IACP
International Association of
Chiefs of Police

Assessment of the State College Police Department Policy and Operating Procedures

Prepared for the Borough of State College
July 2020

Acknowledgments

The International Association of Chiefs of Police (IACP) would like to thank the State College Police Department (SCPD) leaders, officers, and borough officials and community members who cooperated with this study and provided us insights into the operation of the police department. The IACP team found that SCPD has, within its ranks, many leaders and dedicated public servants who strive each day to lawfully perform their work with a respect for all members of the State College community. The importance of this often-selfless work cannot be overstated, and it did not go unnoticed by the assessment team.

The IACP also appreciates the members of the State College community and Pennsylvania State University community who met with the IACP team to share their experiences. It was clear to the IACP team that State College is a special, unique place, and the team appreciates that so many, community and police alike, seek to be more collaborative, inclusive, and united with one another.

Contents

Table of Tables

Table of Figures

Executive Summary

The purpose of this assessment was to explore a number of key areas of operations to provide a better understanding of how the State College Police Department (SCPD) performs in terms of responsiveness to the community; how they manage diversity, equity, and inclusion both internally and externally to the police department; and examine key policy areas to make recommendations to ensure that policies and operating procedures are consistent with best practices and contemporary policing standards. During the course of this evaluation, some specific events occurred that caused the IACP assessment team to reevaluate some areas of the original study in a way that was responsive to current events and the emerging changes in policing. During the course of this assessment, calls for police accountability across the U.S. were increasingly loud and direct. The assessment team viewed this as an opportunity to provide some insight to SCPD regarding the most common markers of police accountability that includes police transparency, greater police-community collaboration, specific policy domains (which were largely already included in the scope of work for this assessment), and advancing unbiased policing and procedural justice. For this reason, the recommendations throughout the report focus on one or more of these aspects of police accountability such that SCPD is better prepared to answer current calls for enhanced police accountability.

Fundamentally, this assessment looked at three key areas:

- How SCPD is perceived by the community in terms of their ability to engage in community policing and the degree of success in interacting with the community in a way that builds capacity for police legitimacy and accountability.

- Officer perceptions of internal accountability measures such as workload allocation and fairness in terms of discipline and hiring practices.

- Policies and procedures identified as priority areas by police profession leading practices, the current national policing environment, and through interviews of members of SCPD.

In effect, this study is an overall assessment of various accountability measures. Throughout the assessment period, it was evident that the work of the officers and leadership of SCPD are dedicated to ensuring that the community of State College is safe and treated with dignity and respect. The SCPD proactively seeks to better understand how they are perceived by the community and engage in activities that are forward thinking to position themselves for future success.

The assessment team found SCPD to be extraordinarily professional in their efforts. They have addressed key areas in proactive and pro-social ways in terms of policy and practice. There are some areas where there are opportunities to improve practices and policies. The assessment

team found that the SCPD demonstrated significant concern and respect for the community, and the community largely has respect for the SCPD. This is an outstanding starting ground for SCPD to consider some changes in operations and practices that will further strengthen their ties to the community and promote fairness within the Department.

Summary of Key Findings

External and Internal Accountability

The assessment of accountability focused on SCPD's application of the pillars of procedural justice, including the concepts of fairness, voice, impartiality, and transparency. The assessment team also looked for factors associated with police accountability that includes transparency, oversight, use of discretion, and some specific policy areas that were primarily part of the initial scope of work for this assessment. In terms of relationships with the community, most of the community members who participated in the Community Survey felt that SCPD engages somewhat, a lot, or to a great extent in outreach, communication, and relationships with the community (see Table 2 in Section 1.4). However, between about 10 and 15 percent of community respondents felt that they did not engage at all in terms of developing relationships, communication, providing input, or working in tandem between police and community to solve problems. This suggests that there are opportunities to strengthen those relationships efforts, particularly among communities of color. Rather than seeing less of a police presence, many community members noted that they'd like to see more, particularly at neighborhood and other community meetings. Key areas of desired enforcement emphasis were around the large, college-aged Penn State community. An important finding was that over three-quarters of community survey respondents felt that they had not been discriminated against by SCPD, but this also leaves some room for deeper exploration and improvement by the Department.

To address these issues, one of the key areas of recommendations include exploring opportunities to work more closely with the community to reduce any lingering perceptions of inequitable treatment, including working more closely with the community and engage in collaborative efforts to include community in setting enforcement priorities, officer recruitment and promotion, and collaboration on key crime-related problems that will serve to improve quality of life in State College.

The assessment team looked at accountability in terms of internal and external factors. The work SCPD does with the community in external accountability is strong, but areas exist where it could be strengthened. There are greater opportunities for change in terms of internal accountability, or those practices and decisions that most closely impact equity, fairness, and operations within the Department. Those areas focused on perceptions about fairness related

to work assignments, a sense of cohesion in terms of goals and objectives about those assignments, discipline, and recruitment and promotion. Officers raised issues related to pursuit policy, use of force policies, evidence management, use of body cameras and technology, ethics, and unbiased policing. Most officers (about 88 percent) reported that they would report to leadership incidents where misconduct may occur (see Table 6 in Section 2.1). This leaves a gap of about 12 percent where officers may not feel as inclined to report misconduct to leadership. It is possible that one of the reasons for this gap is that less than one-third of offices (about 30 percent) reported that SCPD leadership would engage in follow up when misconduct occurs, that officers are less confident that certain members of leadership are held accountable for their own actions, and there are concerns that leadership (as defined by people holding rank of Lieutenant or higher) would hold officers accountable for their actions.

For this reason, a key group of recommendations is to seek ways to improve diversity and inclusion in the workforce itself. Some participants in focus groups and interviews commented that there is little in the way of diversity in the workforce, particularly related to gender and race/ethnicity. This issue relates to recruitment and hiring, as well as decisions made about promotion. This is one of those areas of practice where there may be improvements in accountability by actively collaborating with community members so that decisions about desirable and equitable factors in hiring and promotion reflect community values. There may also be ways for the Department to develop ways that encourage community partnership in setting policies related to hiring decisions and have some voice in promotional processes. These strategies may also have the effect of developing a more diverse recruitment pool for future hires within the Department.

The assessment team was intrigued by the degree to which officers were found to have three concerns related to internal performance accountability and believe that the willingness of officers to express their ideas, concerns, and perceptions speaks to the professional nature of the officers and culture of SCPD. Officers seek enhanced trust with leadership, better communication throughout the Department, and the institutionalization of a culture of ethical leadership. However, few officers mentioned external accountability. That is, officers tended to be focused on internal accountability mechanisms, but were less concerned about external accountability with the community. These things, internal and external, operate hand in hand, and improvements to one tend to result in improvements to the other. SCPD is encouraged to take a multi-dimensional view of accountability and be more holistic and inclusive in their approach to accountability, particularly related to promotional opportunities for officers.

Finally, within the examination of external and internal accountability, leading practices related to oversight (including public oversight) and the shared and mutually beneficial relationship with the Pennsylvania State University Police Department are offered. There are many benefits

to this relationship, including opportunities to share equipment and training, development of compatible operational policies, and mutual aid during critical incidents and day-to-day operations.

Review of Specific Policy Domains

The assessment team looked at policies and operational practices related to evidence, use of force, search and seizure, warrant execution, domestic violence, internal affairs, prisoner detention, pursuits, and mental health and crisis intervention response. The general approach to the review of policy domains was to examine each area to assess whether the policy is complete, and then to examine each related to the principles of accountability and procedural justice. The assessment included a review of various law enforcement agencies across the United States, with a focus on those agencies that are similar in terms of size and demographic composition of the community whenever possible. In the case of high-risk policies, such as pursuits, mental health, and use of force, the review was expanded to include larger departments that tend to have access to more resources available. In most cases, the assessment team found that SCPD policies are consistent with at least the minimum standards for each policy domain and often exceeded the standards. The assessment relied heavily on documents from the IACP Law Enforcement Policy Center coupled with contemporary and current practices of other law enforcement agencies as noted.[1] Many of the recommendations involved adding clarifying language to policies to reduce ambiguity; though, in some cases, some significant revisions were suggested to incorporate some policy areas not as thoroughly covered. In general, however, the assessment team found that policies are consistent with leading practices throughout the nation.

---

[1] The IACP model policies and concepts and issues papers are developed through a rigorous process. The documents are drafted by a working group of subject matter experts representing a variety of viewpoints and expertise specific to the topic. They are then reviewed by the Policy Center Advisory Group (PCAG), a standing body that reviews all IACP Law Enforcement Policy Center documents. The PCAG comprises representatives from various sized agencies; international viewpoints; academia; and human and civil rights, legal, CALEA, and general subject matter experts.

Introduction

In January 2020, the State College Police Department (SCPD or Department) contracted with The International Association of Chiefs of Police (IACP) to conduct an assessment of the policies, practices, and procedures of the SCPD. In addition, the groundwork for an organizational climate study was laid, including a preliminary exploration of how the community perceives the work and legitimacy of the SCPD. This report presents the findings and recommendations of the IACP assessment of the SCPD. The study focused on:

- A review of SCPD policies, practices, and procedures

- Assess the use of contemporary best practices in policing for departments of a similar size and population

- Develop a plan of action and recommendations based on assessment

In order to evaluate SCPD's success in meeting these goals and positioning them for future success, critical operational policies and practices were audited to:

- Determine how SCPD compares to professional best practices in contemporary policing

- Identify what, if any, implicit bias was contained in the selected policies.

- Identify whether, if any, opportunities exist in terms of recruitment and retention of officers

- Provide insight into the Department's policies and practices as they relate to similarly situated police agencies

- Develop an action plan and recommendations for SCPD as they move into the future and continue to serve the community of State College, Pennsylvania

Methodology

A critical component of this assessment of the State College Police Department was to help the SCPD better understand how their current practices, policies, and objectives align with best practices among similarly situated agencies. SCPD is unique in that it provides primary and secondary police services for several communities. First and foremost, SCPD functions as the primary public safety agency for the communities of State College, including the townships of College and Harris. At the same time, while the University Park Campus of the Pennsylvania State University (Penn State) operates its own police department, the risks of cross jurisdictional critical incident events are high because of the close proximity to one another and the overlap in populations. As a result, the assessment team looked at SCPD through the lenses of a stand-alone agency, but also as a significant community partner with Penn State University Police and Public Safety.

To accomplish this goal, the assessment team conducted in-person interviews with across the police ranks, as well as mediated focus groups with officers to better understand how residents, business owners, and visitors to State College perceive their relationships with police. The central focus of officer interviews and focus group information was on leadership, policies, and procedures, and organizational culture within the SCPD.

In order to acquire a broad view of how the SCPD interacts with the community and engages in contemporary community policing strategies, a series of interviews with police command staff, municipal leadership, and line-level police officers and public support of the agency were conducted.

Survey data were collected from the SCPD workforce in order to acquire data in a way where the identities of respondents could be protected as much as possible. The workforce survey primarily concentrated on the perceptions and experiences of the officers, leadership, and staff of the SCPD that pertain to operations, goals, mission, and the work experience. In addition to this survey, a separate survey was widely distributed to the State College community that resulted in the responses of approximately 272 participants who were representative of the community overall. The goal of this survey was to understand more about the experiences of the community in interacting with SCPD, gain insight as to what communities perceive as the greatest concerns and risks related to civilian safety, and assess how members of the community perceive the police in terms of engagement and procedural justice.

Data Coding and Analysis
All data, that is information from focus groups and individual interviews, were subjected to a process to fracture and reassembly using a thematic analysis procedure in order to remove, to the extent possible, the risk of researcher bias or predetermined conclusions. By using a deductive coding procedure, followed by thematic analysis of the coded data, the risk of bias was significantly reduced while still allowing the meaning and significance of perceptions of key stakeholder groups to be expressed. Results from both surveys are also presented.

Study Phases
The study was conducted in 4 broad phases. Phase I was devoted to collecting information about the operations, procedures, culture, and climate of the SCPD. The assessment team generally followed the procedures noted above in terms of data collection. In addition, documentation was gathered and reviewed that included, but was not limited to, policy statements, rules and regulations, and other written documents related to organizational and government structure; the policing environment in State College; budget documents; staffing documentation; and community policing and community engagement.

Phase II concentrated on analysis and evaluation of data, distribution of a workforce survey to the Department, a community survey, survey analysis, development of improvement recommendations, and preparation of several drafts of the report. Evaluation involved comparison of police policies, procedures, and practices, with particular attention to issues associated with policing in a community with a large, residential university campus, to contemporary professional police standards related to best practices. The evaluation focused on some key areas, including SCPD policies and procedures related to evidence, use of force, search and seizure, warrant execution, domestic violence, internal affairs, prisoner detention, pursuits, and mental health and crisis intervention response.

These standards were a composite of leading policies and practices. This phase also entailed collection of supplementary data and clarification and corroboration of information obtained in earlier phases.

Phase III entailed the generation of preliminary findings. Reactions, comments, and suggestions which emerged were considered and in cases incorporated during preparation of the final report, which is Phase IV of the study.

Section I. The Policing Environment

Examining the policing environment is an essential prerequisite to informed judgment regarding policing culture, practice, policy, and operations. The geography, service population, economic conditions, workload, and resources in the Borough of State College are salient factors that define and condition the policing requirements and can affect policy and operations. These factors are examined in this section.

1.1   The State College, Pennsylvania, Community

The Borough of State College, a home rule municipality, is located near the geographic center of the Commonwealth of Pennsylvania, and this central location was specifically selected for the Pennsylvania State College, now Pennsylvania State University. The Borough has a total land area of approximately 4.5 square miles and is surrounded by farmland and sections of the Appalachian Mountains range. The townships of College and Harris are nearby, and the State College Police Department provides services through a contract to these municipalities as well. The SCPD serves a total population of approximately 58,781 people. The Borough of State College provides governance through a 7-member Council, the members of which are elected at-large, for 4-year overlapping terms. The Council is responsible for policy setting and oversight of the municipal government. The Borough Manager, who serves as the chief executive officer of the Borough, is appointed by the elected Mayor and Council. Additionally, there are two Assistant Borough Managers. The Assistant Borough Manager/Chief Financial Officer oversees the Finance and Technology Departments. The Assistant Borough Manager of Public Safety oversees the Police Department and the Neighborhood Community Services. Currently, the Assistant Borough Manager of Public Safety is the former Chief of the State College Police Department.

There are many unique attributes about the demographic and physical composition of State College, including the extraordinarily high per capita population density, and the Pennsylvania State University's main campus is nearly entirely included within the borough limits. There is a robust and vibrant urban area along Beaver and College Avenues where high-rise office buildings are situated. The Borough has also invested in a significant effort through the Downtown Master Plan to address and invest in the marketing of the downtown redevelopment and investment initiatives, including business development, traffic improvements, preservation and improvement on the downtown tax base, and protection of adjacent neighborhoods.

Approximately 42,352 people reside in the Borough of State College, with about 12,600 households in the Borough. However, the population density is 9,259 people per square mile.

By comparison, the per square mile population density in the state capital of Harrisburg is 6,047, and the population density of Philadelphia is 11,233. Geographically, State College has a compact population in a relatively small landmass, coupled with the existence of the University Park campus of Penn State with a population of approximately 47,000 students, approximately 14,500 of whom live on campus. In total, an estimated 27,000 students live within the boundaries of the Borough. As a result, the average daily population of State College changes significantly during the academic year, depending when classes and on-campus activities are in session.

Based on the 2018 U.S. Census estimates, nearly 82 percent of the population is white, 11.2 percent are Asian, 4.3 percent are Hispanic or Latino, and 4.5 percent are Black/African American. Approximately 15 percent of the population are military veterans. Slightly under half the population (46.7 percent) are female, and approximately 88.5 percent of the population is between the ages of 18 and 65. The estimated median household income is $33,244, which is significantly lower than the average for the Commonwealth of $59,500. Slightly over 70 percent of the adult population of State College holds a bachelor's degree or higher, as compared to approximately 31 percent throughout Pennsylvania.[2]

The economic base for the Borough of State College is the Pennsylvania State University. Anecdotally, many business owners in State College noted that the vast majority of revenue generation for the local businesses occurs during the academic year, September through May, and that the income generated through those months sustains local businesses through the summer months. Recent changes to transportation infrastructure make it easier for visitors to get to Penn State without driving through or staying in State College.

1.2   The State College Police Department

SCPD provides police services to the residents of the Borough of State College (4.5 sq. mi.) and neighboring College (18.3 sq. mi.) and Harris (31.9 sq. mi.) Townships. The Pennsylvania State University adds to the area population approximately 47,500 students. At the time of the report, the Department includes 61 sworn officers and 12 civilian employees. Organizationally, the Department has three divisions: Patrol, Detective, and Community Relations/Professional Standards. The Patrol Division Commander holds the rank of captain and oversees the four platoons/shifts (Alpha, Bravo, Charlie, and Delta). Each platoon/shift consists of 6-8 officers commanded by a lieutenant and supervised by a sergeant.

---

[2] U.S. Census, "QuickFacts: State College Borough, Pennsylvania," https://www.census.gov/quickfacts/statecollegeboroughpennsylvania

The Patrol Division is also responsible for special events planning, warrant service, and property/evidence management. The Assistant Chief, rank of captain, is responsible for overseeing the criminal investigations (eight detectives) and records sections. The Community Relations/Professional Standards supervisor, rank of lieutenant, oversees community relations, school resource officer program, accreditation, policy management, and media relations.

1.3   Crime in State College

State college, by and large, is a peaceful place. Part I Crimes, Uniform Crime Report (UCR), between 2014 and 2018, reflected an overall decrease of approximately 27 percent in larceny-theft, and approximately a 50 percent decrease in burglary for the same five-year period. Larceny-theft dominates the crime profile numerically, accounting for over 90 percent of property crimes and about 87 percent of serious crime overall for the same period of time.[3] This is higher than the 2018 national rate of larceny that accounted for about 72.5 percent of all property crimes in the United States.

Table 1: Uniform Crime Reporting, Known Offenses for 2014-2018

Category	Offense Type	2014	2015	2016	2017	2018
Violent Crimes Against Persons	Murder and non-negligent homicide	0	2	0	0	0
	Rape	5	4	8	7	1
	Robbery	5	5	10	9	5
	Aggravated Assault	16	16	21	28	14
Serious Crimes Against Property	Burglary	62	77	35	45	32
	Larceny – Theft	564	556	447	566	411
	Motor Vehicle Theft	6	7	9	5	5
	Arson	12	4	3	4	5

---

[3] See *Crime in the United States 2018*, https://ucr.fbi.gov/crime-in-the-u.s.

Figure 1: Reported Part I Violent Crimes 2014-2018
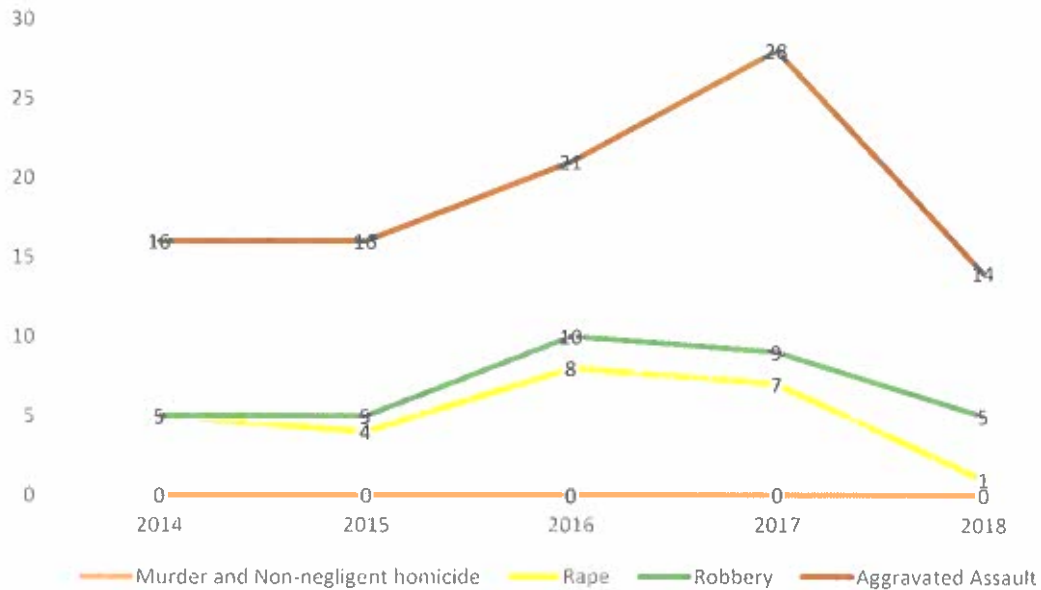
It was not within the scope of this assessment to evaluate crime trends for offenses beyond those reported to the FBI for the Uniform Crime Report.

Figure 2: Reported Part I Property Crimes 2014-2018

1.4   The Community-Police Relationship in State College

The SCPD has engaged in several cooperative efforts with neighboring law enforcement agencies, primarily the Penn State Police, and the community that has resulted in a situation where there is a foundation of trust between the community of State College with the p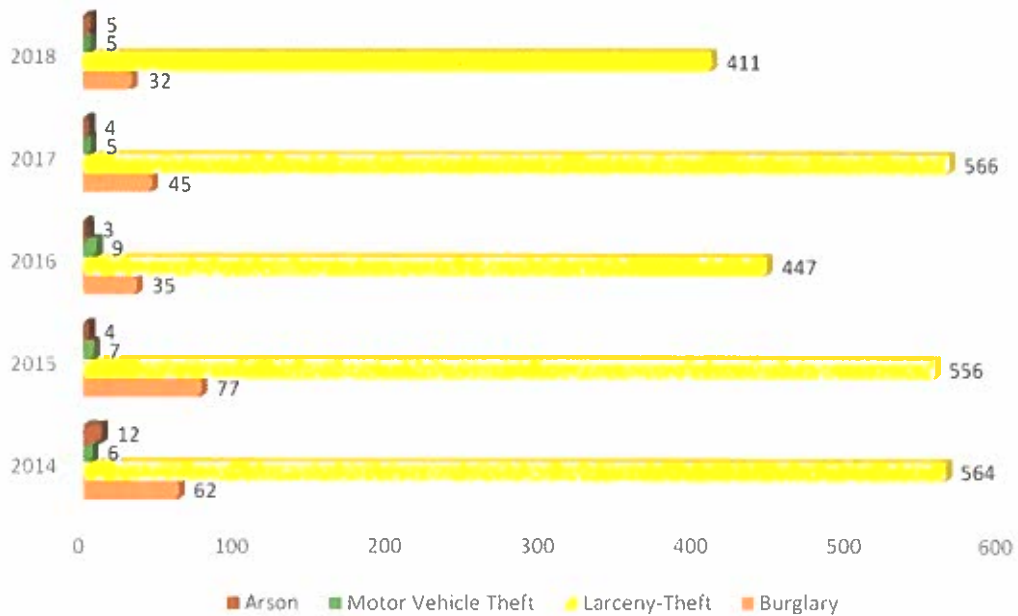olice department. During early 2019 there were notable critical incident events that may have impacted trust between the Department and community, though survey responses revealed that the level of trust from the community perspective is relatively high. The community survey results consistently indicated that there is support among the community for the police department's efforts and by and large, SCPD is seen as a community partner.

A key purpose of the survey was to understand, to the extent possible, how well SCPD engages with the State College community. Nearly half of the respondents to the survey indicated that they perceive that SCPD engages "a lot" to "a great extent" in community relationships and working together to solve problems. However, there is an opportunity for SCPD to better communicate with the community through various venues that include mail, public meetings, websites, and social networking opportunities. Additionally, the survey participants indicated that it is not always easy to provide input in the form of comments, suggestions, or concerns about the SCPD. Table 2 provides additional detail on how communities interpret opportunities to engage with, including offering comments and suggestions, to the SCPD.

Table 2: Community Perceptions of Relationships with SCPD (n=272)

	Not at All	A Little	Somewhat	A Lot	To a Great Extent
To what extent does the SCPD develop relationships with the community?	9.2	15.0	28.7	26.5	20.6
To what extent does the SCPD regularly communicate with community members (e.g., websites, email, or public meetings)?	10.7	16.2	29.8	25.4	18.0
To what extent does the SCPD make it easy for community members to provide input (e.g., comments, suggestions, concerns)?	14.0	16.2	29.8	24.6	15.4
To what extent does SCPD work together with community members to solve problems?	12.9	16.2	23.9	26.8	20.2

Members of the community were asked whether they perceived adequate police presence in their community and neighborhoods. The majority of survey participants indicated that they

were satisfied with police presence and engagement, though there are opportunities to expand on a solid foundation of community engagement. Specifically, over 1/3 of respondents would like to see SCPD officers more frequently in their neighborhoods, and nearly 45 percent would welcome more engagement at community meetings and events.

Table 3: Community Perceptions (n=272)

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree
I would like to see a more frequent presence of SCPD officers in my neighborhood.	12.1	12.1	37.5	25.4	12.9
I would like to see SCPD more frequently at community meetings in my neighborhood.	8.1	5.9	41.9	32.0	12.1

One of the strengths of the police-community relationship is that the residents of State College and the SCPD are fundamentally in agreement on what the public safety issues are that need to be resolved. In the community survey, respondents were asked what they perceived as the top public safety issues that are the most significant problems in the community. Results indicated that the top 5 of 6 issues noted are related to the close, and to some degree, symbiotic relationship with the university and centrally involve substance use or abuse of some iteration. Community member concerns related to enforcement priorities are largely connected to the types of offenses typical and common in a "Gown Town." Those issues include disorderly conduct, underage drinking, driving under the influence (DUI), sexual assault, drug abuse, and traffic enforcement.

Community Member Concerns and Enforcement Priorities

|		
Disorderly Conduct: 53.3 Percent of Respondents	**Underage Drinking: 34.9 Percent of Respondents**	**DUI: 35.4 Percent of Respondents**
Sexual Assault: 32.6 Percent of Respondents	Drug Abuse: ... Percent of Respondents	**Traffic: 28.4 Percent of Respondents**

When officers were asked in a focus group setting what they perceived the most significant issues were related to enforcement, responses were substantively aligned with the community responses. Officers reported concerns about underage drinking, drug use, and criminal mischief. In terms of top community policing issues for the Department, the top issue was to increase police presence in the neighborhoods, followed by increasing the ability to analyze crime and quality of life issues. The third issue identified by officers is the identification of at-risk individuals. However, it is notable that the community and officers are largely in agreement about key enforcement issues. This can be interpreted as an indicator that officers are connected to and engaged with the community they serve.

Community members identified key concerns of substance and alcohol abuse and increases in traffic-related problems. One of the issues noted by the community was a concern about sexual assault and rape. The team reviewed UCR data regarding reported crime (see Table 1). It does appear that during 2016 and 2017, there was a spike in sexual assault and rape (using the revised UCR definition). However, in 2018, the most recent year for which a full calendar year is available, there was one reported sexual assault/rape as reported as a Part I crime (this does not include Part II crimes). In comparison, the national average for the same category of offenses is 7.7 per 100,000 in population. Using that rate, the expected number of sexual assaults, including rape, for 2018 would be 4.53 for the area patrolled by the SCPD. This does not include any sexual assaults that occur on campus, as those are reported separately and are part of the Cleary report. However, it is notable that in 2016 and 2017, the number of sexual assaults/rape was roughly twice the national rate, and, in 2018, the rate was about 22 percent the national rate.

RECOMMENDATION 1:   Continue efforts to engage in strategies to align community enforcement priorities with Department-identified enforcement priorities related to crime control and suppression, and share information with the community regarding progress related to shared outcomes related to enforcement priorities

The relatively low incidence of violent crime is also reflected in community perceptions about safety within the Borough. In the Community Survey, respondents were asked the extent to which people feel safe in the community both during the day and at night. Results indicate that people are far more likely to feel safe when alone during daylight hours. Nearly 81 percent of respondents reported feeling "a lot" to "to a great extent" safe as compared to over 55 percent for the same categories at night.

Figure 4: Community Perceptions of Safety (n=261)
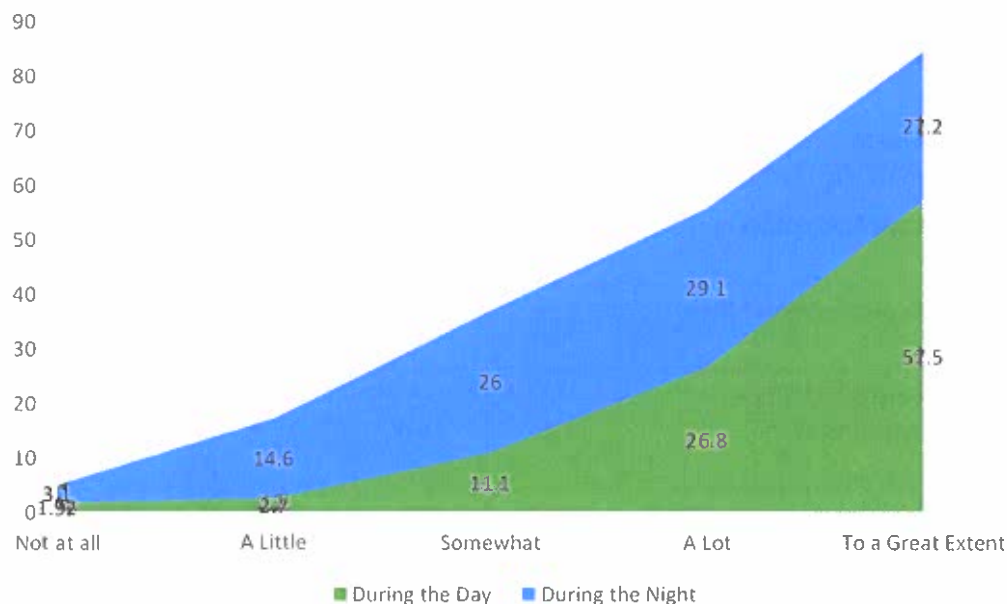
While most people who participated in the survey feel safe outside and alone overall, nearly 17 percent of respondents indicated that their sense of personal safety had decreased a lot or some. Most survey participants said their sense of personal safety had stayed about the same (74 percent) or improved (about 10.3 percent), which has been a slight increase over the last 12 months (prior to when the survey was administered).

Perceptions of Procedural Justice by the Community

Trust and legitimacy are not only critical components of policing the community, but they are also an essential piece to the Department's internal operations. For this reason, questions in

the Community Survey were included to help provide some insight into the SCPD about how community members perceive their interactions or encounters with officers of SCPD.

The survey revealed there is significant evidence that the SCPD is well regarded by the people who live in the Borough. Survey participants (n = 257) perceive that officers treat people fairly, show concern for the community, are respectful and responsive to the community's concerns, and are generally perceived positively. However, approximately one-quarter of survey respondents believe that they, personally, have been discriminated against by the State College Police Department to some extent. The SCPD should consider this rate of response in refining efforts related to procedural justice to include setting policies for desired officer behaviors.

Table 4: Community Perceptions of Procedural Justice (n = 257)

	Not at all	A Little	Somewhat	A Lot	To a Great Extent
To what extent do SCPD officers treat people fairly?	11.3	8.6	19.5	29.2	31.5
To what extent do SCPD officers show concern for community members?	9.7	10.9	19.1	30.0	30.35
To what extent are SCPD officers respectful?	9.3	7.8	14.4	32.3	36.2
I have a positive perception of the SCPD.	12.8	11.3	13.6	21.8	40.8
To what extent are SCPD officers responsive to concerns of the community?	11.3	14.4	15.2	28.4	30.7
To what extent do you trust the SCPD?	13.6	9.7	17.1	21.0	38.5
I feel I have been discriminated against by SCPD officers.	75.9	8.6	6.6	2.7	6.2

RECOMMENDATION 2:   Develop operating procedures to collaborate with the community to seek ways to improve performance related to perceptions and experiences regarding respectful encounters between police and the community, responsiveness to community concerns, trust, and the risk of discrimination.

Section II. The SCPD and Internal Accountability

In addition to the services and responsibilities described in Section 1.2 of this report, the Patrol Division is also responsible for special events planning, warrant service, and property/evidence management. The Detective Division Commander, rank of lieutenant, is responsible for overseeing the criminal investigations (eight detectives) and records sections. The Community Relations/Professional Standards supervisor, rank of lieutenant, oversees community relations, school resource officer program, accreditation, policy/rules/regulations management, and media relations. The current contract between the Borough of State College and the State College Police Association is in effect from January 1, 2019 to December 31, 2021.

Police officers in State College take enormous pride in their work, they seek justice and equity, and they want to hold each other and their leadership accountable for actions. When officers were asked about what they like best about what they do, a consistent theme was that officers like working in the community, a sense of pro-social camaraderie, and a sense of duty and obligation to the people they serve. The officers see themselves as well educated, people of integrity, and professional.

2.1   Perceptions of Officers and Leadership

In addition to a survey sent to residents of the Borough of State College, a workforce survey was sent to all officers, including command staff and leadership. In total, 38 responses were received, with slightly over three-quarters of those responding serving as sergeants and officers. Over 90 percent of respondents identified their race as white, with the remaining noting that they were either two or more races or they preferred not to identify their race or ethnicity. Over 80 percent of the survey participants were male. Nearly three-quarters of those who participated in the survey hold at least an associate degree, with nearly half holding a baccalaureate degree. The purpose of this survey was to understand, from the perspective of officers, supervisors, and leadership, how well the goals and mission are communicated and executed throughout the Department. The team also engaged in focus groups with officers to discuss in greater detail some key issues.

A key finding of the survey is that officers, supervisors, and commanders are generally clear about the Department's goals and objectives. The one area for improvement concerns follow-through of Department goals and objectives, where over 1/3 of respondents indicated that follow-through is inadequate. Table 5 below includes those responses to questions about goals and objectives.

Table 5: Officer Perceptions of Communication of Goals and Objectives (n=33) Expressed as Percent

	Strongly Agree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree
The SCPD has clearly identified goals and objectives.	9.1	18.2	18.2	48.5	6.1
I understand the goals and objectives of the SCPD.	3.0	18.2	24.2	45.4	9.1
The unit/shift to which I am assigned has clearly identified goals and objectives.	3.0	6.6	21.2	51.5	18.2
There is adequate follow-through of SCPD goals and objectives.	12.1	24.2	30.3	33.3	0

Officers also expressed a shared value of community policing. When asked to explain, in their own words, what they believe to be the SCPD philosophy of policing, most responded that they perceive a focus on community policing, and many noted that unbiased delivery of police services is essential. Common descriptive comments include a commitment to equality, fairness, dignity, respect, empathy, and professionalism. Above all, service is a common theme – first service to the community, followed by service to each other. Over half of the officers who participated in the survey also indicated that they feel they have sufficient time to engage in meaningful community policing strategies (54.5 percent), the Department has clear expectations for officers about engaging in community policing activities.

In terms of the focus on community policing strategy, officers identified the priorities as:

1. Increasing police presence in the neighborhoods

2. Increase the ability to analyze crime and quality of life issues and evaluate strategies to address them

3. The identification of at-risk individuals

4. Increase the ability of officers to use the latest technology

5. Increase the level of collaboration with other Borough government departments or agencies, and social service providers such as mental health organizations throughout the Borough.

Focus group discussions focused on similar issues, but the critical issues for officers were pursuits, the use of force, evidence management, use of body cameras and technology, ethics,

and bias-free policing. Sources of pride for the Department include a sense of collaboration and teamwork, their collective ability to engage in community policing, the key partnership with the University, training and education of the officers, and a compelling sense of opportunity to pursue work-related interests and acquire training.

An area where officers perceive opportunities for additional focused work, however, concerns professional ethics. Survey results indicated that most officers reported that if they observed an officer or staff member acting inappropriately, they would feel inclined to report the incident to a supervisor (87.9 percent). However, the workforce is less confident that when the Department learns that inappropriate behavior has occurred, that the wrongdoer would be held accountable for the behavior, with only 30.3 percent of officers reporting that they agree or strongly agree that accountability would be forthcoming. Some officers indicated they are less confident that lieutenants are held accountable for their actions, nor do they consistently hold officers accountable for theirs.

Table 6: Officer Perceptions of Ethics (n=33)

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree
Officers within the department are highly ethical.	3.0	0.0	0	48.5	48.5
If I observed an officer or staff member acting inappropriately, I would be inclined to report this to my supervisor.	3.0	0.0	9.1	36.4	51.5
When the department learns that an employee has engaged in inappropriate behavior, that person is held accountable, regardless of rank or position.	18.2	39.4	12.1	21.2	9.1

This disconnect between expectations and accountability was also detected in responses to survey questions about discipline. While most officers believe that the Department handles complaints appropriately, there are also some questions about whether the internal affairs investigations are conducted in an unbiased way.

Table 7: Officer Perceptions of Handling of Complaints and Internal Affairs (n=33)

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree
The SCPD handles complaints against officers and civilian staff appropriately.	12.1	24.2	18.2	39.4	6.1
Internal Affairs or Human Resources investigations are unbiased and objective.	6.1	21.2	24.2	42.4	6.1
Discipline is administered fairly.	18.2	24.2	21.2	33.3	3.0
I am aware of and understand the complaint process.	0	3.0	12.1	60.6	24.2

On the question about the fairness of discipline, while about one-fifth of officers have a neutral perspective, nearly twice as many (42.4 percent) perceive that, to some extent, discipline is unfairly administered. In a focus group setting, it was observed that at least some officers have the perception that discipline is inconsistent, if it occurs at all. Officers also reported that citizen complaints are rare, and events that require intervention or discipline involving internal issues are relatively infrequent.

2.2   Diversity and Inclusion Among the Workforce

The workforce survey asked questions about diversity within the Department, including the prevalence of diversity as a valued component of policing. Among those members of SCPD who responded to this survey, there is a clear pattern that indicates that the majority of officers, leadership, and staff perceive that diversity is valued, that the Department is committed to continuing to value diversity, and that employees have a sense of being welcome regardless of race, ethnicity, national origin, age, or gender. The Department has a clear policy directive that prohibits discrimination or harassment based on race, ethnicity, religion, gender, gender identity, sexual orientation, age, or mental or physical disability. The Department also provides examples of prohibited behaviors, including verbal, nonverbal, or physical harassment, and unwelcome sexual conduct.

The team also very consistently heard that officers and command staff believe the Department to be unbiased, and that bias is not a factor in their policing strategies. Table 7 offers detail about responses from the survey.

Table 8: Percentage of Employee Perceptions of Diversity at SCPD (n=33)

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree
I see visible evidence that diversity is valued by the SCPD.	3.0	0	30.3	48.5	18.2
The SCPD expresses clearly its commitment to valuing diversity.	0	0	9.1	57.6	33.3
Employees are welcome and accepted regardless of race, color, or religion, national origin, age, sex, or sexual orientation.	0	0	0	45.5	54.5

The high recognition by the workforce that diversity is strongly valued among the many people who make up the SCPD is a positive thing. However, through discussions, concerns were expressed regarding perceptions of lowering standards to increase diversity in hiring, general challenges in retaining diverse employees, and a perception that the civil service test process is dated and needs revision. Overall, those interviewed view the hiring process as effective, fair, and results in identifying qualified applicants.

In terms of promotion, the assessment team heard from several members that there is a perception among the ranks that the promotional process is biased based on perceptions of the qualification requirements. While no examples were found, the SCPD should communicate the qualification requirements and rationale for any changes more effectively. The Department policy on promotion simply states that a Civil Service process is followed and that lobbying for promotion is not permitted. A detailed explanation of the process should be added to improve understanding and reinforce transparency.

That there is a sense of some element, even if minor, of racial or gender inequity is not entirely unexpected given the demographics of the area where State College is situated. Community members and partners to SCPD shared with the assessment team that across the board – not just in policing – it is difficult to recruit diverse populations to the part of the state where SCPD is geographically situated. In terms of diversity in the Borough, in general, any elements of diversity that do exist are attributed to the University.

The University campus introduces a unique and diverse population of students and faculty to the area. This is in contrast to the demographics of the geographic area beyond the University – the primary SCPD recruitment area. The overall population of people in the Commonwealth of Pennsylvania, based on 2019 U.S. Census population estimates, indicates that nearly 82 percent

of the population is white, 12 percent are African American, and 7.6 percent are Hispanic. By comparison, 2019 U.S. Census population estimates also note that approximately 82 percent of the Borough of State College is white, 4.5 percent African American, 11.2 percent Asian, and about 4.3 percent Hispanic.

A concerted SCPD effort is needed to focus on maximizing diversity in its ranks. First, as a matter of organizational ethics, to actively seek and encourage diversity is important. Based on the responses to the survey and information collected through focus groups and interviews, the professionalism, high educational attainment, and talent of the officers is a source of pride for many of the people employed by SCPD, and many officers expressed that they do not perceive diversity as being a critical concern for the Department. Part of being professional and well educated is to remain open to a variety of thoughts and experiences. Research in organizational diversity tends to look beyond diversity as a moral imperative and focuses on problem-solving in complex and adaptive environments. As social problems become more complicated, diverse workforces have a unique set of tools to solve problems. There is considerable data to suggest that those public organizations, like police departments, that are more diverse are also more productive and make better decisions.

Diversity is also commonly viewed through the lens of race, ethnicity, and gender, but actual diversity tends to focus on diversity of thought and life experience. There is significant evidence that identity groups such as race, gender, and age influence diverse thoughts and cause organizations to make better decisions and improve productivity and innovation.[4] Given the demographic realities of where State College is geographically situated, the recommendation is to develop recruitment and promotional selection processes that assess diversity of thought and experience rather than simply focusing on diversity in terms of race, ethnicity, gender, and other identity groups. By focusing on the characteristics and value of what makes a diverse workforce, SCPD will naturally and holistically recruit and select members and promote those who exhibit diverse thinking beyond checking a demographic box.

The SCPD should consider developing ways of establishing mechanisms for community participation in police recruitment and hiring processes. One option may be to establish a community partnership board where one function is to work with police to develop recruitment criteria for new officers, and when appropriate, participate in hiring decisions. Actions as these serve multiple purposes, including strengthening the relationship between the community and police as well as establishing trust and developing a more diverse recruitment pool for the SCPD.

---

[4] Scott Page. *The Difference: How the Power of Diversity Creates Better Groups, Firms, Schools and Societies – New Edition.* (Princeton, NJ: Princeton University Press, 2008)

2.3 Desired Workload Improvements from Officers

In the workforce survey, officers indicated that many factors have impacted their workload, including the introduction of new technology, increases in required paperwork, staff reductions, and training new employees. Over half of officers (62.5 percent) indicated that they perceive an increase in workload over the past year. Nearly 85 percent reported that over the past year, they work early or stay late outside their assigned shift to keep up with workload. One explanation for this might be officers who are subpoenaed for court appearances, but it should also be noted that of those officers who responded to the survey, over 70 percent work during the day (23 out of 32 officers). Workload may be one of those factors that influences job motivation, as indicated by approximately 1/3 of officers who responded to the survey reporting that their current level of morale was very low or low.

Most officers (about 62 percent) felt that a shift length of 10 hours is optimal. Only about 6 percent of officers desire a return to an 8-hour shift. Officers were asked to elaborate on their ideas behind shift length and heard a variety of options. In most cases, officers felt a 12-hour shift is too long, particularly as the workforce ages. The attraction of a 12-hour shift is that officers have more time away from work. The risks are that 12-hour shifts are associated with fatigue and adverse physiological effects. Some officers noted problems with sleep irregularity and that the rotation of 12-hour shifts does not provide sufficient time to rest, particularly for night officers. In the end, officers generally conclude that if they had the option to choose between an 8, 10, or 12-hour shift, they would choose 10 hours. If 10 hours is not an option, they prefer to stay with the 12-hour rotation.

2.4 Promotion and Performance Evaluation

The current promotional process includes a test, a panel interview, and then the use of discretionary points, which some referred to as "Chief's Points." The use of discretionary points is not identified in the Department's policy on promotions. The SCPD's use of neutral and objective assessments in promotional opportunities, such as tests and interview panels providing that scoring is fair and equitable on both, should be recognized. Additional objective elements factored into the overall assessment include education level and years of service. However, SCPD should continue to be mindful of any processes that introduce the appearance of impartiality. Some concerns were shared that the test process is outdated and should be revised to reflect current policing practices. Some officers perceive a lack of consistency in the testing and promotional processes.

Many officers are concerned about what they perceive as inequity in promotional processes within the Department. While no officer identified the discretionary point system as a point of

contention, several members indicated that they were concerned that promotion decisions are not as fair as they could be.

The written test is a proprietary product produced by an outside organization and that the Pennsylvania Chiefs of Police is used to administer Oral Board interviews, which, as a practice, introduces elements of objectivity and neutrality. At the same time, the current written exam and oral board process may not fully represent the shared values and unique policing environment of State College. It is recommended that SCPD assemble a committee of officers and supervisors, including at least one lieutenant, to revise and update the policies and procedures to include a revision to the assessment instrument, set a scorable procedure for panel interviews, and remove any discretionary scoring elements that are potentially arbitrary. It is also recommended that the promotional process be tied to prior performance documented through annual performance reviews and take into account any records related to community complaints or use of force allegations.

RECOMMENDATION 3: Clarify and add detail to the Department policy on promotions to include additional detail about procedures, including the use of a panel assessment.

Further, if there is an informal policy related to discretionary points, work to remove this barrier so that promotional decisions are fair and free of bias. Last, as a matter of policy, include one of the criteria for promotion prior performance evaluations so that officers understand that excellence in past work may lead to an award of promotion.

2.5 Accountability

2.5.1. Organizational and Internal Performance Accountability

As part of the workforce survey, respondents had an opportunity to share their perceptions about leadership and engagement with the officers and civilian employees. The assessment revealed that officers have three main priorities connected to accountability:

1. *Enhanced Trust.* Officers consistently reported that they are seeking enhanced accountability throughout the Department. A key priority for officers is that the level of trust and accountability between officers and command staff is greater. Officers indicated that they feel they need to be supported by leadership, have the sense that command staff "have their backs," and that officers are treated fairly and equitably.

2. *Communication.* Another common theme is that officers desire a greater sense of communication from the upper levels of the organization, including official communication about policy changes, directives, and strategy from the top of the organization, which includes Borough leadership. Additionally, officers are seeking personal communication with leaders and some evidence that the efforts they make in

their jobs are appreciated and valued. Many of the officers' comments indicated they have a sense of being disconnected from the leadership and that they are not appreciated. In particular, officers believe that Borough leadership is not appreciative of officer efforts and feel damaged because they believe that some members of the Borough Council have openly accused them of racism.

3. *Institutionalization of a Culture of Ethical Leadership*. While most officers reported that they believe they are ethical in their actions and encounters with citizens and the community, they are less confident about the structure of expectations regarding ethical conduct. It seems that there is little communication to officers about the expectations of the command staff in this regard, which leaves officers feeling ambiguous about expectations. Many officers seek greater direction in terms of understanding the expectations related to behavior, guidance on how to follow those expectations, and clear policy and directives related to behavior. On the other side of this, officers also clearly noted that they desire reasonable expectations about how misconduct will be managed by command staff and leadership. It is important to note that officers were very clear about their needs in this respect in a survey conducted in late January, and, therefore, predated reporting of national events regarding police officer misconduct in the United States by several weeks.

Ambiguity regarding expectations and ethical conduct also has an impact on the morale of the Department. Officers should also collaborate with leadership in setting those expectations. In order to build trust within the organization itself, the SCPD should utilize the committee of officers recommended in the section on Promotion and Performance evaluation also engage with Department and borough leaders to develop a policy related to ethical behavior and expectations for the elements of that behavior, the accountability structure for enforcing those behaviors, and the expectations about what happens when misconduct occurs. The IACP Policy Center can be used to develop policies related to ethical police conduct, including traffic enforcement and contacts with residents and visitors of State College.

While many officers and community members both reported a desire for accountability within the Department, there were differing perceptions of what accountability means. The police perception of accountability was largely limited to internal processes compared to accountability efforts that are public-facing processes. Police accountability is generally defined as those policies that promote equity and transparency in decision making and support the ethical and fair treatment of all who encounter police officers and services, both internally and externally. In other words, the community has a significant stake in police accountability, and, as a result, police accountability is multi-dimensional and needs to be assessed on many levels.

2.5.2. Measures of Police Accountability

Internally, officers and Department leaders indicated that they see an opportunity to strengthen the internal policies around promotional processes. This issue is covered specifically in the preceding section, *Promotion and Performance Evaluation*, of this report. Police accountability, though, generally requires that agencies carefully examine those policies that address oversight, discretion, use of force, the use of body-worn cameras, and pursuit policy.

It was within the scope of this assessment to look at some of these indicators of police accountability, specifically policies related to internal affairs, pursuit policy, and use of force. An objective of this assessment was to explore best practices that may improve efficiency, effectiveness, and equity within the SCPD. This report also contains a review and recommendations related to the use of force and the pursuit policy separately, which are commonly considered elements of police accountability. To fully consider what police accountability looks like, this section of the report focuses on a review of best practices related to oversight, use of discretion, and the use of body-worn cameras.

Police accountability is largely a result of a demand for greater community voice in police policymaking and goal setting. Police accountability represents the convergence of calls for eliminating or reducing racially discriminatory practices by police departments, direct democracy, and community policing. There is no single template or strategy for police accountability. Rather, successful practices are deeply rooted in community collaboration even to the extent that community members and advocacy groups work with police to develop or refine policy and operational standards. Sometimes, efforts to improve police accountability are the result of settlement agreements between police agencies and the United States Department of Justice, as was the case in Seattle, Washington, in 2013. In this case, a new use of force policy was developed with the community's direct involvement that was perceived as being reflective of the Seattle community and other key stakeholders.
It should be noted that this policy was definitively above and beyond the requirements of the Seattle Settlement Agreement.[5] The key requirement of this collaborative effort was a requirement for police officers to engage in de-escalation procedures with people unless the circumstances immediately require the use of force. It represents a tacit agreement between the community and the police. A greater look in more detail at the SCPD Use of Force Policy occurs later in Section 3.1 of this report.

Other important aspects of police accountability focus on transparency and the use of data. Effective and consistent use of body-worn cameras (BWC) yields a useful tool to assess police performance. Review of BWC video, in conjunction with after-action reviews of use of force,

---

[5] Walker, Samuel. "The Community Voice in Policing: Old Issues, New Evidence." Criminal Justice Policy Review 27, no. 5 (July 2016): 537–52.

can help identify performance issues as well as proper police conduct. The SCPD is encouraged to consider opportunities to improve police accountability by incorporating the review of BWC video into its internal review processes and making the video available to the public.

RECOMMENDATION 4:   Assess the use of body-worn camera video in conjunction with the review process to improve accountability, support early intervention with officers, and reinforce training.

RECOMMENDATION 5:   Consider opportunities to improve community transparency by making body-worn camera videos publicly available.

2.5.3. Police Oversight

Police oversight is consistent with the objectives of fair and impartial policing and the implementation of aspects of procedural justice. Police oversight takes multiple forms, but a significant body of evaluation research demonstrates that agencies that engage in mechanisms for police oversight also have stronger ties and enhanced levels of trust with the community they serve.[6] There is no single approach to citizen oversight of police, though most models fall into 1 of 4 general systems:

- Type 1: Community representatives investigate allegations of police misconduct and recommend findings to the chief.

- Type 2: Police officers investigate allegations and develop findings, then refer those findings to community representatives for review who make a recommendation to the chief.

- Type 3: Complainants may appeal findings established by the police to community representatives who review them and then recommend their own findings to the chief.

- Type 4: An auditor investigates the process by with the police department accepts and investigates complaints and reports on the fairness of the process to the Department and public.[7]

Each of these types of oversight carries benefits and liabilities. For example, the benefits of Type I and Type II are that they are more likely to improve police collaboration with the community and result in higher levels of trust and transparency with the Department. They are also the most expensive to implement and operate. Type 4 processes tend to be less expensive

---

[6] Joseph De Angelis, Richard Rosenthal, and Brian Buchner. *Civilian Oversight of Law Enforcement: A Review of Strengths and Weaknesses of Various Models.* (U.S. Department of Justice, Office of Justice Programs, September 2016), http://www.ncjrs.gov/App/publications/abstract.aspx?ID=272425

[7] Peter Finn. *Citizen Review of Police: Approaches and Implementation.* (U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, March 2001), https://www.ncjrs.gov/pdffiles1/nij/184430.pdf

in terms of cost per investigation/assessment but are also more likely to be less trusted by the community.[8] The City of Portland, Oregon, uses a Type 4 approach, and the City Auditor's Office includes the Independent Police Review function, which also utilizes community volunteer reviewers as part of the process. In this way, community collaboration is attained at a relatively low cost.[9]

Common criticisms of law enforcement officers and leaders related to community oversight are that policing is complicated, and the police are better positioned to make decisions about their behaviors. In effect, departments have elected to assume the strategy of self-policing of the police. Another common complaint is that citizens do not understand the complexity and hazard of police work. Police unions have also been critical of community or independent oversight. Department leaders must be prepared to address these concerns. Nearly two decades of experience in police oversight, however, notes that elements of fairness, flexibility, and leadership engagement are more important than the structure or approach. This means that agencies should develop oversight processes that reflect community values, organizational and agency objectives.

RECOMMENDATION 6: **Explore an expanded community collaboration process that includes representation from the SCPD, Borough of State College, community residents, and representatives of the university community and neighboring townships.**

2.6   Bias-Free Policing in State College and Promoting Procedural Justice

State College is a unique and dynamic population. As a major academic center in the Commonwealth, it is notable that many officers perceive the overall level of educational attainment throughout the SCPD as a critical factor to their success and position within the community. Another unique characteristic is the rather unexpectedly high population density in the Borough outside the University. These factors create opportunities for the SCPD to continue to build trust with diverse populations in the community. Community members indicated that the Department is open to changing and learning as the community it serves also changes.

One approach to progressing along the continuum of change and service to the community is to actively and frequently seek opportunities to engage in professional training and continual improvement in enhancing police services in a way that is as free of bias as possible. One of the fundamental tenets of a democracy is that justice is based on fair and equitable treatment, meaning that the law is fairly and impartially enforced throughout the community. SCPD's efforts to promote bias-free policing as a matter of practice and procedure should be

---

[8] Peter Finn. *Citizen Review of Police: Approaches and Implementation.*

[9] See https://www.portlandoregon.gov/ipr/

supported. It should be recognized that officers make discretionary decisions every day based on circumstances and an unbiased application of the law in a manner that protects public safety and civil rights of the residents and visitors of State College. During the assessment, no evidence was found that suggests that police in State College have engaged in abuses of discretion or engaged in unmitigated bias-based policing.

However, the SCPD has a responsibility to the officers and community to continually seek improvement and utilize their ties with the community to engage in enhanced and focused efforts in community policing as a method to mitigate the risk of bias in their policies and procedures. Justice and fairness are difficult to define. In those places where communities and police engage in a partnership to strengthen the ties between the community and law enforcement, a shared perception and strategy promotes trust between the governed and the government. The people of SCPD see themselves as members of the community they serve, and this is a strong foundation for continued work. This continued work should include efforts to alleviate the potential for conflict in direct interactions with the community, including procedures around traffic stops and criminal apprehension. The Department is encouraged to further educate themselves on strategic and tactical cognizance of risks associated with profiling by proxy and the use of discretion. On the point of discretion, officers should be particularly mindful of decision making related to traffic stops because nationally, traffic stops account for about 40 percent of police-community encounters. It should be noted that SCPD traffic stop data was analyzed as part of this study. It is important that officers consider who they stop, where the stop occurs, and under what circumstances. To engage in fair and equitable policing, the Department should collect and analyze data related to traffic stops to analyze trends in these contacts to ensure they remain unbiased.

An objective of this assessment is to offer best practices solutions to SCPD to position them to better serve the community in the most equitable and efficient way possible. Every department engages in community policing strategies differently, and not all solutions work for every agency. During the assessment, no significant issues were identified related to impartiality.

RECOMMENDATION 7:   Consider practices that may improve outcomes related to unbiased policing.

1. Continue engagement in continual professional development and training. It is important that SCPD consider training opportunities about equity, fairness, and impartiality as ongoing and annual or biannual efforts. Officers should be offered refresher courses on implicit bias, profiling by proxy, discretion, and decision making.

2. Enhance engagement and outreach with the community. Because of the racial composition of State College, particularly communities of color, such that the Department engages in continual and focused discourse with the community about

issues associated with police impartiality from their perspective. Engagement with the community will help the Department focus enforcement efforts.

3. Engage in proactive procedural justice. Unbiased policing and procedural justice share some common elements that focus on establishing police legitimacy. Legitimacy requires that an agency has earned the public's confidence, trust, and respect and is central to establishing an effective procedural justice protocol. Procedurally just policing was endorsed by the *Final Report of the President's Task Force on 21st Century Policing*,[10] and the same values and strategies help promote bias-free encounters and impartiality in working with the community.

SCPD should focus on refining policies and procedures that focus on the pillars of procedural justice noted in Figure 5 as recommended by the United States Department of Justice.

Figure 5. Pillars of Procedural Justice

Pillars of Procedural Justice

| Fairness | Voice | Impartiality | Transparency |

In working with the community, many approaches can be used:

1. Giving the community voice means that the public (and individuals) believes their side of the story has been heard.

2. Encounters with the public, either in an enforcement capacity or in terms of community building and public relations, should leave the people with the sense that they have been treated with dignity and respect.

---

[10] President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing* (Washington, DC: Office of Community Oriented Policing Services, 2015), https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

3. Officers should instill the sense that decision making is neutral, unbiased, and trustworthy.

4. Officers should provide people with basic information about why a particular decision was made.

5. Officers should aspire to be helpful in the sense that they are interested in a person's individual situation to a reasonable extent.

For more information and more detailed policy guidance, refer to the IACP Law Enforcement Policy Center's publication on Unbiased Policing.

2.7   Shared Relationship with Penn State Police

The SCPD has a long and valuable relationship with the Penn State Police Department, and it is apparent after interviews with leadership and officers from both SCPD and Penn State Police that the relationship between the two agencies is symbiotic and mutually beneficial. Because of this relationship, the two departments have been able to engage in training together, share equipment, and develop compatible operational policies, and the Penn State Police have provided coverage for critical events in the Borough as well as routine joint policing efforts.

Though there are times when the relationship between the residents of the Borough and the University community is somewhat stressed, the tension tends to be largely restricted to issues related to infrastructure, parking, and traffic during game days (there are about seven home football games per year). As an example, the University wants to build an 1,800-space parking ramp on the edge of campus and the neighborhood near the location has understandable concerns regarding this plan. In the end, the borough approved the project. The infrastructure of State College and the surrounding area is not developed well enough to truly handle the influx of over 107,000 people who come for the home football games. Anecdotally, we heard from SCPD officers and the Penn State Police that cooperative efforts between the two agencies is collaborative and alleviates some of the community concerns, including rerouting traffic flow to improve accessibility to neighborhoods and reduce the negative impacts to the community on home game days.

Another complicating factor is that the Penn State Police have experienced a rather significant turnover with the chief's position, with three chiefs over the last three-year period of time. Because the two departments are closely associated with one another, changes at Penn State are felt throughout the community and the SCPD. In essence, the Penn State Police have been restructured so that there is a single chief responsible for all 22 campuses within the Penn State University system. To provide leadership coverage, the current chief is responsible for all 22 campuses of the Penn State University system that are organized into six districts with a

commander leading each district. The University Park campus, as the main campus of Penn State, has its own commander. This new organizational structure poses some challenges for the relationship between the University and the Borough, but most of those issues are a result of organizational change occurring at the University rather than tension or disagreement with the Borough or SCPD. Both Penn State Police Department and SCPD commented that they are comfortable with the somewhat blurred line between the University and Borough, and most perceive this as a positive thing. As a result, there is a strong and symbiotic relationship between the two that results in a high level of collaboration, sharing of resources, and a shared sense of responsibility toward the community of State College.

Both sides describe the nature of the relationship as being effective and balanced. Many processes and systems are shared, including a shared radio system, records management system (RMS), participation in a county-wide tactical response team, and engage in neighborhood projects such as the Neighborhood Enforcement and Alcohol Team (NEAT). The NEAT office is staffed with two patrol officers from Penn State three nights a week (Thursday, Friday, and Saturday nights) so both agencies can patrol and respond to calls for service in specific locations throughout the city and focus on specific nuisance offenses such as noise, criminal mischief, public urination, furnishing alcohol to minors and underage drinking, public intoxication, and open container violations. There is an array of formal and informal mutual aid agreements that have resulted in both agencies making certain policy decisions contemporaneously with one another, including planning for deployment of electronic control devices, and body-worn cameras, though actual deployment schedules may vary based on different needs, budgets, and other factors of each agency.

Section III. Review of Specific Policy Domains

One of the principal purposes of this assessment was to provide professional guidance to the State College Police Department regarding specific policies. The assessment to helped identify gaps in policy, risks, and opportunities, and compare SCPD policies related to specific areas to similarly situated agencies in terms of organizational size and demography.

3.1 Use of Force Policies

Topically, the Department has addressed the key elements that are generally required in use of force policies, and the policy as it exists appears consistent with the laws of the Commonwealth of Pennsylvania. Further, based on the documents provided, a policy was identified that corresponds with available use of force technologies and weapons. The Department adequately provides a fundamental policy framework that defines each of these options and provides guidance on under what circumstances each should be used.

In general, the assessment found that the policies related to the use of force in State College meet the baseline expectations for law enforcement agencies; however, some areas where the use of force policies could be clarified and improved were noted. As a priority, policy 13.07.00 notes that "the arresting police officer is permitted by law to meet resistance by using as much force as is necessary to complete an arrest." The language of this policy is broad and is subject to interpretation. Similar language was found throughout the collection of use of force policies. Many agencies have adopted language that is far more limiting than a broad statement in SCPD policy, and many departments have opted to limit the use of force to constitutional legal standards and use language that includes "objective reasonableness." Including language that includes "objective reasonableness" ensures that the policy is compliant with the U.S. Supreme Court's findings in *Graham v. Connor*, and therefore under 490 U.S.C 1989.

RECOMMENDATION 8:   Develop and include language throughout the directives in the use of force policies to include language that is consistent with Constitutional law, including "objective reasonableness" to accomplish a lawful purpose.

3.1.1. Use of Neck Restraints

In light of recent events outside the jurisdiction of State College, a particular effort was made to review any policies related to the use of neck constraints. The current policy that SCPD "does not employ the use of any type of neck restraint or any other similar control technique that would have the potential for serious injury, unless the use of deadly force is authorized" (1.3.10G) is consistent with the leading practices of many departments with similar language.

The definition of mechanical compliance (1.3.01) specifically notes that "methods of mechanical compliance include wrist locks, arm bar or other come along techniques" that are counter joint pressures and leverage may be applied utilizing handcuffs or the MBE (baton). The concern with this language is that there is increased concern at a national level that commonly applied mechanical compliance techniques may be modified and misapplied as an idiosyncratic respiratory or vascular holds, and therefore would be inappropriate unless lethal force is authorized under the current policy. If it is the intent of SCPD to permit neck restraints as a form of authorized lethal force, it is important to clarify language throughout the policy documents to ensure language consistency including the prohibition of idiosyncratic holds.

As a matter of best practice, a number of agencies have elected to prohibit neck restraints entirely as a matter of practice, including vascular neck restraint (VNR). Current IACP *National Consensus Policy on the Use of Force* on use of force supports the use of choke holds only when deadly force is authorized.[11]

3.1.2. Use of Force Model

The SCPD does not use the use of force continuum as a decision-making guide. Like many other departments, opting instead for the use of force model. However, the model included in the policy can be cumbersome and somewhat confusing. The model does encourage officers to assess the amount of resistance that is present and determine the appropriate use of force that ranges from officer presence to use of deadly force. However, the model offers little guidance on how to assess resistance and does not define the type of resistance, nor does the current model take into account officer response, the subject's intention to harm, or the potential for injury.

---

[11] *National Consensus Policy and Discussion Paper on the Use of Force* (October 2017), https://www.theiacp.org/resources/document/national-consensus-discussion-paper-on-use-of-force-and-consensus-policy. The *National Consensus Policy and Discussion Paper on Use of Force* is a collaborative effort among 11 of the most significant law enforcement leadership and labor organizations in the United States and reflects the best thinking of all consensus organizations.

Figure 6: Current SCPD Use of Force Model
(from SCPD Policy 1.3.1)

The policy guidance for the SCPD model instructs that the officer is depicted at the center diamond in a circle of options and that the appropriate choice will depend on the amount of resistance from the subject to the officer. While this is an established practice in policing it should be supported by policy guidance on how to interpret resistance and other factors, such as the risk of injury and opportunity for de-escalation.

The use of force model relies on a situational assessment that encourages officers to be more flexible and nimble in response while still meeting, and in some cases, exceeding constitutional, federal, state, and local requirements. A common key to these types of policies includes incorporating language about the sanctity and preservation of human life while ensuring that the use of force is executed in a way that only reasonable force necessary to achieve control of a subject is used. It is important that officers are also trained in escalation and de-escalation based on the changing dynamics and enforce that officers are not required to begin an encounter using force at the lowest levels and then gradually moving up a continuum to lethal force. It is important, however, that the use of force model is aligned with the training offered and required by SCPD.

The IACP team is not recommending that the SCPD adopt this specific model, but only note that it contains several elements considered to be best practices and consistent with Constitutional requirements under the 4th Amendment. Those elements include:

- Definitions of types of resistance including psychological intimidation, verbal non-compliance, passive resistance, defensive resistance, active aggression, and aggravated active regression
- Corresponding officer responses for each type of resistance
- Clear instruction on authorized uses of force
- Elements of escalation and subsequent de-escalation

RECOMMENDATION 9: Develop a use of force model that incorporates officer decision tactics based on well-defined subject behaviors and resistance.

Consider including elements such as risk of harm and subject intent to harm, as well as escalation and de-escalation so that the policy that directs officer behavior is more fluid and takes into consideration situational dynamics of the incident.

3.1.3. Command Notification Procedure (05.05.00)

Under policy .05.05.01, "any firearm discharge (other than at animals) regardless of injury is noted as an event that should be reported to the appropriate Division Commander as soon as is practical. This policy contradicts other directives throughout the collection of use of force policies that notes that any discharge of a weapon should be reported.

RECOMMENDATION 10: Strike "(other than at animals)" from this policy to maintain consistency throughout the collection of policy directives so that all discharges of firearms are reported and documented (

One exception to this recommendation is that it is reasonable to include an exception to discharging the firearm at the range during training.

3.1.4. Annual Analysis of Required Reports (1.3.11)

The Department has a requirement that an annual analysis of all Use of Force Reports be conducted for purposes of identifying patterns that may indicate any training needs (presumably relating to individual officers or Department-wide personnel needs). A second purpose for this analysis is to identify any indicators of needed policy modification. The Department's decision to evaluate Use of Force data is a commendable one, particularly given that data collection and analysis is largely considered to be deficient nationwide. The team did not review, as part of this assessment, those reports. Data that do exist suggest that analysis of data tends to reveal significant racial and ethnic disparities in the use of force as a nationwide

phenomenon. Mortality rates for African Americans and Latinos ranges from 2.8 to 1.7 times higher when compared to whites.[12] This information suggests that some departments may be experiencing detectable and preventable problems with disparate treatment of racial and ethnic minorities and not be aware of any problems because a tertiary view of use of force generally indicates that force, when used, is applied appropriately.

Close examination of use of force provides the Department with another tool to establish an early warning system of concerning behaviors of officers apart from the annual evaluation process. An early detection process will help promote officer wellness by identifying officers who may be increasing their discretionary use of force such that they are a risk to themselves or others. It is important to strategically link elements of the use of force policy collection to other policy domains that include performance evaluation. There are other opportunities related to linking use of force analysis and reporting to other policies, in particular policies related to use of force when encountering subjects who are exhibiting signs of behavioral or mental illness where Crisis Intervention is necessary. To this end, there is some benefit to the Department to consider developing the use of force policies that specifically pertain to encounters with mentally ill subjects, including those who are suffering from substance addiction problems. The assessment team is aware that the Department has established close relationships with behavioral and mental health providers in the community, as well as Penn State Police on the same matters. While the coordinated and collaborative response is important, there is an opportunity to expand on this collaboration to include developing a joint policy on the use of force and intervention related to those with mental and behavioral health concerns.

RECOMMENDATION 11: Expand data collection and analysis efforts to include consideration of predictive analytical techniques that focus on use of force in diverse populations.

RECOMMENDATION 12: Broaden data collection and analysis efforts to examine and better understand use of force both in terms of the characteristics of the persons against whom force is used as well as the officers using force. Specifically, data related to the age, race, ethnicity, and gender of the officer(s).

RECOMMENDATION 13: Enhance the collaboration with behavioral and mental health partners in the community and the Penn State Police to develop a policy related to use of force with subjects who suffer behavioral or mental health challenges.

---

[12] See David Rudovsky, "Police Power Can Be a Dangerous Thing," chapter 4 in *Police Training and Excessive Force.* Ed. Pete Schauer. (New York: Greenhaven Publishing, 2018).

3.2   Mental Health and Crisis Intervention Response

The SCPD's policies pertaining to encounters with individuals with mental health or intellectual disabilities covers the responsibilities and obligations of SCPD when the County Mental Health Administrator has issued a Mental Health/Intellectual Disability (MH/ID) warrant, which requires the involuntary admission to a mental health facility. Policy guidance regarding the obligations of the Department is clear and effective. SCPD functions as providing civil assistance to community partners who are designated as being responsible for executing the Centre County policy on involuntary commitments. This element of policy is clear and the assessment team have no recommendations regarding the SCPD obligations to support mental health commitments as ordered by the mental health administrator for the county pursuant to Pennsylvania statute.

Law enforcement agencies responding to situations involving individuals believed to be mentally or intellectually disabled requires officers to make difficult judgments about the mental state and intent of the individual and necessitates the use of special skills, techniques, and abilities to effectively and appropriately resolve the situation without harm to the individual or officer(s). Pennsylvania statute (§ 7302) accommodates those situations where it is not possible to acquire a warrant and allows for the transportation of individuals who are determined to present a clear and present danger to others or self, as defined by statute, to appropriate facilities for an involuntary emergency evaluation and treatment. In interviews with officers and mental health providers in the community, the team determined that there is clearly a collaborative and useful relationship that supports assistance to people who suffer mental illness and intellectual disabilities. This relationship is longstanding and effective.

The assessment team is also aware that the SCPD requires all personnel to participate in initial training to recognize and respond to those with mental illnesses, and that all newly hired officers attend Crisis Intervention Team (CIT) training to the greatest practical extent. This means that not all officers have CIT training; however, the Department's attempt to provide the training as frequently as possible to as many officers as possible and that newly hired officers are scheduled to receive training in early 2021 should be recognized. Training updates are provided at least once every three years. This section of the policy document (that is, 2.7.8 B and 2.7.8 C) are a bit less proscribed than other elements of SCPD policy. The existing SCPD policies are in accordance with some aspects of the IACP model policy related to encounters with individuals in crisis that include providing routine training to officers in preparing for and engaging in contact with individuals who have mental health concerns or intellectual disabilities.

RECOMMENDATION 14: Modify current policy such that all officers (rather than just new hires and as many as practical) are provided sufficient training to determine whether a person's behavior is indicative of a mental health crisis.

Further, officers should be provided guidance, techniques, response options, and resources in so that the situation may be resolved in as constructive, safe, and humane a manner as possible. It is strongly recommend that SCPD continue to work in collaboration with the designated mental health administrator to refine the current policy such that it reflects community values, safety for all involved, and consistency and compliance with Pennsylvania statute.

3.2.1 Challenges with Transporting Mentally Ill Persons

During the review of the collection of policies related to mental health intervention, some gaps related to the transportation of individuals who may be experiencing acute crisis were identified. Transporting any individual carries potential risks, but transportation of people who are the subject of involuntary commitment or who are suffering severe mental health presents unique challenges. It is important to identify the appropriate level of consideration and collaboration to make the situation as safe as possible for all involved, including the use of restraints. Individuals who display symptoms of acute mental health crisis have the right to safe transportation that minimizes interference with their rights, dignity, and self-respect. Empathetic and skilled officer response may help deescalate any negative experience and reduce the severity of a potentially traumatic event.

Transportation of those experiencing acute crisis needs to be balanced with the safety of all concerned and the active management of risk. Any restriction of a person's rights needs to be reasonable and proportional. The Mental Health Policy should also reflect community values and preferences and best practices associated with the care and treatment of acute crisis intervention. The issue of handcuffing for transportation is particularly problematic because of the distress associated with being restrained. The assessment team does not dispute that in most circumstances, anytime someone is in custody and requires transportation, handcuffs are typically recommended as a matter of safety for the officer and individual. However, the process of handcuffing a person who is not accused of committing a crime and who is experiencing a mental health crisis can exacerbate the severity of trauma. For this reason, there may be opportunities to offer greater policy guidance related specifically to transportation of people experiencing mental health crisis or intellectual disabilities. Current SCPD policy accommodates officer discretion in the decision to handcuff subjects during investigatory custody, but the current policy on restraints during transport requires that all persons be handcuffed during transport. Some exceptions are noted but are limited to persons with physical limitations related to age, body size, or other infirmity and juveniles (SCPD, 2.5.6). There is no clear exception for mental health or intellectual disability.

Any deviations from the existing policy on transportation should be considered in conjunction with advice and guidance from community partners, including the Centre County Mental Health Administrator and advisory board. Additionally, if it is not already a practice, when an officer encounters a subject who they believe may be experiencing acute mental crisis, and that officer has not received appropriate training, the on-duty CIT should be notified and directed to respond if possible. Additional policy guidance for managing contacts with people who experience mental health challenges or intellectual disabilities can be found in the IACP model policy, "Responding to Persons Experiencing a Mental Health Crisis".

RECOMMENDATION 15: Engage in a policy review and include the recommendations from community partners to provide greater detail, including decision modeling for officers related to handcuffing or other restraints.

3.2.2. Best Practices in Crisis Intervention Involving Those with Mental Health and Intellectual Disabilities

State College as well as other police agencies throughout the U.S. have been seeking ways to improve police responses to mental health crises since most encounters between police and persons with mental illnesses do not involve major crimes or violence, nor do they rise to the level of requiring emergency apprehension. However, police response to mental health crisis is, in the view of communities across the country, a top priority for police officers because of the perception that failure to adequately address mental health crisis can result in excessive use of force. A recent review of studies estimated that 6 to 10 percent of all police contacts with the public in the U.S. involve persons with serious mental illnesses.[13] Based on 2019 SCPD calls for service, the team was able to identify 564 mental health interventions, which is approximately 0.021 percent of all calls for service. The evidence on whether mental illness increases the likelihood of arrest is equivocal.[14] More recent research suggests that it does not.[15]

Funding issues withstanding, the assessment team also examined smaller-scale CIT programs among a sample of police departments. There are some significant characteristics that are common among these departments that include:

- High levels of collaboration with community partners in terms of setting policy and operational procedures. This may include automatic notification to a designated

[13] Livingston, James D. "Contact Between Police and People with Mental Disorders: A Review of Rates." *Psychiatric services (Washington, D.C.)*, vol. 67,8 (2016): 850-7.

[14] L. A. Teplin. "The criminality of the mentally ill: A dangerous misconception," *The American Journal of Psychiatry*, 142(5) (1985): 593–599; See also, Robin Engel and Eric Silver. "Policing Mentally Disorder Suspects: A Reexamination of the Criminalization Hypothesis." *Criminology*, vol. 39,2 (2001): 225-252.

[15] J. Peterson and J. Densley. "Is Crisis Intervention Team (CIT) Training Evidence=Based Practice? A Systemic Review." *Journal of Crime and Justice*, vol. 41,5 (2018): 521-534.

behavioral health team as soon as an officer is aware that s/he is in contact with someone who's behavior suggests crisis intervention is necessary.

- Data driven decision making that includes data tracking to provide insight and understanding to the Department beyond frequency and focus instead on characteristics of confirmed mental health or crisis intervention encounters so that appropriate resources can be allocated. This information often includes factors such as time of day, length of the encounter, use of behavioral health, and information about incident resolution.

- Continual and frequent training for officers on changes in public policy that may impact the response of the Department, new strategies and techniques, and continual professional education on identifying at risk individuals, providing assistance when needed or required, and fair, equitable, and compassionate treatment for individuals who have mental health challenges or intellectual disabilities.

RECOMMENDATION 16: Develop and implement a data collection effort related to police response to mental health or critical intervention calls so that the Department can make data driven responses about resource allocation and training needs.

Additionally, SCPD can work with community members, advocacy groups, and mental health and behavioral health organizations to assess the degree to which mental health intervention is a policing priority and then align response, operational procedures, and policy through a process of community collaboration and partnership.

RECOMMENDATION 17: Continue to nurture and strengthen the existing relationship with the Centre County Mental Health/Intellectual Disabilities/Early Intervention & Drug and Alcohol Advisory Committee to maintain consistency in service and compliance with Pennsylvania Statute to include exploring partnership opportunities to provide annual legislative and policy updates and training to officers.

3.3   Internal Affairs

The State College Police Department has a detailed policy for their internal affairs procedures. The policy covers the complaint continuum from receiving a complaint, to assigning an investigator, to adjudication, to the appeals process. The policy for the most part is in line with leading practices, including the IACP's *Best Practices Guide – Internal Affairs: A Strategy for Smaller Departments, Building Trust Between the Police and the Citizens They Serve: An Internal Affairs Promising Practices Guide for Local Law Enforcement*, and Concepts and Issues Paper and Model Policy: Investigation of Employee Misconduct. Moreover, the major areas of the policy correlate with the CALEA Standards for Law Enforcement Agencies— Chapter 52 on Internal Affairs.

As opposed to other policies where the actions of the officers or the policy itself can impact officer safety, public safety, or precipitate lawsuits, the internal affairs procedures are more of an issue of transparency, public trust, accountability, and the preservation of discipline. The functions of Internal Affairs are administrative processes rather than operational policies. Therefore, the purpose of a comprehensive internal affairs policy is to improve the quality of law enforcement services by ensuring community confidence in the integrity of the Department balanced against a disciplinary framework that is fair and equitable to officers. One of the key purposes of an effective Internal Affairs process is to ensure that officers comply with Department policies and procedures, fair and effective disciplinary framework to allow the Department to monitor officers' compliance with Department policies and procedures. A well thought out policy will ensure fairness and due process protection to the community and officers alike in the handling of complaints against the Department and its officers.

The recommendations provided for the SCPD to consider as they move toward the goal of refining internal policies and procedures to support officers and at the same time provide transparent and equitable public safety services to the State College community include the following:

RECOMMENDATION 18: Consider developing a staff inspection and/or management review policy or operating procedure.

This could include periodic performance audit inspections of division operations to ensure compliance with policies and procedures along with internal control reviews. A process such as this may provide insight related to continual improvement and identifying those opportunities for corrective action when appropriate and needed.

RECOMMENDATION 19: Revise existing policies to address gaps that provide reasonable expectations for officers both on and off duty.

In particular, add an investigation of firearms discharges policy. This policy should be developed such that all incidents involving officer non-training firearms discharges, whether occurring on or off duty, within or outside the jurisdictional boundaries of State College.

RECOMMENDATION 20: Develop policies to address use of new technologies including the newly acquired body worn camera technology with regard to use in internal affairs investigations.

RECOMMENDATION 21: Develop an Early Warning/Intervention System or a Risk Management Initiative to detect patterns and trends in officer's conduct before it escalates.

It also serves to assist in identifying and remediating problematic officer's conduct that pose a potential risk to the public, to the Department, or to the officer. Some of the measures that could be considered for suitability for inclusion in the system are:

- Motor vehicle stop data
- Search and seizure data
- Internal complaints, regardless of outcome
- Civil actions filed, regardless of outcome
- Incidents of force usage, including firearms discharges and use of non-deadly force
- Claims of duty-related injury
- Arrests for resisting arrest
- Arrests for assault on a law enforcement officer
- Criminal investigations or complaints made against the member
- Incidents of arrested persons injured
- Vehicular pursuits
- Vehicular crashes
- Cases rejected or dismissed by the prosecutor
- Evidence suppressed by the court

Remedial intervention may include training, retraining, counseling and intensive supervision. In addition, the actions of the officer may indicate a question about the officer's fitness for duty. In that case, the officer should be examined for his fitness for duty, either physically or psychologically. Internal disciplinary action, remedial action, and fitness for duty examinations are not mutually exclusive, and should be jointly pursued if appropriate.

The IACP Law Enforcement Policy Center has in its collection a concepts and issues paper that provides additional guidance on early identification systems.

RECOMMENDATION 22: Create a policy to require officer self-reporting regarding any criminal, domestic violence, and motor vehicle citations against an officer regardless of the jurisdiction where the alleged offense occurred.

If an officer is involved in any of the aforementioned activities, that officer shall report it to their immediate supervisor as soon as practical.

RECOMMENDATION 23: Create policy guidance related to confidentiality of the Department's Conduct and Procedures Review board.

Because this Board is an ad hoc board and consists of the rank and file of the Department, confidentiality should be stressed upon those participants. The progress of internal affairs investigations and all supporting materials should be considered confidential information. All Department officers should be required to keep all aspects of any internal affairs case and/or investigation in strict confidence, whether involved in the investigation or not.

RECOMMENDATION 24: Extend the time period of the rotation or making a permanent assignment to the Internal Affairs Section.

The current policy of rotating a Department Lieutenant every three months as the Internal Affairs Section officer may pose potential issues if an investigation is extended more than the three months that officer is assigned to the section. (It should be noted that once a Lieutenant begins an investigation, that person retains it even in those cases where investigation extends beyond his/her 90-day appointment.)

RECOMMENDATION 25: Improve opportunities to engage in transparency with the community to include compiling annual statistical summaries, based upon records of internal affairs investigations, to be made available to the public and Department employees.

RECOMMENDATION 26: Clarify language throughout policy statements to differentiate between "employees", "officers", and "personnel".

3.4 Evidence, Evidence Processing, Handling of Evidence

There are multiple points where officers are provided training in processing and handling evidence. The first stop for evidence training is formal. It occurs during academy training where officers are provided specific training related to the overall rules of managing evidence as required by the state. Officers are then trained through a field training experience where the formal academy training is followed by practical field training where Officers learn evidence procedures specific to SCPD. During the review, the assessment team found that many leading practices are followed, including that there is a manual of evidence located in the evidence processing room, and evidence processing is accessible 24 hours a day. The manual is easy to follow and well organized. Outside the evidence room are lockers with a series of posters that also display evidence handling procedures. These resources are easy to follow and very illustrative of the proper handling of evidence.

The Evidence Processing room is supplied with all the various items needed to secure and store evidence properly. The room, however, does not have consistent and thorough camera

observation, nor does it have a computer for officers to use and book evidence into Property when they arrive. As a result, officers need to package evidence and then place it in a temporary holding locker, leaving the evidence (which creates the potential for a break in the chain of command) while they go to their desk or other location to access a computer and printer to print the evidence bar code labels. The officer then has to return to the temporary locker and apply the labels to evidence to complete the process. There have been some occurrences of officers carrying evidence out of the Evidence Room and taking it to their desks instead of placing the evidence in a temporary locker while they enter the information into the computer and print the labels. This practice also creates an opportunity for a break in the chain of custody of evidence.

There are two-sided lockers in the hallway that the officers place evidence into once it is logged, entered into the computer, and packaged. The lockers lock without a key by the application of pressure on the door. Physical access to the Evidence Room is limited, with only two lieutenants having a key, as well as the property custodian (a civilian position at SCPD). A limited number of personnel also have electronic fobs that are needed for certain activities such as removing or destroying property and evidence. A very limited number of personnel have an electronic fob to control the custody of artifacts and evidence once they are booked.

Further chain of custody controls exists that includes a log at the entrance to the room, specific procedures for managing and handling high-value evidence, money, guns, and drugs. Procedures for the destruction of property are clear and are sufficiently addressed; the room is well organized with similar types of evidence shelved and housed together.

In a review of written policies regarding the handling and processing of evidence, the assessment team determined that the spirit of the policies are largely consistent with leading practices for similarly sized and situated departments. However, the team also identified some areas for improvement. First, there were a number of occurrences where language related to evidence processing and handling was confusing as a result of grammar or writing errors. For example, Policy 3.6.1.F.01.a.iv related to homicide evidence states, "No exception to this provision except as authorized in writing by the Chief of Police." This sentence essentially consists of a no-exceptions policy immediately followed by an exception. Language should be edited and revised for concision and clarity; for example, "The only exception to this policy and practice must be authorized by the Chief of Police in writing and with a full explanation for the exception."

In another example, the language in policy 3.6.1.G.3 regarding the final disposition of evidence reads, "Final disposition of property or evidence must be accomplished no longer than 60 days from the notification of the owner or the court proceeding". Interpreted very literally, this policy requires the destruction, release, or other disposition of evidence to occur on day 60

after either the notification of the owner or the court proceeding. This means that the evidence should not be destroyed until the 61st day. Furthermore, the language in the policy makes the disposition/disposal of evidence a nearly daily job because the language of the policy notes that final disposition or destruction will occur on day 60. The SCPD may want to consider policy directives that require culling evidence and property on a monthly basis alongside correcting the policy language.

Further, the assessment team did identify several gaps in policy related to evidence and evidence processing, or other opportunities for clarification.

RECOMMENDATION 27: Clarify and address gaps in policy related to evidence

1. 3.5.0.02: This policy statement is not actually a policy statement. It simply says members of the Department will comply with the policy.

    - Recommendation: clarify the language or omit this initial statement.

2. 3.6.0.01 Evidence/Property Procedure narrowly defines the responsibility and duty of police to protect property of citizens, but not other groups such as businesses and government entities.

    - Recommendation: Rewrite the statement to clarify that police are responsible for protecting the property of persons, businesses, and artifacts owned by governments.

3. Policy related to evidence collected from vehicles is oriented toward those situations where the vehicle is seized and towed to the police department or evidence lot. However, we did not identify specific policies for those situations where evidence is found during a traffic stop, is seized, or otherwise collected, but the vehicle itself is not towed.

    - Recommendation: Develop policies regarding the collection, handling, and management of evidence collected from vehicles when the vehicle is not also seized.

4. 3.6.1.E.01.f – Fentanyl should be added to the list of dangerous drugs not to be handled directly.

5. 3.6.1.E.07 and 3.6.1.E.08 – as throughout this policy – but specifically these sections, a general statement should be made about wearing personal protective equipment when collecting and processing this type of evidence.

6. 3.6.1.F.d.iv – Sentence should be rewritten to avoid double negatives with a confusing positive language to: " Furthermore, all employees will appropriately dispose of items of evidence/property when s/he has knowledge or should have known that such items are no longer required to be held in the care, custody or control of this agency."

7. 3.6.6.B.2 – Calls for a new evidence manager to complete an inventory report after the inventory has been completed by the manager and one other person who is the Chief's designee. This policy is appropriate, however there is no requirement for Chief's designee to sign the report attesting to accuracy.

   - Recommendation: Revise the policy to require that in addition to the evidence manager's signature, the Chief's designee is also required to sign the report.

8. 3.6.6.C.1 - Related to the above noted recommendation, the inventory of evidence should be completed by two (2) people.

9. 3.6.7.B – add to the end of the sentence "… through final disposition."

3.4.1. Collection and Handling of Biological Evidence

Little policy guidance exists related to the collection and handling of biological evidence, and the team was not provided with documentation that specified biological evidence collection and processing. The team also observed that there was no mention in the policies reviewed regarding the activities and duties of evidence technicians.

3.4.2. Electronic and Digital Evidence

The materials we were provided did not contain specific policies that the team was able to identify as being specifically related to the collection and handling of electronic evidence. Given that we were unable to determine the extent to which policies related to the collection, management, storage, and disposition of digital and electronic evidence exists, there are some steps the Department can take to improve outcomes related to this type of evidence.

Digital evidence can come in many forms that include computers, portable electronics, video, flash and external drives, servers, websites, and other formats and sources that are both tangible and intangible. It is essential to correctly collect and secure digital and electronic evidence, as errors during collection and storage may taint or destroy evidence needed for prosecutorial purposes. In addition to merely collecting evidence, the Department must also be positioned to continually react to and adapt practices and policies to changing technology.

In developing policies related to the collection, processing, and management of digital evidence, the Department should provide routine training and training updates in electronic evidence preservation, including guidance on the use of Faraday bags or cages. This is particularly important given the *Riley* decision that, in most cases, requires a warrant before the search of a device can occur.[16]

---

[16] Riley v. California, 57 U.S. 373 (2014)

RECOMMENDATION 28: Recommendations Related to Collection, Handling, and Management of Evidence

1. Cameras are not consistently stationed throughout the evidence facilities, particularly in the evidence packaging and processing areas. Furthermore, cameras are controlled by the Borough's IT department. SCPD should consider expanding the use of cameras in the evidence room such that all areas are accommodated, with a particular emphasis on evidence packaging and processing.

2. The State College Public Works Department is responsible for programming the fobs to the evidence room and a private company cuts the keys. While it is a good practice to separate the pieces, that is the key and the fob, so that a single person or agency does not have access to both devices needed to enter the property room, SCPD may want to explore ways to ensure that at least one of the tasks of programming fobs or cutting keys is accomplished in house in order to reduce the risk of parties outside the Department having access to secured evidence.

3. Develop procedures and a policy that provides guidance on the collection, storage, management, and disposition of digital and electronic evidence. This policy should also address extraction of data and the credentials and authorization required to engage in data extraction from seized or otherwise stored electronic or digital evidence. The Department should also determine the training needs of officers and investigators related to search, seizure, collection, storage, and disposition of electronic and digital data, and if necessary, explore federal-level training opportunities that may be available at a reduced cost.

   a. If State College Police Department has the need and capability for extracting data from digital and electronic sources, ensure that training remains up to date for the appropriate personnel and develop a method to prioritize data extraction requests.

4. Enhance and revise the policies to include policy related to the need and capability for extracting data from digital and electronic sources, ensure that training remains up to date for the appropriate personnel, and develop a method to prioritize data extraction requests.

5. Develop a procedure around periodic department-level evidence audits to ensure that evidence is properly secured, stored, and that changes in custody have been properly documented.

6. Develop a policy related to the collection, preservation, and handling of biological evidence. This policy should ensure that biological evidence is properly preserved,

secured, stored and that changes in custody (such as transfer to state laboratories) are properly and fully documented.

3.5   Search and Seizure Policies

Through the review, the assessment team determined that most policies related to search and seizure are adequate and consistent with best practices and laws in the Commonwealth of Pennsylvania.

3.5.1. Consensual Searches

Consent searches resulting from investigative detention are structured so that they occur within the context of voluntary consent. However, some recent Supreme Court of Pennsylvania decisions emphasize the nuance about when the interaction between an ordinary citizen moves from a mere encounter to an investigative detention which must be supported by reasonable cause (see Commonwealth of Pennsylvania v. Edward Thomas Adams[17]). This raises the issue of whether searches that occur during investigative detention are ever really voluntary. The 2018 IACP Model policy on investigative detention emphasizes 5 key points:

1. Investigative detention should be based upon reasonable suspicion that a crime has occurred, is in progress, or is eminent.

2. Officers should not prolong investigative detention.

3. Officers should take precautionary measures that may include displaying firearms or handcuffing the detainee; though officers should be aware that these actions may cause the courts to determine that the encounter has moved from an investigative detention to an arrest.

4. Officers may conduct a frisk or pat-down of clothes for weapons if the person is reasonably believed to have a weapon or pose a threat to the officer, the detainee him/herself, or the public. Any further search should not occur unless it appears there is probable cause for arrest.

5. If, during the investigative detention, it becomes apparent that there is probably cause for arrest, that arrest should occur.

During the review of the policies related to search and seizure, it was noted that there is no section dealing with consensual searches of vehicles, such as may occur during a traffic stop.

---

[17] Commonwealth v. Adams, J-81-2018 (Pa. Mar. 26, 2019)

RECOMMENDATION 29: Refine the consensual search and investigative detention policies to incorporate the elements of the IACP model policy on searches.

RECOMMENDATION 30: Develop a policy related to consensual searches of vehicles based on the IACP model policy on searches.

3.5.2. Execution of Search Warrants

The team did not find a policy or procedure statement associated with the execution of search warrants, nor were there any safety or tactical guidelines related to search warrant execution available. Best practices associated with publicly available statements include that departments develop and make readily available to the community a broad policy statement that explains, generally, when, how, and why search warrants are executed. Beyond this, best practices for the development of a search warrant involve creating a policy that is consistent with federal and state law that includes a section on definitions and detailed procedures for execution of the warrant that includes warrant service planning, warrant preparation, safety procedures, armament, entry procedures, and on-premise activities and protocols.

There are opportunities for the State College Police Department to implement debriefing protocols related to high-risk warrant service, and other areas of police practice, that include response to critical incidents and use of force. Debriefing serves multiple purposes. First, Departments that have implemented policies and operating procedures related to debriefing have the advantage of learning about what went well and what challenges may exist so that future similar incidents are executed more safely and efficiently. Continual learning and improvement may improve outcomes related to officer safety and future liability for the Department.

Another reason to engage in debriefing is that an after-action procedure for high-risk warrant service and critical incident response provides opportunities for both organizational learning as well as individual officer reflection about performance and desired outcomes. One approach SCPD may want to consider is the development of an after-action review report protocol. After action reports are widely used by military units and those types of organizations that specialize in response to high-stress and critical events. There is evidence to suggest that the small group interaction and introspection required in after action review has positive effects in terms of enhancing cohesion among teams and that the debriefing that is an integral part of an after action report that may also promote improved mental health outcomes.[18]

---

[18] Ronald J. Whalen. "In Defense of After Action Reviews: The Art and Science of Small Unit Coping." *Milityar Review*, vol. 90,2 (2010): 68-76; Shannon Bohrer. "After Firing the Shots, What Happens?" *FBI Law Enforcement Bulletin*. (September 2005): 8-13.

In developing an after-action review procedure, the Department should be careful to implement procedures that encourage a focus on what happened during the event, what was supposed to happen, a comparison of the intended outcomes and results with what actually was accomplished, an examination of what worked and what could have been improved, and, in the event of negative outcomes, an examination of what could have been prevented.

RECOMMENDATION 31: Develop a policy that supports the practice of engaging in debriefing and an after-action procedure for high-risk warrant and critical incident response.

This policy should result in a process that evaluates what happened as compared to what was expected, a comparison of intended outcomes with outcomes that were realized, and opportunities for improvement, including prevention of adverse events.

3.5.3. Strip Search Policy

The Strip Search policy for State College was brief, though there are some areas where the policy can be refined. The IACP recommends that agencies should have "public facing" policies related to strip and body cavity searches that are concise and clear and focus on the preservation of human dignity. Internal policies should be more detailed and specify that consent to a more invasive search must be approved, in writing, by the highest-ranking supervisor or commander available at the time. In Pennsylvania, a warrant for a body cavity search is not required, though if sufficient evidence exists to believe that a body cavity search is necessary, sufficient articulable evidence exists to secure a warrant.

Body cavity searches, under Commonwealth of Pennsylvania law, do not compulsorily require a warrant, the Pennsylvania Law Enforcement Accreditation Commission (PLEAC) Standard 1.2.5 requires PLEAC accredited agencies to have a strip and/or cavity search policy in place that addresses privacy provisions and gender congruence in searches and reporting requirements. Many agencies throughout Pennsylvania have, as part of their policies and procedures, opted to require a warrant for any body cavity search, and in the number of policies we reviewed throughout the Commonwealth, most limited the circumstances where a body cavity search may necessitate an affidavit for a warrant. Similarly, many agencies have adopted policies that prohibit strip searches of juveniles unless a warrant is obtained.

It is important to note that the SCPD must also set some behavioral expectations for officers regarding conducting more invasive/intrusive searches as well as policies related to the use of body-worn cameras (BWC). For example, under no circumstances may an officer tell an arrested person that they will conduct a strip search unless they already have probable cause to conduct such a search. The mention of a more intrusive search cannot be used as a coercive tactic to set probable cause either for arrest or the search itself. Officers who are issued BWC

must also be provided with procedures that ensure that the person to be searched is given the option of permitting or disallowing recording of the search.

There are many important considerations regarding who engages in or is present during searches. In the case of strip searches, officers should honor the person's preference about the gender identity of the member conducting the search. Field strip searches should only be conducted when there is probable cause to believe that the person is concealing a weapon or is a threat to him/herself or others. Because of the extremely invasive nature of body cavity searches, considerations regarding hygiene and privacy must be taken into consideration, including referencing an existing policy (1.2.5 B) that requires that the search (with the exception of nose, mouth, and ear) are conducted by authorized medical personnel in a medical facility or detention room designed for this purpose and only when legally permissible, necessary, and reasonable.

In addition to the guidance offered by PLEAC and law in the Commonwealth of Pennsylvania, additional guidance is available through the IACP Law Enforcement Policy Center. In particular, see the publication "Strip and Body Cavity Searches" (2019). During the review, the team identified that the strip searches and body cavity searches are in two different places in the policy documentation. It is also recommended that the Department consider a policy on using personal protective equipment when conducting more invasive searches of persons as well as procedures for reporting and review by higher level command staff such as ranks of captain and above.

RECOMMENDATION 32: Evaluate current consensual search policy to ensure that it is consistent with current law within the Commonwealth of Pennsylvania and to ensure that policy guidance related to identifying the points of transition from mere encounter, to investigative detention, to arrest are clear to officers.

RECOMMENDATION 33: Develop and implement a policy related to warrant service.

In the development of this policy, SCPD may want to explore the IACP Model Policy on Executing Search Warrants.

RECOMMENDATION 34: Consider adopting an after-action review protocol for high risk warrant service and other critical incidents.

RECOMMENDATION 35: Consider a legal review of your strip and body cavity search policy and procedure.

Given that many agencies throughout the Commonwealth require a warrant based on articulable probable cause, a legal review will help clarify any ambiguous policy areas. One of the areas where a bit more clarification is needed regards strip searches of juveniles.

3.6 Domestic Violence

The review of the domestic violence policy revealed that the policy is thorough and there are many references to Pennsylvania law related to the duties of obligations of police related to domestic violence. As the Commonwealth of Pennsylvania requires mandatory arrest when the police officer, unless the officer observes the assault directly, must establish that the victim has visible, physical injury or there is sufficient corroborative evidence to effect the arrest. Given the relevant importance of physical injury, it is essential that photographic evidence be collected and preserved. Beyond substantiating the arrest, photographic evidence also significantly increases the likelihood of prosecution.[19] Another advantage to photographic evidence is that it documents the emotional state of the suspect and victim and provides a depiction of the environment where the incident occurred such as overturned furniture or smashed or broken items, thereby adding context to the written report.

The current policy does not provide guidance or direction about obtaining evidence, including photographs. Ideally, photographs should be taken at the time of the incident, and then in 24-hour intervals for at least 3 days. Photos of healing wounds or other injuries that may have been present before the incident should also be documented and noted. If possible, photographs should be taken by an officer of the same sex as the victim, particularly if the area of the body to be photographed is considered sensitive such as genitals and breasts.

RECOMMENDATION 36: Enhance the current domestic violence policy to include expanding the scope of the initial investigation to include the collection of photographic evidence by an officer of the same sex as the victim.

As with photographic evidence collection, the likelihood of prosecution improves significantly when multiple witnesses are identified and interviewed; however, there is not a policy that specifically addresses interviewing children as witnesses or victims. Child witnesses are particularly vulnerable, are less capable of making sense of traumatic experiences, and have may have a limited vocabulary. Some leading practices for child forensic interviewing include recognizing that no two children will relate their experiences in the same way; so even in those cases where there are multiple children who are witnesses, officers may not find consistency in stories. Children are also particularly attuned to interviewer behavior and may struggle to describe or disclose witnessing abuse or being abused themselves. There are strategies, however, to improve the quality of interviews with children, such as encouraging kids to give

---

[19] Eric L. Nelson, "Investigating Domestic Violence: Raising Prosecution and Convictions Rates." *Law Enforcement Bulletin.* U.S Department of Justice, Federal Bureau of Investigation. (2013); See also, Eric L. Nelson, "Police Controlled Antecedents Which Significantly Elevate Prosecution and Conviction Rates in Domestic Violence Cases," *Criminology and Criminal Justice,* vol. 13,5 (2013): 526-551.

detailed responses early in the interview process, and it is important for interviewers to rely on using open-ended questions.[20]

There also does not seem to be specific policy that requires periodic training on domestic violence. Police have a significant role in enforcing domestic violence laws and engaging in investigative behaviors that improve the possibility of successful prosecution. Police officers also have a role and statutory mandate to provide information to victims about shelter options, social service providers, and other needs associated with victimization related to domestic violence.

Another reason to invest in officer development related to domestic violence law is that the law is continually evolving and changing. In the mid- to late 1980s, it was widely believed that mandatory arrest, apart from improving prosecution outcomes, also better protected victims and provided an opportunity to escape safely if needed. However, more recent analysis of this practice presents strong evidence that mandatory arrest policies in states for misdemeanor domestic assault disproportionately harms African Americans and may cause a significant increase in repeat offending and an increase in the risk of offenders being murdered, though not typically by their victims.[21] There are other promising alternatives to mandatory arrest that include restorative justice facilitated by police that has shown to be generally effective in randomized trials in terms of reducing similar repeat offenses and is often highly desired by victims themselves.[22] However, in states, as is the case in Pennsylvania, where arrest is mandatory, opportunities for restorative justice are limited. With the current political, social, and professional interest in police reform opportunities to examine well intentioned policies that result in inadvertent but disproportionate harm to communities and families of color creates opportunities for the SCPD to be forward thinking and prepared for inevitable changes in expectations for police. One area that may improve current officer performance and be proactive in thinking about the future is to invest in training opportunities for officers, particularly in domestic violence, where disproportionate treatment is well documented.

---

[20] Chris Newlin et al. "Child Forensic Interviewing: Best Practices." *Juvenile Justice Bulletin*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. (September 2015).

[21] Lawrence W. Sherman. "Policing Domestic Violence 1967-2017." *Criminology and Public Policy*, vol. 17,2 (2018: 453-465.

[22] Lawrence W. Sherman. "Policing Domestic Violence 1967-2017."

RECOMMENDATION 37: Develop policy guidance for interviewing children who are witnesses or victims of domestic abuse and create specialized training opportunities for officers in child forensic interviewing.

RECOMMENDATION 38: Develop a training protocol for officers related to legislative, legal, and practice updates on domestic violence enforcement to be delivered annually or at another interval appropriate for the Department.

Last, the Department may want to consider minor policy refinements include outlining a role for the Supervisor in response to domestic violence complaints and better data collection. In particular, 14.13 Data Collection should include not only the same person but the same family. Sometimes one call is for child abuse, but the next may be for domestic abuse or a related offense. The child and adult being abused are not the same person but are the same family.

3.7   Pursuit Policy

The pursuit policies of the SCPD, which incorporates immobilization devices, foot pursuit, and reporting, are very well thought out and incorporates much of the IACP's Vehicular Pursuits Considerations Document and Concepts and Issues Paper. They emphasize the importance of safety for the officers, public, and the offender. Safety issues include nature of initial offense, location, speed, number of pursuing vehicles, supervision, communications, and pursuit tactics.

Due to recent police pursuit related incidents, several law enforcement agencies, including state legislation and state attorney opinions, have restricted vehicular pursuits and limited officer discretion. Some agencies/states only allow pursuits for violent criminals and prohibits pursuits in non-violent crimes such as stolen vehicles and traffic violations. Others do not restrict pursuits to an offense, but look at if the fleeing suspect/vehicle has demonstrated a disregard for the safety of others, refuses to obey directions of officer, and presents an imminent danger to human life or cause serious injury.

The SCPD's pursuit policies do place officer safety and the safety of the public and fleeing offenders as a priority. The policies delineate in detail the responsibilities and actions of officers, supervisors, and communications personnel. The policies allow for officer discretion, but also require supervisory oversight. The policies explain the use of various pursuit tactics and their limitations. Again, the SCPD vehicle pursuit policies incorporate much of the IACP's pursuit recommendations and is similar to other law enforcement pursuit policies. However, it should be noted that the SCPD is in a unique policing environment, in that the majority of its patrol area encompasses the Pennsylvania State University community. The one challenge of SCPD is the condensed student population along with increase in pedestrian traffic and numerous

intersections. Another significant consideration is the remarkably high population density in the borough outside the university campus.

Most pursuit policies were constructed several years ago and do not or cannot accommodate technological change. One of those changes is the incredible reliance that people have on mobile devices, which creates risk for pedestrian traffic where some individuals (especially in a residential campus setting) may be preoccupied by looking down at mobile devices, connected with headphones, and not attentive to emergency activities. Therefore, vehicle pursuits in this type of environment need to adjust to the possibility of pedestrians failing to obey traffic control signals, unable to hear emergency sirens, and not looking both ways prior to traversing an intersection or street. It is an assumption that pedestrians and operators of vehicles can hear, see, and recognize an emergency vehicle that may have to disregard traffic control devices in the performance of their duties, during a pursuit. This reality has to be incorporated into policy and training in order to safeguard the public.

In terms of the administration of the pursuit policy, there is an opportunity for SCPD to formalize memoranda of understanding with adjacent departments and the State Police to include addressing situations where a supervisor is not available. There is also an opportunity to combine a unified and synthesized policy that includes the use of immobilization devices and combines foot pursuits and vehicle pursuits into a single policy so that reporting and after action reviews are consistent with one another and policy direction is found in the same place. The team notes that there is not a specific policy that addresses commercial vehicles and other heavy equipment vehicles and recognizes that this is a "what if" topic. There have been instances of police pursuits of bulldozers, tanks, and other unusual heavy equipment, and while a policy that addresses the specific circumstances of a bulldozer in the borough may not be a common occurrence, a flexible and fluid policy that addresses heavy equipment would be useful.

RECOMMENDATION 39: Formalize a multijurisdictional pursuit policy memorandum with adjacent departments and the State Police.

This policy should include guidance on executing the policy in the unlikely event that a supervisor is not available.

RECOMMENDATION 40: Combine Pursuit of Vehicles, Immobilization Devices, Reporting, and In-House Review of Pursuits and Foot Pursuits into a single, cohesive policy statement.

RECOMMENDATION 41: Address pursuit of commercial, construction, and oversized vehicles.

As noted, because the need for this type of policy is infrequent, but not unheard of, a specific, formalized policy is not necessary in this case, but rather, incorporated into existing policies.

3.7.2   Changes to Support Officer and Community Safety

The risks associated with vehicle pursuits are high, and some indicators suggest that most pursuits are initiated for minor criminal or traffic offenses. Because of the high risk of collision in a vehicle pursuit, some modifications or additions to the existing operational policies and practices may promote officer safety.

1. Officers should exercise due caution in a manner compliant with current SCPD policy 4.2.1.F *and* slow down, as necessary and possible, when proceeding through intersections, especially controlled intersections.

2. Members shall not pursue a vehicle driving the wrong direction on a roadway. In the event the eluding vehicle drives in the wrong direction, members shall maintain visual contact with the eluding vehicle by paralleling the vehicle while driving on the correct side of the roadway. The current policy only addresses limited access highways.

3. At the earliest practical time when the member anticipates that a pursuit might be required, the member should ensure that his or her body-worn camera is activated in compliance with Department policy. This practice would allow all involved officers to narrate their observations and actions while engaging in pursuit.

4. The responding Secondary Unit shall use a different siren sound (e.g., wail or yelp) than the Primary Unit.

3.8   Prisoner Detention

The State College Police Department's Prisoner Detention Policy covers prisoner search, transportation, and detention. Because the SCPD is not a sheriff's office and not responsible for the incarceration of prisoners, the detention responsibility is not as encompassing as a jail facility. However, the mere fact that the SCPD has holding cells and the authority to detain and house prisoners, the need for detailed policies and procedures that have safety and legality as a priority is imperative. Moreover, the aspects of arresting, searching, and detaining individuals has come under scrutiny by the courts for centuries. It is one of the most intrusive acts that can be taken by the government, that is law enforcement, outside of taking the life of a person. Therefore, it is incumbent on the agency to ensure that policies and procedures in place are not only focused on officer and suspect safety, but on the legality of its practices.

The Fourth Amendment, the protection from unreasonable searches and seizures, has been the cornerstone of lawsuits against law enforcement agencies not only for its application of a policy, but the policy itself. Another area of potential litigation for law enforcement and corrections agencies are Section 1983 Actions (42 U.S.C § 1983), which includes violations of Fifth and Fourteenth Amendment rights that are only applicable to state and local governments. Therefore, it is always prudent to have an annual legal review of Department's

policies on prisoner search, transportation, and detention. The current applicable policies of the SCPD are for the most part in line with the IACP Model Policy on Transportation of Prisoners and its Concepts and Issues Paper.

RECOMMENDATION 42: Develop a long-distance transportation policy.

SCPD does not have a full long-distance transportation policy. This type of policy would address the security of prisoners outside SCPD jurisdiction to include meals, overnight accommodations, and commercial aircraft when necessary.

RECOMMENDATION 43: Develop a Prisoner Injury Reporting/Notification Policy and Procedure providing a process and documentation relating to persons arrested/detained by SCPD.

RECOMMENDATION 44: Consider crafting a policy and procedure to address matters associated with prisoners and detainees alleging physical abuse or misconduct by police.

One potential solution might be to connect the developed policy to 2.3.1 Internal Affairs Section policy.

RECOMMENDATION 45: Consider the development of a procedure for booking deaf or hearing-impaired persons, to include the use of sign language or other technologies to assist hearing impaired persons.

Under the Americans with Disabilities Act (ADA) people who are hearing impaired or deaf are entitled to a level of service that is equivalent to that provided to individuals without disabilities.

RECOMMENDATION 46: Perform a risk management assessment of each task in the process of the Department's prisoner search, transportation, and detention.

By "walking through" the various tasks and mechanics of the process, step-by-step, the components can be identified and critiqued. The policies can be developed or revised based upon the evaluation. Performing such an assessment can assist in ensuring officers are properly directed and trained in the performance of their assignment.

During the review of specific polices, places where some additional writing, to include the use of examples, would clarify the intent and expectations of the policy were identified.

RECOMMENDATION 47: Clarify and address gaps in policy related to prisoner detention and transport operations.

1. 2.5.1.A Transportation Operations – Prison Search

- All prisoners shall be restrained per section 2.5.6 (Currently, 2.5.1 A5 "all prisoners should be handcuffed during transport)

- For all prisoners: (currently only opposite sex or juveniles – 2.5.1 A9)
  - Upon departure, the officer shall radio the communications center with:
    - Arrest location
    - Number of prisoners
    - Destination of transport
    - Time and mileage readings before and after transport

2. 2.5.2 Transportation Operations – Vehicle Search

   - The language of 2.5.2 A. is currently vague. Recommended change:
     - The transporting officer(s) shall search the entire inside of the vehicle, looking under and behind seats (front and rear), under floor mats, in the creases between the top of the seat and the bottom, and the area around the rear window. All areas accessible to a prisoner shall be searched. The officer(s) should never assume the officer(s) who was previously assigned to the vehicle searched the vehicle.
     - When conducting searches of the vehicle, the officer(s) must be extremely careful. Prisoners have been known to hide or conceal items that can inflict injury, i.e. razor blades, needles, knives, etc.

3. 2.5.3 Transportation Operations – To Other Facilities

   - Recommend adding one of the following:
     - Prisoners shall be transported in a manner that allows for constant visual observation. Where available, rear-facing in-car video systems should always be activated and remain in use until the prisoner is removed from the vehicle.
     - Activate all video and audio recording devices (i.e. body worn cameras) within the transporting vehicle and continue to record the transport until such time as custody of the prisoner is transferred to another individual or agency.

4. 2.5.6.A Restraining Devices – Restraints During Transport

   - Recommend adding more detail, for example:
     - Officers shall handcuff (double-locked) all prisoners with their hands behind their back and palms facing outward.
     - The officer may handcuff the prisoner with his or her hands in front, or use other appropriate and approved restraining device(s) where the prisoner

- – a. is in an obvious state of pregnancy,

- – b. has a physical handicap,

- – c. displays behaviors consistent with mental illness or an intellectual/developmental disability, or

- – d. has injuries that could be aggravated by standard handcuffing procedures.

- Not leaving the vehicle unattended, absent articulable exigent circumstances.

5. 2.5.7 Special Transportation Situations – Sick, Injured or Disabled Prisoners

- Recommend adding the following:

   o Contagious prisoners who have reported that they suffer from a contagious disease or whom the arresting/transporting officers know to be suffering from a contagious disease or parasitic infestation (e.g., body lice, external parasites, COVID-19) shall be transported separately from other prisoners. Additionally, transporting officers shall take precautions and protect themselves with personal protection equipment.

8. 3.1.21 Supervision of Prisoners – Observation, Monitoring and Surveillance

- Review "Time Card" system for monitoring prisoners. (Currently, the custodial officer shall ensure that each cell prisoner is checked in person and the "time card" is punched at least every 30 minutes). Look at real-time technology to replace punch card system.

Finally, it was identified that there is not a policy that specifically addresses meals for detainees, to include a maximum length of time a person may be detained without a meal.

Section IV. Blueprint to Enhanced Accountability and Procedural Justice

Should SCPD decide to move toward enhancing police accountability in State College and improving efforts in procedural justice, the following strategies and activities are recommended.

1. Enhance transparency between SCPD and the community. This includes exploring the feasibility of implementing new policies related to the release of body worn camera video to the public, public notification of critical events and incidents, and changes or additions to critical issue and high-risk policy domains such as pursuits and use of force. SCPD sponsored and hosted training to the community regarding community-initiated activities such as profiling by proxy and environmental and physical crime control may also be useful.

2. Create opportunities for community voice in policy making and goal setting. SCPD may want to consider hosting community discussion forums and enhancing outreach to the community and neighborhood as a strategy for maintaining collaboration over enforcement priorities, particularly given that community priorities and officer noted priorities are already highly aligned with one another. A further step that SCPD may want to consider in the future is seeking formal avenues for community collaboration and participation in policy and procedural directives.

3. Consider the utility and feasibility of engaging in some form of civilian oversight or collaboration on oversight. Departments that share oversight, particularly around use of force and interactions with the community, also share responsibility for resolution. Oversight boards, of some variety, improve transparency and a sense of cohesiveness and collaboration.

4. Engage in efforts to enhance diversity and inclusion. These efforts may include increased training and retraining about implicit and explicit bias and profiling by proxy, improvements to the promotional processes within the Department, and focused efforts to attract a diverse applicant pool for new hires. Beyond these internal processes, the Department may also want to explore opportunities to involve neighborhoods and members of diverse identity and affinity groups in departmental strategic planning activities.

5. Address gaps in policy as noted in this review, as well as offer language to clarify policies to avoid ambiguity. It is also recommended that SCPD consider making access to Standard Operating Procedures more clearly available through public domain

documents available to the public via the SCPD webpage to the greatest extent possible. The Department's decision to redact tactical operational plans and priorities from public practice follows leading practices. Public disclosure should provide transparency to the public about what the policies are but not necessarily specific operations and tactics so as to avoid interfering with ongoing investigations.

There is potential for the State College Police Department to engage in some specific contemporary policing strategies to enhance the level of trust they currently share with the community. The assessment team recognizes that the Department already engages in significant efforts that support 21st century policing strategies and works diligently to make State College a safe environment for residents, visitors, and businesses.

Appendix A: List of Recommendations

This appendix contains a listing of the primary recommendations identified throughout the report. It should be noted that some recommendations may have several sub-recommendations not listed here.

External and Internal Accountability

Section I: The Policing Environment

1. Continue efforts to engage in strategies to align community enforcement priorities with Department-identified enforcement priorities related to crime control and suppression, and share information with the community regarding progress related to shared outcomes related to enforcement priorities.

2. Develop operating procedures to collaborate with the community to seek ways to improve performance related to perceptions and experiences regarding respectful encounters between police and the community, responsiveness to community concerns, trust, and the risk of discrimination.

Section II: The SCPD and Internal Accountability

3. Clarify and add detail to the Department policy on promotions to include additional detail about procedures, including the use of a panel assessment.

4. Assess the use of body-worn camera video in conjunction with the review process to improve accountability, support early intervention with officers, and reinforce training.

5. Consider opportunities to improve community transparency by making body-worn camera videos publicly available, even in cases of critical incidents

6. Explore an expanded community collaboration process that includes representation from the SCPD, Borough of State College, community residents, and representatives of the university community and neighboring townships.

7. Consider practices that may improve outcomes related to impartial and equitable policing.

Specific Policy Domains

Section III: Review of Specific Policy Domains

Use of Force

8. Develop and include language throughout the directives in the use of force policies to include language that is consistent with Constitutional law, including "objective reasonableness" to accomplish a lawful purpose.

9. Develop a use of force model that incorporates officer decision tactics based on well-defined subject behaviors and resistance.

10. Strike "(other than at animals)" from this policy to maintain consistency throughout the collection of policy directives so that all discharges of firearms are reported and documented.

11. Expand data collection and analysis efforts to include consideration of predictive analytical techniques that focus on use of force in diverse populations.

12. Broaden data collection and analysis efforts to examine and better understand use of force both in terms of the characteristics of the persons against whom force is used as well as the officers using force. Specifically, data related to the age, race, ethnicity, and gender of the officer(s).

13. Enhance the collaboration with behavioral and mental health partners in the community as the Penn State Police to develop a policy related to use of force with subjects who suffer behavioral or mental health challenges.

Mental Health and Crisis Intervention Response

14. Modify current policy such that all officers (rather than just new hires and as many as practical) are provided sufficient training to determine whether a person's behavior is indicative of a mental health crisis.

15. Engage in a policy review and include the recommendations from community partners to provide greater detail, including decision modeling for officers related to handcuffing or other restraints, such that they are and be somewhat consistent to that of departmental policies relating to but not limited to departmental transportation and custody searches.

16. Develop and implement a data collection effort related to police response to mental health or critical intervention calls so that the Department can make data driven responses about resource allocation and training needs.

17. Continue to nurture and strengthen the existing relationship with the Centre County Mental Health/Intellectual Disabilities/Early Intervention & Drug and Alcohol Advisory Committee to maintain consistency in service and compliance with Pennsylvania Statute

to include exploring partnership opportunities to provide annual legislative and policy updates and training to officers.

Internal Affairs

18. Consider developing a staff inspection and/or management review policy or operating procedure.

19. Revise existing policies to address gaps that provide reasonable expectations for officers both on and off duty.

20. Develop policies to address use of new technologies including the newly acquired body worn camera technology with regard to use in internal affairs investigations.

21. Develop an Early Warning/Intervention System or a Risk Management Initiative to detect patterns and trends in officer's conduct before it escalates.

22. Create a policy to require officer self-reporting regarding any criminal, domestic violence, and motor vehicle citations against an officer regardless of the jurisdiction where the alleged offense occurred.

23. Create policy guidance related to confidentiality of the Department's Conduct and Procedures Review board.

24. Extend the time period of the rotation or making a permanent assignment to the Internal Affairs Section.

25. Improve opportunities to engage in transparency with the community to include compiling annual statistical summaries, based upon records of internal affairs investigations, to be made available to the public and Department employees.

26. Clarify language throughout policy statements to differentiate between "employees", "officers", and "personnel".

Evidence, Evidence Processing, Handling of Evidence

27. Clarify and address gaps in policy related to evidence

28. Recommendations Related to Collection, Handling, and Management of Evidence

Search and Seizure Policies

29. Refine the consensual search and investigative detention policies to incorporate the elements of the IACP model policy on searches.

30. Develop a policy related to consensual searches of vehicles based on the IACP model policy on searches.

31. Develop a policy and practice to engage in debriefing and an after-action procedure for high-risk warrant and critical incident response.

32. Evaluate current consensual search policy to ensure that it is consistent with current law within the Commonwealth of Pennsylvania and to ensure that policy guidance related to identifying the points of transition from mere encounter, to investigative detention, to arrest are clear to officers.

33. Develop and implement a policy related to warrant service.

34. Consider adopting an after-action review protocol for high risk warrant service and other critical incidents.

35. Consider a legal review of your strip and body cavity search policy and procedure.

Domestic Violence

36. Enhance the current domestic violence policy to include expanding the scope of the initial investigation to include the collection of photographic evidence by an officer of the same sex as the victim.

37. Develop policy guidance for interviewing children who are witnesses or victims of domestic abuse and create specialized training opportunities for officers in child forensic interviewing.

38. Develop a training protocol for officers related to legislative, legal, and practice updates on domestic violence enforcement to be delivered annually or at another interval appropriate for the Department.

Pursuit Policy

39. Formalize a multijurisdictional pursuit policy memorandum with adjacent departments and the State Police.

40. Combine Pursuit of Vehicles, Immobilization Devices, Reporting, and In-House Review of Pursuits and Foot Pursuits into a single, cohesive policy statement.

41. Address pursuit of commercial, construction, and oversized vehicles.

Prisoner Detention

42. Develop a long-distance transportation policy.

43. Develop a Prisoner Injury Reporting/Notification Policy and Procedure providing a process and documentation relating to persons arrested/detained by SCPD.

44. Consider crafting a policy and procedure to address matters associated with prisoners and detainees alleging physical abuse or misconduct by police.

45. Consider the development of a procedure for booking deaf or hearing-impaired persons, to include the use of sign language or other technologies to assist hearing impaired persons.

46. Perform a risk management assessment of each task in the process of the Department's prisoner search, transportation, and detention.

47. Clarify and address gaps in policy related Prisoner Detention and transport operations

International Association of Chiefs of Police
44 Canal Center Plaza, Suite 200
Alexandria, VA 22314

Direct: 703-836-6767
Main Line: 800-THE-IACP
Fax: 703-836-4543

www.theIACP.org