

USE OF FORCE REVIEW COMMITTEE

RESOLUTION NO. UOF-1

Title: Adoption and Ratification of Preliminary Investigative Review Reports for Internal Case Nos. 21-0014-P, 21-0015-P, and 21-0016-P by the Use of Force Review Committee for consideration by the Pennsylvania State Law Enforcement Citizen Advisory Commission

Meeting Date: Special Meeting, October 14, 2022 at 10:00 a.m.

Description of Action Under Consideration: In accordance with Executive Order 2020-04, as amended, the Pennsylvania State Law Enforcement Citizen Advisory Commission's (Commission) Use of Force Review Committee (Review Committee) completed its reviews of **Internal Case Nos. 21-0014-P** (an internal investigation involving agents of the Pennsylvania Bureau of Probation and Parole (PBPP) within the Department of Corrections concerning a lower level use of force incident [TASER Deployment] on September 5, 2017, Troop H); **21-0015-P** (an internal investigation involving PBPP agents concerning a lower level use of force incident [TASER Deployment] on April 9, 2018, Troop K); and **21-0016-P** (an internal investigation involving PBPP agents concerning a lower level use of force incident [TASER Deployment] on June 8, 2017, Troop C)). Following completion of its reviews which included, among other things, DOC's policies regarding uses of less than lethal force, arrest and control techniques, internal administrative investigations, and rules of conduct for agents, the Review Committee authorized the preliminary drafting, internal production and authorization to distribute Preliminary Investigative Review Reports for **Internal Case Nos. 21-0014-P, 21-0015-P, and 21-0016-P** during Special Meetings held on July 25, 2022, September 8, 2022 and September 30, 2022. A draft copy of the Review Committee's Preliminary Investigative Review Reports for **Internal Case Nos. 21-0014-P, 21-0015-P, and 21-0016-P** were distributed to the Agency Head, Agency's Chief Counsel and all Commissioners on September 30, 2022 for review and an opportunity to respond.¹ The Review Committee wishes to consider, discuss, deliberate, and take official action(s) concerning comments offered by PBPP and/or other Commission members, if any, regarding the Review Committee's preliminary Findings and Conclusions, Additional Factor(s) for Consideration and Recommendation(s) for Corrective Action(s), if any, in anticipation of the issuance and ratification of its Preliminary Investigative Review Reports for **Internal Case Nos. 21-0014-P, 21-0015-P, and 21-0016-P**. After consideration and deliberation, the Review Committee will vote to approve or deny presentation of its reports for consideration by the Commission at its next Regular (Quarterly) Meeting scheduled for October 28, 2022 at 10:00 a.m.²

Originating Request Submitted By: **David A. Sonenshein, Esquire**
Chairperson of the Use of Force Review
Committee

¹ This action was authorized by, and made pursuant to, Article 8 (Review Process), Section 8.3 (Covered Agency's Opportunity to Respond to Preliminary Report) of the Commission's Bylaws (adopted *via* Resolution No. 1 (dated May 20, 2021)).

² This action is authorized by, and made pursuant to, Article 8 (Review Process), Section 8.4 (Presentation of Preliminary Report to Commission) of the Commission's Bylaws.

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AND NOW, on this _____ day of _____, 2022, it is hereby certified that:

WHEREAS, the Use of Force Review Committee was duly formed and established by the Pennsylvania State Law Enforcement Citizen Advisory Commission (Commission) at its Regular Quarterly Meeting held on August 6, 2021 in accordance with Article 8 (Review Process), Section 8.2 (Commission Sub-Committees and Review Committees) of the Commission's Bylaws; and

WHEREAS, in accordance with Executive Order 2020-04, as amended, the Use of Force Review Committee completed its reviews of **Internal Case Nos. 21-0014-P, 21-0015-P, and 21-0016-P**; and

WHEREAS, the Use of Force Review Committee authorized the preliminary drafting, internal production, adoption, and distribution of Preliminary Investigative Review Reports for **Internal Case Nos. 21-0014-P, 21-0015-P, and 21-0016-P** during Special Meetings held on July 25, 2022, September 8, 2022 and September 30, 2022;

WHEREAS, a draft of the Use of Force Review Committee's Preliminary Investigative Review Reports for **Internal Case Nos. 21-0014-P, 21-0015-P, and 21-0016-P** were completed and distributed to the Agency Head, Agency's Chief Counsel, and all Commission members for review on September 30, 2022; and

WHEREAS, the Use of Force Review Committee considered, discussed, deliberated, and took official action(s) concerning comments offered by the Covered Agency and/or other Commission members, if any, during its Special Meeting held on October 14, 2022 regarding the Use of Force Review Committee's Findings and Conclusions, Additional Factor(s) for Consideration and Recommendation(s) for Corrective Action(s) contained in draft Preliminary Investigative Review Reports for **Internal Case Nos. 21-0014-P, 21-0015-P, and 21-0016-P**; and

WHEREAS, following the Robert's Rules of Order, the Commission's Chairperson having attested to recognizing motions from committee membership, said motions having been seconded without objection and recording the votes of committee membership as indicated in the Vote Tabulation Form, the Use of Force Review Committee hereby adopts and ratifies the

Preliminary Investigative Review Reports for **Internal Case Nos. 21-0014-P, 21-0015-P and 21-0016-P** and any accompanying addenda.

NOW THEREFORE,

BE IT RESOLVED, that the undersigned hereby certify that the foregoing to be a true and correct excerpt of the Minutes of the Special Meeting of the Use of Force Review Committee held on this date, at which a quorum was present, and that said Resolution was duly passed by a majority vote of the voting members of the Use of Force Review Committee present; and

BE IT FURTHER RESOLVED, that the Use of Force Review Committee authorizes the release of, and presents its, Preliminary Investigative Review Reports for **Internal Case Nos. 21-0014-P, 21-0015-P and 21-0016-P** and any accompanying addenda to the Commission for further consideration and action.

AS DULY ADOPTED BY THE USE OF FORCE REVIEW COMMITTEE (DATED _____)

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

(Electronic Signature Authorized)
PRINT: SHA S. BROWN

SIGNATURE OF CHAIRPERSON OF THE USE OF FORCE REVIEW COMMITTEE:

(Electronic Signature Authorized)
PRINT: David A. Sonenshein, Esquire

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

(Electronic Signature Authorized)
PRINT: Jaimie Hicks