



Special Meeting of the Use of Force Review Committee
DRAFT Meeting Minutes for
Friday, September 30, 2022, at 10:00 a.m.
(Virtual Meeting *via* Microsoft Teams Platform)

At 9:57 a.m. Executive Session

Sha S. Brown, Chairperson, called the Executive Session of the Pennsylvania State Law Enforcement Citizen Advisory Commission's (Commission) Use of Force Review Committee's (Review Committee) Special Meeting to order and a quorum was present.

Chairperson Brown gave a brief overview of the Review Committee's Meeting Agenda which included finalizing its drafts of **Preliminary Investigation Review Reports for Internal Case Nos. 21-0014-P, 21-0015-P, and 21-0016-P** and authorization to disseminate the draft reports to the Pennsylvania Board of Probation and Parole (PBPP) and all Commissioners for an opportunity to respond in accordance with Sections 8.2 and 8.3 of the Commission's Bylaws. Chairperson Brown noted that PBPP representatives were invited to the Review Committee's Special Meeting scheduled for October 14, 2022 to provide Commissioners with their feedback and were very receptive to the Review Committee's work to date.

For administrative clarification of the Commission's Review Process and various roles of stakeholders, Chairperson Brown generally explained the following: (1) parameters and purpose of Executive Sessions including their limitations particularly when representatives of Covered Agencies were invited to attend; (2) the differences between the Review Committee's Determinations versus Findings and Recommendations versus Notes; (3) the scope of the Commission's Review Process [in accordance with the terms of Executive Order 2020-04, as amended, and which represented a cross between a Review and Audit Model], and limitations on the type of information available to Commissioners; and (4) the role of the Office of State Inspector General.

With no other confidential, pre-deliberative, or administrative matters before it, the Review Committee's Executive Session ended at 10:15 a.m.

At 10:30 a.m. Public Session of Special Meeting Started and Recording Began

At 10:30 a.m. Call to Order, Roll Call, and Opening Announcements/Reminders by Commission Chairperson

Chairperson Brown called the Special Meeting of the Commission's Use of Force Review Committee (Review Committee) to order, announced that the meeting was being recorded and participation in the meeting conferred consent to being recorded.

Chairperson Brown asked the Commission's Secretary (Jaimie L. Hicks) to conduct a Roll Call and Commissioner David Sonenshein [Review Committee Chairperson] and Vice-Chairperson Beth Pittinger were present remotely and a quorum of the Review Committee was present. Ex-Officio Member Angela Fitterer (the Governor's Office designee) was also present remotely. Chairperson Brown indicated that Commissioner Joshua Maines was excused. A copy of the Roll Call and Attendance Form is attached hereto and made a part hereof [see Attachment 1].

At 10:30 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 10:31 a.m. Motion to Approve Use of Force Review Committee's Meeting Agenda by Unanimous Consent

Chairperson Brown asked for a motion to approve the Use of Force 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 Use of Force Review Committee's Meeting Agenda by unanimous consent. A copy of the Use of Force Review Committee's September 30, 2022, Meeting Agenda, as adopted, is attached hereto, and made a part hereof [see Attachment 2].

At 10:31 a.m. Motion to Approve Adoption of the Draft of the Use of Force Review Committee's September 8, 2022, Meeting Minutes by Unanimous Consent

Chairman Brown asked for a Motion to approve the draft of the Use of Force Review Committee's September 8, 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 Use of Force Review Committee's September 8, 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 10:32 a.m. Other Review Committee Administrative Matters

Review Committee Chairperson Sonenshein did not have any administrative matters to report. However, Review Committee Chairperson Sonenshein remarked that Commissioner Maines was on trial but participated in all previous discussions and meetings regarding the three case reviews currently under consideration. Review Committee Chairperson Sonenshein was confident the Review Committee understood Commissioner Maines' views and perspectives on these matters.

At 10:32 a.m. Continued Consideration, Discussion, and Deliberation in Anticipation of Issuing Preliminary Investigative Review Reports for Internal Case Nos. 21-0014-P, 21-0015-P, and 21-0016-P for Presentation to the Commission

Chairperson Brown began the discussion by stating the Review Committee engaged in significant discussions and deliberations regarding completed internal investigations by the Pennsylvania Board of Probation and Parole (PBPP) concerning underlying incidents related to **Internal Case Nos. 21-0014-P, 21-0015-P, and 21-0016-P**. The Review Committee authorized the drafting and internal production 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 and September 8, 2022] for review and adoption in preparation of today's meeting and in anticipation of their distribution to PBPP for an opportunity to respond. Chairperson Brown then proceeded to call upon the Review Committee to deliberate on each report individually.

Concerning its draft of the **Preliminary Investigative Review Report for Internal Case No. 21-0014-P** [involving a TASER deployment], Chairperson Brown asked if any Commissioner wished to offer any amendments or had any other comments and relinquished the floor to Review Committee Chairperson Sonenshein for further discussion. Review Committee Chairperson Sonenshein believed the draft report quite accurately reflected and captured all the work by the Review Committee. Vice-Chairperson Pittinger agreed but asked one clarification. Specifically, Vice-Chairperson asked if PBPP's respective policies and training contained a specific reference to the proper removal of TASER barbs. Chairperson Brown replied that such guidance was likely found within PBPP's Resistance and Control Policy and accompanying Use of Force Continuum but would pull up the policy to ensure such a provision was included. Meanwhile, Review Committee Chairperson Sonenshein recalled such a provision and believed it may be found within Section 7 of PBPP's Care, Custody and Control Policy.

Chairperson Brown remarked that PBPP's respective policies regarding TASER deployment require that its agents complete a training course and obtain annual certification on TASER usage. Consequently, Chairperson Brown suspected that the handling of TASERs and the removal of associated barbs was likely a component of the training itself and may not necessarily be written within PBPP's policies. Chairperson Brown added that during previous PBPP case reviews by this committee, PBPP's policies require agents to provide an opportunity for a subject to comply to verbal commands following a TASER deployment and have a duty to render aid.

Vice-Chairperson Pittinger wished to ensure that proper removal of TASER barbs is both required and made a part of PBPP's training since most jurisdictions and or law enforcement agencies do not, i.e., must be removed by emergency medical personnel or at hospital. Chairperson Brown stated that Vice-Chairperson Pittinger can certainly pose the question directly to PBPP representatives during its next Special Meeting but would try to research the issue in the meantime.

Chairperson Brown then referred to the Review Committee's **Preliminary Investigative Report for Internal Case No. 21-0005-P** [which was adopted by the Commission during its Regular (Quarterly) Meeting held on May 13, 2022. Specifically, Recommendation No. 1 read as follows:

Recommendation No. 1 – Use of Force Policy Enhancements

The Pennsylvania State Law Enforcement Citizen Advisory Commission recommends that the Pennsylvania Board of Probation and Parole [within the Pennsylvania Department of Corrections] enhance its Arrest Procedures Resistance and Control Policy (a/k/a use of force policy) by:

- 1) including a definition of “objectively reasonable” consistent with United States Supreme Court precedent mandated by Graham v. Connor;
- 2) specifically listing TASER deployments in its accompanying Resistance and Control Continuum; and
- 3) revising language to indicate when force is used, and an injury is apparent or possible, or a citizen complains of an injury, a requirement that:
 - a. aid is rendered and/or secured;
 - b. the citizen is continually monitored while in custody for potential medical interventions after the use of force; and
 - c. agents must inform the respective agency of the citizen’s apparent or possible injury, or complaint of an injury, prior to releasing the citizen to the care and custody of another law enforcement or criminal justice agency.

Depending on PBPP’s response, Chairperson Brown indicated that another subsection can be added regarding this subject and asked if any Commissioner had any additional comments or questions.

With no further comments or questions, Chairperson Brown asked for a **motion to adopt the Review Committee’s draft Preliminary Investigative Review Report for Internal Case No. 21-0014-P. The motion was offered and seconded with no objection. Chairperson Brown recognized the Review Committee’s action and stated the draft report would be released to the Covered Agency for an opportunity to respond.**

Concerning its draft of the **Preliminary Investigative Review Report for Internal Case No. 21-0015-P** [involving another TASER deployment], Chairperson Brown asked if any Commissioner wished to offer any amendments or had any other comments. Chairperson Brown indicated that this report identified the same deficiencies and related recommendations as those captured in the Review Committee’s draft report for **Internal Case No. 21-0014-P** [said draft report was incorporated by reference for convenience] and relinquished the floor to Review Committee Chairperson Sonenshein for further discussion. Again, Review Committee Chairperson Sonenshein was satisfied with the contents of the draft report, believed it accurately reflected the Review Committee’s deliberations, and had no additions or amendments. Vice-Chairperson Pittinger agreed that the draft report was well written. However, Vice-Chairperson Pittinger wondered why the Philadelphia Police Department purportedly left the parolee sitting in a chair in the hospital’s lobby but acknowledged that PBPP was not able to answer that question.

With no further comments or questions, Chairperson Brown asked for a **motion to adopt the Review Committee’s draft Preliminary Investigative Review Report for Internal Case No. 21-0015-P. The motion was offered and seconded with no objection. Chairperson Brown recognized the Review Committee’s action and stated the draft report would be released to the Covered Agency for an opportunity to respond.**

Concerning its draft of the **Preliminary Investigative Review Report for Internal Case No. 21-0016-P** [involving another TASER deployment], Chairperson Brown asked if any Commissioner wished to offer any amendments or had any other comments. Chairperson Brown indicated that this report identified the same deficiencies and related recommendations as those captured in the Review Committee’s draft report for **Internal Case No. 21-0014-P** [said draft report was incorporated by reference for convenience] and relinquished the floor to Review Committee Chairperson Sonenshein for further discussion. Review Committee Chairperson Sonenshein did not have anything to add, and Vice-Chairperson Pittinger agreed. Vice-

Chairperson Pittinger added that all three reports were well done and that the Review Committee engaged in good discussions regarding all identified issues.

With no further comments or questions, Chairperson Brown asked for a **motion to adopt the Review Committee’s draft Preliminary Investigative Review Report for Internal Case No. 21-0016-P. The motion was offered and seconded with no objection. Chairperson Brown recognized the Review Committee’s action and stated the draft report would be released to the Covered Agency for an opportunity to respond.**

Chairperson Brown indicated that all three reports will be released to the Covered Agency for an opportunity to respond during the Review Committee’s Special Meeting scheduled for October 14, 2022. During that meeting, Chairperson Brown stated that the Covered Agency can offer suggestions, provide any additional information, and or submit requests for amendments for Commissioners to consider further.

At this time, Chairperson Brown opened the floor to both specific comments concerning matters currently under consideration and general comments regarding any business of the Review Committee, and no individual offered any comment.

With no further deliberations or any other business, Chairperson Brown stated there was no need to proceed to an Executive Session since no amendments or changes were made to the draft of **Preliminary Investigation Review Report for Internal Case Nos. 21-0014-P, 21-0015-P, and 21-0016-P.** Chairperson Brown proceeded to ask for a motion to adjourn the Review Committee’s Public Session which was offered and seconded with objection.

At 10:48 a.m. Closing Remarks by Commission’s Chairperson

Chairperson Brown provided closing remarks and informed the public about how to file complaints using the Commission’s hotline, access the Commission’s webpage, and contact information for the Office of Inspector General (OSIG) and the OSIG’s Bureau of Law Enforcement Oversight for assistance.

At 10:48 a.m. Special Meeting of Use of Force Review Committee Adjourned




Roll Call and Attendance Form

Type of Commission Meeting: Quarterly Special Rescheduled
 Date and Time of Committee Meeting: 9/30/2022 10:00AM
 Name of Committee: USE OF FORCE 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

**USE OF FORCE 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 Use of Force 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 **Friday, September 30, 2022, at 10:00 a.m. (Executive Session) and at 10:30 a.m. (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 and pre-deliberative discussions related to, and proposed schedule for completion of, **Internal Case Nos. 21-0014-P, 21-0015-P, and 21-0016-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 10:30 a.m.*];
- (3) Acceptance of Meeting Agenda;
- (4) Approval and adoption of previous Special Meeting Minutes from September 8, 2022;
- (5) Approval of administrative and/or other procedural matters;
- (6) Remarks by the Use of Force Review Committee's Chairperson;
- (7) Opportunity for general public comment;
- (8) Discussion, deliberation, and official action(s) related to the issuance and finalization of **Preliminary Investigative Review Reports for Internal Case Nos. 21-0014-P, 21-0015-P, and 21-0016-P** in preparation for distribution to the Covered Agency pursuant to Section 8.2 of the Commission's Bylaws;
- (9) Opportunity for specific comment concerning **Internal Case Nos. 21-0014-P, 21-0015-P, and 21-0016-P** currently under consideration; and
- (10) Opportunity for general public comment.

Individuals having questions regarding this Special Meeting of the Commission's Use of Force 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*