



Special Meeting of the Bias-Based Policing Review Committee
Meeting Minutes for
Wednesday, June 22, 2022, at 10:00 a.m.
(Virtual Meeting *via* Microsoft Teams Platform)

At 10:00 a.m. Executive Session [Call to Order, Roll Call and Opening Remarks by Commission Chairperson (Sha Brown) and Review Committee Chairperson (Marvin Boyer)]

Chairperson Brown called the Executive Session of the Pennsylvania State Law Enforcement Citizen Advisory Commission's (Commission) Bias-Based Policing Review Committee (Review Committee) to order [where a quorum was present] and provided an overview of the Review Committee's proposed Special Meeting Agenda.

To refresh Commissioners' recollections, Chairperson Brown recapped the status of the committee's reviews of **Internal Case Nos. 21-0009-P and 21-0010-P** [holdovers from the Commission's first Review Cycle] and summarized relevant confidential details of the internal investigations completed by the Pennsylvania State Police (PSP) along with the proposed schedule for completion of its reviews and issuance of Preliminary Investigative Review Reports. As an administrative matter, Chairperson Brown and Commissioners also generally discussed how to address possible repeat findings, conclusions and recommendations, changes in relevant case law regarding the use of criminal indicators during traffic enforcement and the status of legislative actions concerning previous recommendations adopted by the Commission.

With no further administrative matters or other questions, the Executive Session of the Review Committee ended at 10:34 a.m.

At 10:36 a.m. Public Session of Special Meeting Commenced and Recording Began

At 10:37 a.m. Call to Order, Roll Call, and Opening Remarks by Commission Chairperson (Sha Brown)

Chairperson Brown called the Special Meeting of the Pennsylvania State Law Enforcement Citizen Advisory Commission's (Commission) Bias-Based Policing Review Committee (Review Committee) to order, announced that the meeting was being recorded and participation in the meeting conferred consent to being recorded. The Commission's Secretary (Jaimie Hicks) conducted a Roll Call and Commissioners Marvin Boyer [Review Committee Chairperson], Brenda Tate, and Suresh Canagarajah were present remotely and a quorum of the Review Committee was present. Commissioner Denise Ashe was excused from participation in this meeting and Commissioner Keir Bradford-Grey was absent. Vice-Chairperson Elizabeth Pittinger was also present remotely. A copy of the Roll Call and Attendance Form is attached hereto and made a part hereof [see **Attachment 1**].

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At 10:37 a.m. Public Comment Reminder

Chairperson Brown reminded members of the public of the various ways citizens may participate and offer public comment before and during all meetings of the Commission and the Commission's Review Committees to ensure public participation and transparency. For purposes of this Special Meeting, public comment was limited to three minutes per speaker.

At 10:38 a.m. Motion to Approve Bias-Based Policing Review Committee's Meeting Agenda by Unanimous Consent

Chairperson Brown asked for a motion to approve the Bias-Based Policing Review Committee's Meeting Agenda by unanimous consent. The Motion was offered and seconded by Review Committee members in attendance. Chairperson Brown asked if there were any objection(s) to the Meeting Agenda and after hearing no objections, Chairperson Brown recognized the approval of the Bias-Based Policing Review Committee's Meeting Agenda by unanimous consent. A copy of the Bias-Based Policing Review Committee's June 22, 2022, Meeting Agenda, as adopted, is attached hereto, and made a part hereof [see Attachment 2].

At 10:39 a.m. Motion to Approve Adoption of the Draft of the Bias-Based Policing Review Committee's May 2, 2022, Meeting Minutes by Unanimous Consent

Chairman Brown asked for a Motion to approve the draft of the Bias-Based Policing Review Committee's May 2, 2022, Meeting Minutes by unanimous consent. The Motion was offered and seconded by Review Committee members. Unanimous consent to approve adoption of the draft of the Bias-Based Policing Review Committee's May 2, 2022, Meeting Minutes passed with no noted objections [a copy of the Meeting Minutes as adopted is available on the Review Committee's webpage found at www.osig.pa.gov/PSLECAC].

At 10:39 a.m. Other Review Committee Administrative Matters

Review Committee Chairperson Boyer did not have any administrative matters to discuss and yielded the floor back to Chairperson Brown.

At 10:40 a.m. Continued Consideration, Discussion, and Deliberation in Anticipation of Issuing Preliminary Investigative Review Reports for Internal Case Nos. 21-0009-P and 21-0010-P for Presentation to the Commission

Chairperson Brown explained that the Review Committee will entertain further consideration, discussion, and deliberation of the Pennsylvania State Police's (PSP) completed internal investigations regarding underlying incidents for **Internal Case Nos. 21-0009-P and 21-0010-P**. For both matters currently under consideration, Chairperson Brown stated that the committee's six Review Objectives were as follows:

OBJECTIVE I – Determination of Whether the Internal Investigation was Prompt and Fair

Commissioners will review how the internal investigation was conducted compared to department policy and relevant collective bargaining agreements to confirm whether the investigation was conducted in a prompt and fair manner.

OBJECTIVE II – Determination of Whether the Internal Investigation was Impartial

Commissioners will review department policy designed to ensure fairness and impartiality and ensure internal investigations were conducted in compliance with said policy; and determine whether any conflict of interest exists based on all known information.

OBJECTIVE III – Determination of Whether the Internal Investigation was Complete

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Commissioners will review the completed internal investigation to ensure all relevant facts that were reasonably obtainable were collected and all relevant interviews were conducted.

OBJECTIVE IV – Determination of Whether the Covered Agency’s Adjudicatory Findings were Reasonable

Commissioners will review the contents of the Adjudication Report to ensure all relevant facts were considered, including all known actions by the enforcement officer, and determine whether the adjudicator’s decision was reasonable based on a totality of the circumstances.

OBJECTIVE V – Determination of Whether the Discipline (if any) was Reasonable

Commissioners will compare discipline issued (if any) to past disciplinary precedent to confirm that the discipline was reasonable and consistent with the Covered Agency’s just cause standard, rules and regulations, collective bargaining agreements, and/or grievance and arbitration decisions.

OBJECTIVE VI – Determination of Whether any Policy or Training Deficiencies Exist

Commissioners will compare facts and circumstances described in the Covered Agency’s completed internal investigation with relevant departmental policies and training along with best practice guidelines to determine if any policy or training deficiencies are apparent. Where deficiencies are identified, make recommendations to the Covered Agency for corrective action(s).

Chairperson Brown then moved the discussion to **Internal Case No. 21-0009-P**. Chairperson Brown reminded the public that this matter concerned a completed internal investigation by PSP involving a bias-based policing complaint stemming from an incident that occurred on October 25, 2018 in Troop J which was determined to be “unfounded” on February 14, 2019. Chairperson Brown stated that the Review Committee began its review of the matter in the Fall of 2021, developed questions and/or requests for additional information concerning the six Review Objectives that were sent to PSP, and that PSP participated in an Oral Presentation of its completed internal investigation where Commissioners posed additional questions.

Following those discussions and its review of underlying PSP investigative records, Chairperson Brown stated that the Review Committee prepared a total of 25 questions it wished to answer related to all six Review Objectives so that it may render determinations of promptness, fairness, impartiality, completeness, the reasonableness of adjudicatory findings and discipline (if any), and whether any policy or training deficiencies existed. For example, Chairperson Brown summarized that the Review Committee sought information about how long the Trooper Trainee was in training, the experience and training of the PSP supervisor on site, whether the citizen’s “missing bumper” was the reason for the traffic stop and whether the PSP supervisor and/or trainee had a history of bias-based policing complaints and their resolutions, if applicable. Chairperson Brown then relinquished the floor to Review Committee Chairperson Boyer for any comments and additional questions or concerns.

Review Committee Chairperson Boyer stated his remaining questions related to the Review Committee’s determination of impartiality. Specifically, Review Committee Chairperson Boyer expressed concerns about whether PSP had a policy or other regulation that addressed conflicts of interests and PSP’s reluctance [to date] to provide Commissioners with information regarding a member’s history of bias-based policing complaints and their resolutions and its ability to verify whether conflicts existed through open/public sources. Chairperson Brown replied that PSP did have language within its a policy that addressed conflicts of interests within investigations (i.e., PSP Policy No. AR-25). However, Chairperson Brown recalled that the Review Committee also discussed whether PSP maintained a document [within their investigative files] which affirmatively acknowledged and certified that investigators, adjudicators and/or supervisors did not have any conflicts of interest. Chairperson Brown

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stated that PSP has not confirmed whether such a certification exists and that the Review Committee may wish to include that in its recommendations.

Concerning an ability to verify whether conflicts of interests existed within an investigative file through open or public sources, Chairperson Brown stated that the Review Committee is not authorized [under Executive Order 2020-04, as amended] to receive personally identifiable information as well as C.H.R.I.A.-protected information of either involved members or citizens, so Commissioners are unable to perform research through open sources. Consequently, Chairperson Brown stated that the Review Committee requested whether it was possible for PSP to randomly assign identification numbers to involved members to both shield the identification of individuals but allow for Commissioners to verify associations or patterns of behavior. Otherwise, Chairperson Brown opined that the Review Committee can only render a determination of impartiality based on all known information and make such notes of limited information in their preliminary report or state it is not able to render such a determination because it lacks necessary information. Concerning its request for historical information regarding bias-based policing complaints and related investigatory dispositions concerning involved members, Chairperson Brown also explained that PSP responded that such information is outside the scope of the Review Committee's purview because it is limited to requesting information directly related to the investigations currently under review.

Review Committee Chairperson Boyer stated that he believed the Review Committee should proceed to render a determination of impartiality but make note of its continued concerns and limitations in their report and relinquished the floor. Commissioner Canagarajah stated he had no questions at this time but stated he was surprised that law enforcement still used photographs to establish "likeness" to justify stopping a citizen. Commissioner Canagarajah also voiced frustration that such a practice existed with no apparent guidelines. In response, Chairperson Brown relayed that other Review Committees requested the list of, or similar information concerning, the "criminal indicators" used by PSP to judge the reasonableness of the development of reasonable suspicion and probable cause by involved members since it was part of PSP's traffic enforcement training. However, Chairperson Brown stated that the Commission has not received this information to date but will continue to request it.

Commissioner Tate did not have anything to add but stated that the Review Committee needed to continue to revisit why it cannot obtain information necessary to properly assess impartiality since the goal of these reviews is to establish public trust. Review Committee Chairperson Boyer agreed that public trust and transparency were essential to the committee's Review Process and the Commission's mission. Chairperson Brown reiterated again that the Review Committee had limited access to receive personally identifiable information and/or C.H.R.I.A.-protected information, did offer an alternative strategy for consideration by PSP and like other Review Committees, this Review Committee can make appropriate notations in their report. Chairperson Brown stated further that he would continue to seek information regarding the indicators used by PSP to determine the reasonableness of whether involved members possessed reasonable suspicion and/or probable cause for pertinent law enforcement activities.

Chairperson Brown then proceeded to present Review Objectives so that the Review Committee may consider, discuss, and deliberate whether they can reach such preliminary determinations. Concerning Review Objective No. 1 [determination of whether the internal completed investigation was both prompt and fair], Chairperson Brown stated that the Review Committee posed a total of eight questions and that all questions were answered positively, i.e., the involved member recorded all known

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facts of the incident in a written report and received reasonable notice of the pertinent interview request, the investigator requested all required information prior to any interviews, the involved member was notified of Garrity/Miranda rights and afforded the opportunity for union representation, etc. At that time, Chairperson Brown relinquished the floor to Review Committee Chairperson Boyer for a motion regarding the Review Committee's determination of promptness and fairness. With no other comments or questions by Commissioners, Review Committee Chairperson Boyer made a motion rendering PSP's internal investigation both prompt and fair concerning its review of **Internal Case No. 21-0009-P**. The motion was seconded and there were no objections. **Accordingly, the Review Committee determined PSP's completed internal investigation concerning Internal Case No. 21-0009-P was considered both prompt and fair.**

Concerning Review Objective No. 2 [determination of whether the completed internal investigation was impartial], Chairperson Brown confirmed that PSP had a policy to address when its internal affairs personnel had a conflict of interest or believed it could not conduct an objective and unbiased investigation, but stated that the Review Committee was unable to independently verify this information through open or other third party sources because it lacked the ability to receive personally identifiable information [pursuant to Executive Order 2020-04, as amended] or any other unique identifier. Chairperson Brown then relinquished the floor to Review Committee Chairperson Boyer for further deliberation and a requisite motion on the Review Committee's determination of impartiality.

Review Committee Chairperson Boyer stated that he was conflicted because the Review Committee posed specific questions to PSP that remained unanswered and that it had limited information. While he believed that the internal investigation was impartial with respect to the matter currently under consideration, Review Committee Chairperson Boyer stated PSP denied the Review Committee information which would allow it to independently verify impartiality. Consequently, Chairperson Brown stated that the Review Committee may offer a motion indicating it was unable to determine impartiality because it lacked necessary information or note that it did not possess all information but also did not see anything that would indicate the investigation was not impartial based on all known information.

Review Committee Chairperson Boyer replied that he supported the second option and made a motion that the Review Committee note it did not possess all necessary information but render PSP's internal investigation impartial based on all known information that indicated no conflict existed. Commissioner Canagarajah requested a point of clarification. Commissioner Canagarajah asked whether it was more strategic to state the Review Committee was unable to render a determination of impartiality because of missing information to put more pressure on PSP to provide relevant information, but stated he was satisfied with either option. Chairperson Brown reiterated that the requested information is protected but that the Commission was still pursuing alternative means that would allow Review Committees to verify information, i.e., unique identifiers. With no other questions or other concerns, the motion was seconded, and no objections were noted. **Accordingly, the Review Committee determined PSP's completed internal investigation concerning Internal Case No. 21-0009-P was considered impartiality based on only known information at the time.**

Concerning Review Objective No. 3 [determination of whether the completed internal investigation was complete], Chairperson Brown stated that the Review Committee had a total of three questions and that all questions were answered positively, i.e., the investigation included the collection of all key statements and relevant information that was reasonably obtainable. At that time, Chairperson

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Brown relinquished the floor to Review Committee Chairperson Boyer for a motion regarding the Review Committee's determination of completeness. Review Committee Chairperson Boyer made the motion, the motion was seconded, and no objections were noted. **Accordingly, the Review Committee determined PSP's completed internal investigation concerning Internal Case No. 21-0009-P was complete.**

Concerning Review Objective No. 4, Chairperson Brown summarized that the Review Committee reviewed PSP's Adjudication Report concerning **Internal Case No. 21-0009-P** to ensure that all relevant facts were considered, including all known actions by the involved enforcement officer(s), and determine whether the adjudicator's decision was reasonable and based on the totality of the circumstances as required. Chairperson Brown then turned the floor over to Review Committee Chairperson Boyer for further discussion and comment on the determination of whether the adjudication was reasonable. Review Committee Chairperson Boyer did not have any other comment to add at this time and no other Commissioner asked to be recognized.

With no questions or other comment, Chairperson Brown asked for a motion to determine whether adjudicatory findings were considered either reasonable or unreasonable. Review Committee Chairperson Boyer offered a motion to find that adjudicatory findings were deemed reasonable. The motion was seconded, and no further objections or requests for clarification were offered. **Accordingly, the Review Committee found that the adjudicatory findings concerning Internal Case No. 21-0009-P were deemed reasonable based on the totality of circumstances.**

Concerning Review Objective No. 5 [determination of whether disciplinary action (if any) was considered reasonable], Chairperson Brown stated that no discipline was issued in this case and thus this objective was not applicable to the matter currently under review.

Concerning Review Objective No. 6 [determination of whether any policy or training deficiencies exist], Chairperson Brown proceeded to summarize the Review Committee's preliminary findings and conclusions and relevant proposed recommendations which included the reasonableness of adjudicatory findings regarding members' development of reasonable suspicion and/or probable cause based on the use of criminal indicators and lack of access to pertinent training material.

With the conclusion of all deliberations concerning the matter currently under consideration by the Review Committee, Chairperson Brown turned the floor over to Review Committee Chairperson Boyer for a motion to **authorize production of a Preliminary Investigative Review Report for Internal Case No. 21-0009-P to include the above referenced determinations along with preliminary findings, conclusions, and recommendations. The motion was offered and seconded with no objections noted.**

At this time, Chairperson Brown opened the floor to public comments, and none were offered.

Next, Chairperson Brown moved the discussion to **Internal Case No. 21-0010-P**. Chairperson Brown reminded the public that this matter involved PSP's completed internal investigation involving a bias-based policing complaint stemming from an incident that occurred on January 14, 2019 in Troop F which was determined to be "unfounded" on May 7, 2019. Chairperson Brown stated that the Review Committee began its review of the matter in the Fall of 2021 which included a review of PSP's General Incident Report and Adjudication Report. However, Chairperson Brown noted that the Review

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Committee was still not in possession of pertinent Motor Vehicle Recordings (MVRs) of the underlying incident which was initially requested on September 12, 2021. Chairperson Brown stated that the Review Committee renewed its request for a copy of the pertinent MVRs again on October 5, 2021 and again as recently as June 20, 2022. Following its most recent request, Chairperson Brown reported that PSP indicated it was working on production of the redacted MVRs. Like **Internal Case No. 21-0009-P**, Chairperson Brown stated that PSP did not provide information related to the involved members' histories, if any, of bias-based policing complaints and subsequent investigatory findings citing the limits of Executive Order 2020-04, as amended.

Summarily, Chairperson Brown stated that questions posed by the Review Committee under Review Objective No. 1 [determination of promptness and fairness] were answered affirmatively. Similar to **Internal Case No. 21-0009-P**, Chairperson Brown restated that the Review Committee had the same challenges concerning its determination of impartiality under Review Objective No. 2 since it lacked the ability to independently verify the existence of any known associations between involved members and PSP internal affairs investigators. Based on the information contained in PSP records provided thus far, Chairperson Brown stated that all questions posed by the Review Committee under Review Objective No. 3 [determination of completeness] were also answered affirmatively.

Concerning Review Objective No. 6, Chairperson Brown reported that the Review Committee had a total of 13 questions regarding various aspects of the underlying incident and related policy and/or training concerning warrantless and consent searches, language used for search warrants, use of K9 units, reason for traffic stop, etc., and that most, if not all questions were answered positively. Chairperson Brown then relinquished the floor to Review Committee Chairperson Boyer for any additional questions or comments.

Beside the lack of information concerning its ability to verify impartiality, Review Committee Chairperson Boyer stated that what stood out to him included the involved member "walking back the citizen chest to chest" and believed the involved member could have handled the situation better and whether this was a training deficiency. Commissioner Canagarajah did not have anything to add but Commissioner Tate agreed that the "chest to chest" conduct presented an officer safety issue. Chairperson Brown summarized and restated the Commissioners' concern regarding officer safety and any policies related to the escort of citizens, i.e., chest to chest.

Vice-Chairperson Pittinger restated concerns regarding the subjective nature of indicators to initiate traffic stops. Vice-Chairperson Pittinger also recounted that the Review Committee was limited in verifying whether an involved member was motivated by either race or other bias during such enforcement activity because it cannot determine whether there is a pattern or practice in the member's conduct since it lacks historical complaint and related investigative records. Because the Review Committee is only able to review these cases in isolation, Vice-Chairperson Pittinger said that the Commissioners are forced to provide the involved member with the benefit of the doubt that he or she used indicators appropriately and such indicators were not used in a discriminatory manner. Vice-Chairperson Pittinger voiced support for the Commission's request to find some type of alternative way (without identifying the involved member(s)) to get this type of information since the Commission's only interest is the underlying conduct.

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Chairperson Brown stated that the idea behind a “patterns and practice” review of behavior and conduct is that when a pattern is shown such behavior can be viewed as indicative of establishing bias. During a previous review by this Review Committee [later adopted and ratified by the Commission on May 13, 2022], Chairperson Brown recounted that the Commission recommended PSP adopt a formal policy requiring either quarterly or annual analysis of traffic enforcement data (including associated demographic data to be made publicly available) to determine the effectiveness of its use and reliance on criminal indicators and whether its practice should continue in its current form based on informed analysis. Chairperson Brown reported that the Commission is currently awaiting PSP’s response to this recommendation. On the issue of impartiality, Chairperson Brown stated that the Commission [on behalf of all Review Committees] will reiterate its request for assignment of numeric or some other type of unique identifiers so that Commissioners are able to independently verify whether any patterns or practices exist concerning member conduct.

Commissioner Canagarajah believed that bias can also be seen through interpersonal relationships, i.e., an African-American officer can stop an African-American citizen and exhibit the same bias if there is a previous history or contact between the two. Commissioner Canagarajah added that it was important not to diminish this type of bias since it had the same affect and should be scrutinized the same way. Review Committee Chairperson Boyer again stated that annual (as opposed to initial cadet and/or sporadic) diversity, inclusion and equity training speaks to and sends a clear message that these sentiments are important, and that bad behavior will not be tolerated. Vice-Chairperson Pittinger added that the underlying incident involved a pretextual traffic stop and that the involved member had prior knowledge of, and contact with, the subject which arguably was used as a basis for his or her reasonable suspicion [to conduct a K9 search of the vehicle’s perimeter after the subject refused to provide a consent to search]. Consequently, Vice-Chairperson Pittinger stated that such prior knowledge and contact directly goes to the reasonableness of the involved member’s enforcement action, i.e., was what the involved member believed influenced by prior knowledge and contact with the citizen or based on the citizen’s conduct at that time. As an institution, Vice-Chairperson Pittinger stated that the Commission must be able to assess the character and conduct of the parties’ interpersonal relationship and that such an assessment lends to PSP’s institutional integrity.

At this time, Chairperson Brown opened the floor to public comments, and none were offered.

Chairperson Brown recapped the Review Committee’s deliberations thus far regarding possible policy and/or training deficiencies as follows: (1) training regarding safety related to the escort of citizens, i.e., walking citizen chest to chest; (2) ability to verify “patterns and practices” based on historical information concerning bias-based policing complaints filed against and related investigations of an involved member; (3) reasonableness determinations concerning establishment of reasonable suspicion involving pretextual traffic stops based on prior contact and/or knowledge of citizen; (4) repeat recommendation related to importance of annual bias-based policing training [Recommendation No. 2 along with related guidelines adopted and ratified by the Commission on December 21, 2021 *via* **Internal Case No. 21-0006-P**]. Concerning Item No. 4, Chairperson Brown reported that PSP agreed (in its response) to review the feasibility of implementing such a recommendation. While consideration and/or implementation may be in progress, Chairperson Brown stated that the Review Committee may seek and request the status of the Commission’s recommendation in the report at hand.

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In summary, Chairperson Brown stated that the Review Committee completed its discussions related to Review Objectives for **Internal Case No. 21-0010-P** but was still awaiting the receipt of redacted MVRs so that it may determine whether the video evidence corroborated investigative records and adherence to underlying policies. Consequently, Chairperson Brown asked whether the Review Committee wished to table its preliminary determinations of promptness, fairness, impartiality, completeness, reasonableness of adjudicatory findings and discipline (if any), and whether any policy or training deficiencies existed, or whether the Review Committee wished to proceed with authorizing the drafting of a preliminary report based on the information currently in its possession.

Review Committee Chairperson Boyer opined he was in favor of tabling further consideration of **Internal Case No. 21-0010-P** despite the committee's repeated requests for a copy of the MVRs. Chairperson Brown expressed confidence that the Review Committee will receive the redacted video evidence soon based on PSP's recent communication. Commissioner Tate expressed support for tabling further discussion until receipt of the video evidence as well. Chairperson Brown then asked for a motion to table further consideration of **Internal Case No. 21-0010-P** until receipt of video evidence. Review Committee Chairperson Boyer offered a motion to table further consideration of **Internal Case No. 21-0010-P**, the motion was seconded with no noted objections. **Accordingly, further consideration of Internal Case No. 21-0010-P was tabled until receipt of video evidence.**

At this time, Chairperson Brown opened the floor to public comments, and none were offered.

At this time, Chairperson Brown opened the floor to general comment and relinquished the floor to Vice-Chairperson Pittinger for remarks concerning accreditation of law enforcement agencies within Pennsylvania.

Vice-Chairperson Pittinger explained that the Pennsylvania Chiefs of Police Association (Association) maintains a Pennsylvania Law Enforcement Accreditation Program (Program) which was adopted to standardize and professionalize policing and related police practices across Pennsylvania state, regional, county, and other municipal police departments. To this end, Pennsylvania law enforcement agencies implement standards and adopt best practices recommended by the Association and required by the Program to attain such accreditation. Once accreditation is obtained, law enforcement agencies are required to self-maintain such standards and that this accreditation lends to credibility. However, Vice-Chairperson Pittinger cautioned that the Association [and its related Program] may not be in step with community needs and local law enforcement reforms which should be left to the autonomy of communities and their legislative bodies since it sends mixed messages. For example, Vice-Chairperson Pittinger reported that in both Philadelphia and Pittsburgh Counties, local legislative bodies curtailed the use of pretextual traffic enforcement within their boundaries by local law enforcement to reduce the likelihood of tragic outcomes that often stem from such stops. However, Vice-Chairperson Pittinger reported that the Program recently informed Pittsburgh that its accreditation was at risk because such a policy contradicted the Vehicle Code. The Program is expected to render a decision on the Pittsburgh Bureau of Police's continued accreditation on July 26, 2022.

In Pittsburgh, Vice-Chairperson Pittinger stated that the legislative body along with its county police department and other stakeholders collectively wished to reduce opportunities for bad outcomes from minor traffic infractions and related enforcement. Pittsburgh's risk of losing continued accreditation

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can jeopardize an agreement reached with the United States Department of Justice regarding a consent decree, i.e., so long as it maintained accreditation, federal oversight of its police department was removed.

Vice-Chairperson Pittinger noted that the Program’s standards (while evidencing best practices) is not law but rather a voluntary set of standards and loss of accreditation can affect confidence and accountability in policing. By way of historical context, Vice-Chairperson Pittinger also noted that the Program was first born from a Pennsylvania incident in 1995 and as a result police chiefs were asked to develop standards to ensure Scranton policing was the same in Williamsburg and the same in Philadelphia, etc., like a dentist pulling a tooth in various dental offices across the Commonwealth. Vice-Chairperson Pittinger believed that such inconsistencies reached beyond local traffic enforcement reforms and also included marijuana possession.

Here, Vice-Chairperson Pittinger asked whether the Commission can engage the Association and Program to make them aware of the Commission’s recommendations related to policing reforms throughout state law enforcement agencies. Of note, Vice-Chairperson Pittinger stated that Pennsylvania municipalities were taking calls to criminal justice reforms seriously and Pennsylvania legislators were acting upon some of the Commission’s recommendations but that the Association’s and Program’s stance could potentially harm communities with such stringent actions.

Commissioner Tate added that so much effort and work was involved in achieving accreditation and any threat to withhold accreditation will negatively affect police departments. Review Committee Chairperson Boyer thanked Vice-Chairperson Pittinger for her eloquent remarks and believed the Association may be out of step with the needs and challenges of larger urban cities. While this specifically involved accreditation, Vice-Chairperson Pittinger noted that local autonomy within local jurisdictions attempting to forge change faced continued challenges when pit against inconsistent state and federal statutes forcing individual police officers to subjectively exercise discretion as to which law to follow during any given citizen encounter. For example, Vice-Chairperson Pittinger stated that an officer must decide whether to fine a citizen for minor marijuana possession versus to arrest the same citizen under a federal or state statute which was problematic since data suggested that minority communities disproportionately face more stringent enforcement and policing. Commissioner Canagarajah added that inconsistency gives birth to bias when officers can pick and choose who to charge and/or arrest given the subjectivity of their choice. Vice-Chairperson Pittinger asked how the Commission may engage others so that stakeholders speak with one voice.

Chairperson Brown stated that the issue of pretextual traffic stops and efforts to limit contacts between law enforcement and citizens was addressed by the Commission during its Regular Meeting held on May 13, 2022 with its adoption and ratification of its Final Report for **Internal Case No. 21-0008-P** [Recommendation No. 3 which reads as follows: “Given national trends and initiatives, recent Pennsylvania case law, and recent legislation, the Pennsylvania State Law Enforcement Citizen Advisory Commission recommends that the Pennsylvania State Police adopt a formal policy requiring either quarterly or annual analysis of traffic enforcement data to be made publicly available. Data should include associated demographic information, duration of traffic stops, and other relevant information to determine the effectiveness of its use of criminal indicators in developing reasonable suspicion for initiating traffic stops and/or probable cause for subsequent vehicle searches. Further, the Commission recommends that the Pennsylvania State Police should also use this data to evaluate whether the use of criminal indicators should continue in its current form”]. Chairperson Brown added Covered Agencies will be discouraged

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from embracing reforms recommended by the Commission if by doing so their accreditation by the Program can be at risk. Chairperson Brown also stated that these types of inconsistencies and cautionary tales can be noted in the Review Committee's report, so stakeholders are more aware.

Chairperson Brown asked if there was any other general public comment, and none were offered. With no other business before the Review Committee, Chairperson Brown restated that the Review Committee will table further deliberation of **Internal Case No. 21-0010-P** and thanked Commissioners for their time.

At 11:50 a.m. Consideration, Discussion and Deliberation of Internal Case Nos. 21-0009-P and 21-0010-P Ended

At 11:50 a.m. Announcements by Commission Chairperson

Chairperson Brown provided closing remarks and informed the public how to file complaints using the Commission's hotline, access the Commission's webpage, and contact the OSIG and BLEO for assistance.

At 11:51 a.m. Special Meeting of the Bias-based Policing Review Committee Adjourned

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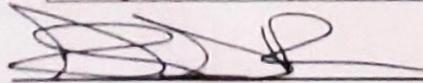


Roll Call and Attendance Form

Type of Commission Meeting: Quarterly Special Rescheduled
 Date and Time of Committee Meeting: June 22, 2022 10:00AM
 Name of Committee: Bias-Based Review Committee

Pursuant to Article 6, Sections 2 and 5 of the Pennsylvania State Law Enforcement Citizen Advisory Commission's (Commission) Bylaws, I hereby attest to having a Roll Call of Committee Membership performed at the above listed Committee meeting and recording attendance of Committee members as indicated below:

Seat Name	Name of Commission Member	Attendance		
		Present	Excused Absence	Absent
At-Large Seat 1	David A. Sonenshein			
At-Large Seat 2	Dr. A. Suresh Canagarajah, Ph.D.	✓		
At-Large Seat 3	Kelley B. Hodge, Esquire			
At-Large Seat 4	Denise Ashe		✓	
At-Large Seat 5	Elizabeth C. Pittinger	✓		
At-Large Seat 6	Keir Bradford-Grey		✓	
Troop A Seat	Jeffrey Wilson			
Troop B Seat	Brenda Tate	✓		
Troop C Seat	Joshua S. Maines, Esquire			
Troop D Seat	Marisa C. Williams			
Troop E Seat	Bishop Curtis L. Jones, Sr.			
Troop F Seat	Honorable Erick J. Coolidge			
Troop G Seat	Charima C. Young			
Troop H Seat	Spero T. Lappas, J.D., Ph.D			
Troop J Seat	VACANT			
Troop K Seat	Andrea A. Lawful-Sanders			
Troop L Seat	VACANT			
Troop M Seat	Marvin Boyer	✓		
Troop N Seat	Marilyn M. Brown, Ed.D.			
Troop P Seat	Rev. Shawn M. Walker			
Troop R Seat	Krista Somers			



Signature of Sha S. Brown,
Commission Chairperson



**BIAS-BASED POLICING REVIEW COMMITTEE
SPECIAL MEETING AGENDA**

The Pennsylvania State Law Enforcement Citizen Advisory Commission (Commission), established by Executive Order 2020-04 (as amended by Governor Tom Wolf on April 30, 2021) announces a Special Meeting of the Commission's Bias-Based Policing Review Committee (Review Committee) to be held in person at the **Office of State Inspector General located at 555 Walnut Street, 7th Floor, Forum Place, Harrisburg, PA 17101** and virtually *via* the Commission's information technology platform (Microsoft Teams) on **Wednesday, June 22, 2022, at 10:00am (Executive Session) and at 10:30am (Public Session)**.

In accordance with 65 Pa.C.S. § 709(b) and Article 6, Section 2 of the Commission's Bylaws, the Review Committee's Meeting Agenda consists of the following items:

- (1) Executive Session [*closed to the public* – Review of Meeting Agenda; Recap of previous confidential investigative files and deliberative discussions related to, and proposed schedule for completion of **Internal Case Nos. 21-0009-P and 21-0010-P** for purposes of issuing Preliminary Investigative Review Reports; and other administrative matters];
- (2) Call to Order and Roll Call [*expected to begin at approximately 10:30am*];
- (3) Acceptance of Meeting Agenda;
- (4) Approval and adoption of previous Special Meeting Minutes from May 2, 2022;
- (5) Approval of administrative and/or other procedural matters;
- (6) Report by the Bias-Based Policing Review Committee's Chairperson;
- (7) Opportunity for public comment; and
- (8) Discussions, deliberations and official action(s) for purposes of reaching preliminary Findings and Conclusions in anticipation of issuing **Preliminary Investigative Review Reports for Internal Case Nos. 21-0009-P and 21-0010-P** which (for each matter under consideration) include: (i) whether the completed internal investigation of the Covered Agency was prompt, fair, impartial, complete, and reasonable; (ii) whether the substance of all related bias-based policing and any other relevant internal policies, procedures, controls, regulations, guidance, practices and/or training of the Covered Agency are adequate and effective; and (iii) if not considered adequate and/or effective, identification of best practices and what recommendation(s), if any, may be necessary to minimize and/or reduce the likelihood of future incidents and complaints; and
- (9) Opportunity for public comment.

Individuals having questions regarding this Special Meeting of the Commission's Bias-Based Policing Review Committee, which is open to the public, should contact the Bureau of Law Enforcement Oversight within the Pennsylvania Office State Inspector General (OSIG) at (717) 787-6835. Media inquiries may be directed to the OSIG's Deputy State Inspector General for External Affairs Jonathan Hendrickson at (717) 265-8396.

Sha S. Brown, Chairperson
*Pennsylvania State Law Enforcement Citizen Advisory
Commission*

Pennsylvania State Law Enforcement Citizen Advisory Commission

Commission's Webpage:
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