



**PENNSYLVANIA STATE LAW ENFORCEMENT
CITIZEN ADVISORY COMMISSION**

RESOLUTION NO. 1

Title: Bylaws of the Pennsylvania State Law Enforcement Citizen Advisory Commission

Meeting Date: Quarterly Meeting, April 8, 2021 at 2:00 p.m.

Description of Action Under Consideration: The Pennsylvania State Law Enforcement Citizen Advisory Commission (Commission) wishes to adopt Bylaws that will serve to establish certain rules and procedures for conducting Commission business such as, among other things, duties of the Commission and its members, the appointment, attendance, removal, recusal and terms of service of Commission members, confidential nature of the Commission's work, notice, agenda, recording and minutes of Commission meetings, quorum and voting, training of Commission members, and the Commission's review of matters under its jurisdiction. Pursuant to Section 10 of Executive Order 2020-04, dated July 17, 2020 and effective October 15, 2020, the Commission will vote to approve or deny the adoption of the draft of such Bylaws.

Originating Request Submitted By: Chairman of the Commission

**BYLAWS OF THE
PENNSYLVANIA STATE LAW ENFORCEMENT CITIZEN ADVISORY COMMISSION**

ARTICLE 1: NAME

1.1 Pursuant to Executive Order 2020-04, dated July 17, 2020 and effective October 15, 2020, this body shall be known as the Pennsylvania State Law Enforcement Citizen Advisory Commission (Commission).

ARTICLE 2: PURPOSE

2.1 Pursuant to Executive Order 2020-04, the purpose of the Commission is to improve policing practices within state law enforcement agencies under the Governor's jurisdiction. To achieve its purpose, the Commission will focus on promoting transparency, fairness, and accountability among the Commonwealth's state law enforcement agencies by examining events and conducting reviews of policies, practices and procedures relating to use of force and biased-based policing and make recommendations for implementation of corrective measures.

2.2 Deputy State Inspector General for Law Enforcement Oversight

Executive Order 2020-04 established the Commission within the Pennsylvania Office of State Inspector General (OSIG) and provided that a Deputy Inspector General serve as the Commission's Chairperson. To support the intent of Executive Order 2020-04, the Bureau of Law Enforcement Oversight (BLEO) and the position of Deputy State Inspector General for Law Enforcement Oversight (who directs the activities of the BLEO), were created within the OSIG.

ARTICLE 3: AUTHORITY

3.1 Entities Under the Commission's Jurisdiction

The Commission shall have jurisdiction over all Commonwealth state law enforcement agencies (Covered Agencies) under the Governor's jurisdiction including, but not limited to, the following:

- (a) Pennsylvania State Police;
- (b) Pennsylvania State Police, Bureau of Liquor Control Enforcement;
- (c) Department of General Services, Capital Police;
- (d) Department of Conservation and Natural Resources, Bureau of State Parks and Bureau of Forestry;
- (e) Department of Corrections;
- (f) Parole Board;
- (g) Department of Agriculture, Bureau of Dog Law Enforcement; and
- (h) OSIG, Bureau of Fraud Prevention and Prosecution.

All Covered Agencies shall expeditiously cooperate and assist the Commission as necessary to perform its functions. All Commonwealth agencies under the Governor's jurisdiction are also directed to take all steps necessary to implement Executive Order 2020-04.

3.2 Duties of the Commission

The Commission is authorized to:

- (a) Perform reviews of internal investigative findings by Covered Agencies related to use of force and bias-based policing in the following categories:
 - (i) All internal investigations of police-involved shootings resulting in injury or death of civilians involving Covered Agencies' law enforcement personnel;
 - (ii) Representative and random sampling of internal investigations of lower level uses of force resulting in injury or death, including arrest and control techniques, baton strikes, and Conducted Energy Weapon deployments by Covered Agencies; and
 - (iii) All internal investigations related to allegations of racial or ethnic discrimination and other bias-based policing or complaints of bias-based policing during interactions with Covered Agencies' law enforcement personnel.
- (b) Review the investigative findings of Covered Agencies as set forth above to:
 - (i) Determine if Covered Agencies internal investigations were prompt, fair, impartial, complete, and performed in a manner consistent with applicable policies;
 - (ii) Determine whether any subsequent disciplinary action(s), or corrective measures taken by Covered Agencies, were reasonable and/or appropriate under standard law enforcement protocols; and
 - (iii) When appropriate, provide recommendations for corrective actions to be taken by a Covered Agency.

ARTICLE 4: APPOINTMENT OF COMMISSION MEMBERS, DUTIES OF COMMISSION OFFICERS, TERMS OF SERVICE, COMPENSATION, ATTENDANCE, VACANCIES, REMOVAL AND RECUSAL

4.1 Appointment of Commission Members

The Commission shall be composed of voting and non-voting members.

(a) Voting Members

The Governor shall appoint twenty-one (21) voting members of the Commission which shall be comprised of:

- (i) Fifteen (15) members representing each of the Pennsylvania State Police current Troop geographical areas, and specifically from areas of the Pennsylvania State Police's primary jurisdiction; and
- (ii) Six (6) members chosen at-large.

(b) Non-Voting Members

There shall be seven (7) ex-officio or non-voting members of the Commission which shall be comprised of the:

- (i) Deputy State Inspector General, BLEO, OSIG, or designee;
- (ii) General Counsel of the Commonwealth of Pennsylvania, or designee;
- (iii) Commissioner of the Pennsylvania State Police, or designee;
- (iv) Chief of Capitol Police, or designee;
- (v) Secretary of the Department of Conservation and Natural Resources, or designee;
- (vi) Chair of the Pennsylvania Commission on Crime and Delinquency, or designee; and
- (vii) Appointee from the Office of the Governor.

4.2 Duties of Commission Officers

(a) Commission's Chairperson

Responsibilities and duties of the Commission's Chairperson shall include:

- (1) Scheduling, attending, convening, and presiding over all Commission meetings;
- (2) Creating, distributing, and publicly posting meeting agendas for all Commission meetings;
- (3) Calling all Commission meetings to order, recording attendance of Commission members at each Commission meeting, and maintaining all Commission meeting attendance records;
- (4) Preparing, distributing, and publicly posting drafts of meeting minutes for formal adoption and other materials under consideration for review by the Commission at the next scheduled Commission meeting;
- (5) Establishing Commission Sub-committees (as described by Article 8, Section 2) consisting of Commission members to conduct the investigative findings review functions of the Commission authorized by Executive Order 2020-04;
- (6) Presenting matters for consideration and vote by the Commission and maintaining records of all votes of the Commission;
- (7) Preparing and submitting annual reports of the Commission's work to the Governor's Office; and
- (8) Effectuating all other administrative tasks to support the purpose and mission of the Commission.

The Commission's Chairperson shall also name a Vice-Chair from among other Commission members to act in the Chairperson's stead in cases of the Chairperson's emergency, incapacity, or unavailability (for parliamentary purposes only) in calling and/or presiding over Commission quarterly, special, or rescheduled meetings.

(c) [Reserved for Secretary (or similar position)]

(d) [Reserved for Duties of Other Officers]

4.3 Terms of Service

Voting members shall serve the terms of their appointment and until a successor is appointed. Members may serve no more than two (2) terms. Initially, eleven (11) inaugural voting members shall be appointed for an initial term of one (1) year, and ten (10) inaugural voting members shall be appointed for an initial term of two (2) years. Thereafter, all terms shall be four (4) years.

4.4 Compensation

No Commission member shall receive compensation for their services, except that members may be reimbursed for travel and related expenses in accordance with Commonwealth policy.

4.5 Attendance

All Commission members are expected to attend (either in person or remotely by electronic or telephonic means) all Commission meetings and meetings of Commission Subcommittees (as described in Article 8, Section 2) to which the member is assigned. Members shall coordinate with the Commission's Chairperson prior to an absence to obtain excusal. Excessive or unexcused absences will be reported to the Governor.

4.6 Vacancies

Should a vacancy occur among the Governor's appointees on the Commission, the Governor will appoint a successor to complete the term of the vacancy.

4.7 Removal

A Commission member may be removed by the Governor, including for cause.

4.8 Recusal

All voting and non-voting members of the Commission shall immediately (and without hesitation) notify and report any actual or potential conflicts of interest to the Commission's Chairperson, request a conflict review, and disclose all material facts within the member's knowledge that bear on the circumstances at hand. To meet this notification and reporting requirement, the Commission's Chairperson shall develop and make readily available a Conflict of Interest Disclosure Form that shall be completed and submitted by Commission members for all matters reviewed by the Commission.

With the advice of, and after consultation with, the OSIG's Legal Office, all voting and non-voting members must recuse themselves and abstain from any matter or review (and may not vote or otherwise participate in any Commission review or action) when: (1) an actual conflict of interest exists as determined by the OSIG's Legal Office; (2) there may be an appearance of impropriety or perceived conflict or other bias if the voting or non-voting member's participation continues; or (3) a voting or non-voting member is concerned with whether he or she can participate objectively and in an unbiased manner.

ARTICLE 5: CONFIDENTIALITY

5.1 Commission members shall maintain the strict confidentiality of all information and materials he or she receives and shall not disseminate (whether orally or in writing) any such information to any person or group outside of the Commission, a Commission Sub-committee (as described in Article 8, Section 2 herein) or the BLEO unless specifically authorized to do so by the Commission's Chairperson. At no time shall any Commission member discuss, release, disclose or disseminate (whether orally or in writing) any information that cannot be disclosed publicly as authorized by the Commission's Chairperson and must protect the security of all information along with other Commission, Commission Sub-committee (as described in Article 8, Section 2 herein) and BLEO communications, records, reviews, and reports at all times. Any unauthorized release of information or other Commission, Commission Sub-committee (as described in Article 8, Section 2 herein) and BLEO communications, records, reviews, and reports shall constitute a violation of this article and may form the basis for removal or termination.

Executive session proceedings (which are closed to the public) and predecisional deliberations of the Commission and of its Sub-committees (as described in Article 8, Section 2 herein) are also strictly confidential, and each member of the Commission shall maintain the strict confidentiality of any information he or she receives in connection with his or her service including, but not limited to, the commencement, status or details of any Commission review or the names of person(s), employee(s) or law enforcement personnel learned, during the exercise of their duties.

Certain Commission Members (who serve on specific Sub-committees requiring access to confidential criminal history information contained in criminal justice information systems) will complete and submit (with the assistance of the OSIG) all necessary documents and forms to be fingerprinted and undergo a criminal background check by the Pennsylvania State Police for purposes of obtaining access to findings documents being reviewed.

All members of the Commission shall execute an appropriate Confidentiality and Non-Disclosure Agreement which shall be kept on file with the Commission's Chairperson.

ARTICLE 6: COMMISSION MEETINGS, PURPOSE AND RULES OF COMMISSION MEETINGS, QUORUM AND VOTING, MEETING RECORDING AND MEETING MINUTES

6.1 Meetings of the Commission

The Commission shall meet quarterly in January, April, July, and October each year and fix a date, time, and place (if applicable) of all such meetings. A schedule of all quarterly meetings shall be determined in advance each year and made publicly available as soon as practicable. All such times, dates, and locations (if applicable) for all such quarterly meetings shall be posted on the Commission's public website. At least three (3) days or seventy-two (72) hours in advance of any such date, the Commission shall also advertise the details of such meetings, and post notice of such quarterly meetings outside of the meeting location (if applicable), both in accordance with 65 Pa.C.S. §§ 703 and 709(a).

The Commission's Chairperson, or a quorum of the Commission (as defined in Article 6, Section 3 herein), may call special meetings of the Commission on an as-needed basis, and may adjourn or cancel quarterly or special meetings for cause. For all special or rescheduled quarterly

meetings, the Commission shall provide at least twenty-four (24) hours advance notice. All dates, times, and locations (if applicable) of all special or rescheduled meetings shall also be advertised and posted on the Commission's public website and outside of the meeting location (if applicable), both in accordance with 65 Pa.C.S. §§ 703 and 709(a).

All quarterly, special, and rescheduled meetings shall be open to public participation and include a time for public comment in accordance with 65 Pa.C.S. §§ 704 and 710.1. The Commission shall provide the general citizenry with the ability to register to attend and participate and/or speak at all quarterly, special, and rescheduled meetings, provide adequate public accommodations in accordance with the law for physical meeting locations, and allow for remote or other virtual participation in all such meetings as much as practicable.

All advertisements of, and participation in, all such quarterly, special, and rescheduled meetings of the Commission shall be had in accordance with Pennsylvania's Sunshine Act [65 Pa.C.S. §§ 701, *et seq.*].

At least forty-eight (48) hours' notice of any special or rescheduled meeting or twenty-four (24) hours' notice of any cancellation of any quarterly, special, or rescheduled meeting shall be given by electronic means to all members of the Commission in accordance with 65 Pa.C.S. § 709.

Commission members shall make every effort to attend and participate in all Commission meetings and meetings of all Commission Sub-committees (as described in Article 8, Section 2 herein) and may attend all quarterly, special, and rescheduled Commission meetings or Commission Sub-committee meetings (as described in Article 8, Section 2 herein) in person or remotely by electronic or telephonic means (provided that the member is able to hear, comment, and vote, if applicable). In-person and remote participation shall be considered attendance for purposes of constituting a quorum (as defined in Article 6, Section 3 herein) of the Commission.

Members shall review all materials provided at or in advance of all meetings of the Commission and Commission Sub-committees (as described in Article 8, Section 2). Each member shall familiarize themselves with the business of the Commission to facilitate active and effective participation in all Commission meetings and the predecisional deliberations of the Commission and of each Commission Sub-committee (as described in Article 8, Section 2 herein) on which he or she may serve. Materials shall be provided to all Commission members to allow for a reasonable period to review such materials in advance of any such meetings.

6.2 Purpose and Rules of Commission Meetings

As much as practicable, the Commission shall provide advance notice of the purpose of all quarterly, special, and rescheduled meetings in accordance with 65 Pa.C.S. § 709(b). At a minimum, the agenda of all quarterly, special, and rescheduled meetings shall include the following:

- (a) Executive Session (closed to the public);
- (b) Call to Order and Roll Call;
- (c) Acceptance of Meeting Agenda;
- (d) Approval and adoption of previous meeting's minutes;
- (e) Approval of administrative and procedural matters;

- (f) Report of the Commission's Chairperson and/or reports of Commission Subcommittees (as described in Article 8, Section 2 herein);
- (g) Opportunity for public comment; and
- (h) Discussion and vote of recommendations for corrective action(s) (if applicable) stemming from a Commission review under consideration.

The rules of procedure for all quarterly, special, and rescheduled meetings shall be established by the Commission, or in the absence of specific Bylaws or Rules of Policy and Procedure as may be adopted from time to time by the Commission, the Commission shall follow the Robert's Rules of Order, and 65 Pa.C.S. § 710, when conducting all Commission meetings.

6.3 Quorum and Voting

A quorum of the voting members of the Commission shall be present to conduct the business of the Commission. A quorum of the voting members of the Commission shall consist of a simple majority, or of eleven (11) voting members being in attendance. A Vote by Absentee Ballot (as described below) shall not be counted for purposes of determining whether a quorum exists.

Decisions of the Commission shall be made by a majority vote of voting members. Any recommendations ratified by a majority vote of the voting members of the Commission membership will be included in all Final Reports (as described in Article 8, Section 5).

Any procedural or administrative matters of the Commission may be decided by a majority vote of those voting members in attendance.

In cases of absence, voting members of the Commission may Vote by Absentee Ballot (on a form developed and approved by the Commission's Chairperson and as may be amended from time to time) that must be signed by the Commission member, and submitted to the Commission's Chairperson in advance of any such quarterly, special, or rescheduled Commission meeting for which the voting member is excused. The Vote by Absentee Ballot Form shall provide that a voting member attests to reading and understanding all materials and subjects under consideration, lists the resolutions and/or action items for vote, and includes a space to record the member's vote on any such items; however, the voting member's ability to Vote by Absentee Ballot shall not exceed two (2) times in any calendar year. When applicable, the Vote by Absentee Ballot Form will be read aloud by the Commission's Chairperson during the Vote Call at the applicable quarterly, special, or rescheduled Commission meeting, and the original signed Vote by Absentee Ballot Form shall be attached to meeting minutes, made a part thereof, and kept on file by the Commission. A Vote by Absentee Ballot Form shall not be counted for purposes of determining whether a quorum exists.

6.4 Meeting Recordings

All Commission meetings will be recorded (in both audio and visual formats) and links to these recordings will be posted on the Commission's public webpage.

6.5 Meeting Minutes

Minutes of the Commission shall include, at least:

- (a) The date, time, and location (or other technology platform used) of each Commission meeting;
- (b) The meeting agenda;
- (c) The Commission members in attendance;
- (d) Identification of each Covered Agencies' investigative findings reviewed or discussed at a particular Commission meeting;
- (e) The recommendations (if any) of each Commission Sub-committee (as described in Article 8, Section 2 herein) related to each of the reviews of the Covered Agency's investigative findings presented for Commission review;
- (f) The vote of each voting member of the Commission for each recommendation (if any); and
- (g) Tabulation and summary of all votes for each recommendation (if any) indicating whether the recommendation was approved or adopted.

The Commission will publicly post meeting minutes as they are approved by the Commission.

ARTICLE 7: TRAINING OF COMMISSION MEMBERS

7.1 Voting Members

Prior to performing any functions relating to their authority and responsibilities, voting members of the Commission must complete required training on certain topics including the following:

- (a) Use of Force;
- (b) Stop, Search, and Arrest;
- (c) Traffic Enforcement;
- (d) Bias-based Policing;
- (e) Internal Affairs Processes;
- (f) Constitutional Law;
- (g) Disciplinary Procedures and Grievance Processes of each of the Covered Agencies;
- (h) Covered Agencies' Rules and Regulations for law enforcement officers;
- (i) Administrative Law (including Pennsylvania's Right-to-Know Law and Sunshine Act), the Governor's Code of Conduct, Executive Order 2015-01, and confidentiality; and
- (j) Any other topic that the Commission's Chairperson may deem appropriate from time to time.

7.2 Non-Voting or Ex-Officio Members

Non-voting or ex-officio Commission members are not required to attend pre-requisite training but may elect to participate in any training offered to voting members under Section 7.1 above.

ARTICLE 8: REVIEW PROCESS

The Commission's Chairperson shall develop and make available to the public such policy and procedural rules as the Commission may adopt, and by which the Commission shall operate. The review procedures of the Commission will contain (at a minimum) the following:

8.1 Role of the BLEO

The BLEO will create and monitor a hotline to receive complaints alleging any misconduct against a law enforcement employee of a Covered Agency and refer all complaints received to the appropriate Covered Agency for proper handling under their respective internal investigative affairs processes. Whenever notice is received from a Covered Agency that investigative findings are completed (for an internal investigation that is within the jurisdiction of the Commission), the BLEO will inform the Commission on a bi-weekly basis, of Covered Agencies' investigative findings.

Whenever a findings review is initiated by the Commission, the Commission's Chairperson shall, within three (3) business days, advise (whether in person or by written or oral communication) designees of the applicable Covered Agency that the Commission has initiated a findings review. Following initiation of a findings review by the Commission, the Commission's Chairperson, as soon as practicable, shall initiate and convene a meeting with designees of the applicable Covered Agency that will serve as an "Entrance Conference" to discuss all necessary parameters of the findings review (including submission of any request for documents and records) and any other administrative needs anticipated at that time.

8.2 Commission Sub-committees

The Commission's Chairperson will establish Commission Sub-committees (which shall include a minimum of one (1) voting member and one (1) non-voting member not associated with the subject matter) to oversee all findings reviews.

At the conclusion of a Commission's Sub-committee findings review, the Sub-committee will create a draft report (Preliminary Report) that will include a Summary of Facts, Findings of the Review, and Recommendations for Corrective Actions, if applicable.

The Preliminary Report will be distributed to all members of the Commission and the Agency Head and Chief Counsel of the Covered Agency under review.

8.3 Covered Agency's Opportunity to Respond to Preliminary Report

A Covered Agency may request an "Exit Conference" to discuss the preliminary findings and recommendations contained in such report within five (5) business days upon issuance of a Preliminary Report by a Commission's Sub-committee. Additionally, the Commission will request a written response from the Covered Agency (to be considered by the Commission along with the Preliminary Report regardless of whether an "Exit Conference" is held). Any written response by a Covered Agency should be provided to the Commission within 20 business days upon issuance of the Preliminary Report to be considered. Any request by a Covered Agency for a reasonable extension of time to respond will be submitted to the Commission's Chairperson for consideration and approval.

8.4 Presentation of Preliminary Report to Commission

The Commission's Chairperson will present the Preliminary Report including, recommendations for corrective actions, if any, and the Covered Agency's written response thereto, if submitted, to the Commission for a vote during the next quarterly, special, or rescheduled Commission meeting. Any recommendations ratified by a majority vote of the voting members of the Commission membership in attendance (provided a quorum exists) will be included in a Final Report.

8.5 Issuance and Publication of Final Reports

Once adopted and ratified by the Commission, copies of all Final Reports will be posted publicly on the Commission's webpage and distributed to the Covered Agency under review for consideration and implementation of the Commission's recommended corrective actions, if applicable.

8.6 Implementation of Recommendations

Covered Agencies will review recommendations, if applicable, contained in Final Reports and provide the Commission with responses and updates regarding the implementation of such recommendations as required by Section 3(b)(3) of Executive Order 2020-04.

ARTICLE 9: ANNUAL REPORT

9.1 In the interests of transparency and accountability, and in conformity with Executive Order 2020-04, the Commission shall issue an annual, public report that includes, but is not limited to, summary information and statistical data regarding the number of internal investigative findings it reviewed, descriptions of recommendations for corrective actions ratified by the Commission (if applicable), and/or policy changes made, or other actions taken by, Covered Agencies.

ARTICLE 10: PUBLIC STATEMENTS

10.1 Statements for public information or the media shall be issued by the Commission's Chairperson or the Chairperson's designee on behalf of the Commission. No individual Commission member shall make public statements on behalf of the Commission without the prior written consent and approval of the Commission and/or the Commission's Chairperson, and any unauthorized release of information shall constitute a violation of this article.

ARTICLE 11: AMENDMENT OF BYLAWS

11.1 These Bylaws shall be duly adopted by the Commission and may be amended at any quarterly, special, or rescheduled meeting of the Commission by majority vote as set forth in Article 6 herein; provided that written notice of such amendments shall be given to all Commission members at least five (5) days prior to such meeting and the amendment(s) are not inconsistent with Executive Order 2020-04, any statute of the Commonwealth, or the Pennsylvania and United States Constitutions.

ORIGINALLY ADOPTED BY RESOLUTION NO. _____ OF THE COMMISSION (dated _____, 2021)

SIGNATURE OF CHAIRPERSON:

Sha S. Brown

DRAFT