR 4-25 (Internal Investigations);
7. PSP Policy No. AR 4-26 (Discrimination, Discriminatory Harassment, Sexual Impropriety, and Retaliation);
8. PSP Policy No. AR 4-37 (Bias-Based Profiling Review);
9. PSP Policy No. FR 6-7 (Uniform Traffic Law Enforcement); and
10. PSP Policy No. FR 6-8 (Traffic Law Violation Stops).

COMMISSION'S FINAL DETERMINATIONS, FINDINGS, AND CONCLUSIONS

Pursuant to Executive Order 2020-04, as amended, and based on the Review Committee's comprehensive review of the Pennsylvania State Police's (PSP) completed internal investigation concerning **Internal Case No. 21-0008-P** in accordance with Article 8 (Review Process) of the Commission's Bylaws, the Commission adopts such findings and conclusions and determines the following:

The Commission finds that PSP's completed internal investigation was prompt, fair, complete, and the internal adjudicatory findings were reasonable under standard law enforcement protocol. The Commission corroborated these determinations by examining PSP's investigative and adjudication reports, relevant interviews, and information provided by PSP during its Oral Presentation.

Regarding impartiality, the Commission expresses concern that it is unable to determine if any conflict of interest exists among the parties involved in the investigation with the limited information provided by PSP. Specifically, the Commission does not have access to the names of any party because this information is protected as Personally Identifiable Information (PII) under Executive Order 2020-04, as amended. Without the names of the parties involved or some type of unique identifier assigned by PSP, the Commission is not able to perform any independent research using open sources to determine whether there was any conflict of interest among these parties. Notwithstanding this limitation, the Commission makes a determination that PSP's completed internal investigation was impartial based on the limited information legally available to it.

Regarding promptness, fairness, impartiality, completeness, and reasonableness, the Commission also finds that PSP's completed internal investigation was consistent with PSP internal policy and the relevant collective bargaining agreement and guidelines established by the US DOJ's published standards concerning internal affairs investigations.

Additionally, PSP provided the Commission with documentation to form a sufficient understanding of the underlying facts concerning the incident under review and to identify potential policy or training deficiencies as required by Executive Order 2020-04, as amended. Based on its review, the Commission finds that PSP's completed internal investigation was performed in a manner consistent with applicable law enforcement protocol and no policy and/or training deficiencies were identified.

BASED ON ITS REVIEW, THE COMMISSION FINDS THAT THE COVERED AGENCY'S COMPLETED INTERNAL AGENCY INVESTIGATION WAS –

✓ **Prompt**

- ✓ **Fair**
- ✓ **Impartial**
- ✓ **Complete**
- ✓ **Performed in Manner Consistent with Applicable Policies**
- ✓ **Included Adjudicatory Findings and Discipline (if any) that were Reasonable and Based on Applicable Standards.**

ADDITIONAL FACTORS / NOTES

Not Applicable

THE COMMISSION'S FINAL RECOMMENDATION(S) FOR CORRECTIVE ACTION(S)

The Pennsylvania State Law Enforcement Citizen Advisory Commission does not offer any new recommendations for consideration by the Pennsylvania State Police. Pursuant to Executive Order 2020-04, as amended, the Pennsylvania State Police is not required to respond to this Final Report.

ORIGINALLY ADOPTED AND PRESENTED BY RESOLUTION OF THE BIAS-BASED POLICING REVIEW COMMITTEE (Dated July 26, 2022)

AS ORIGINALLY ADOPTED AND RATIFIED BY RESOLUTION NO. 1 OF THE PENNSYLVANIA STATE LAW ENFORCEMENT CITIZEN ADVISORY COMMISSION (Dated August 5, 2022)

SIGNATURE OF THE CHAIRPERSON OF THE PENNSYLVANIA STATE LAW ENFORCEMENT CITIZEN ADVISORY COMMISSION:



Sha S. Brown

(Electronic Signature Authorized)

SIGNATURE OF THE SECRETARY OF THE PENNSYLVANIA STATE LAW ENFORCEMENT CITIZEN ADVISORY COMMISSION:



Jaimie L. Hicks

(Electronic Signature Authorized)