

# PSLECAC Case Review Process

PA State Law Enforcement Citizen Advisory Commission



## PSLECAC's Authority and Responsibility

The PSLECAC is authorized to perform reviews of Covered Agency's completed internal investigations related to allegations and incidents involving use of force and biased-based policing in the following categories:

- All investigations conducted by Covered Agencies involving police-involved shootings that resulted in civilian injury or death.
- A representative random sampling of investigations involving lower-level uses of force that resulted in injury or death, including those involving arrest and control techniques, baton strikes, and conducted energy weapon deployments.
- All investigations related to allegations of racial or ethnic discrimination and other biased-based policing or external complaints of bias or discrimination during interactions with law enforcement officers within Covered Agencies.

# Covered Agencies

All law enforcement agencies under the Governor's jurisdiction including, but not limited to:

## PSLECAC's Jurisdiction

- Pennsylvania State Police
- Department of General Services Capitol Police
- Department of Conservation and Natural Resources Park Rangers
- Law enforcement sub-units of the Pennsylvania Department of Corrections
- Department of Agriculture Bureau of Dog Law Enforcement

# The Goal of the PSLECAC Review Process

- PSLECAC reviews are not expected or designed to judge if participants are "blameworthy" or "liable". Determinations of individual accountability are made by each Covered Agency through internal investigations and/or prosecutorial reviews by the local District Attorney or State Attorney General.
- To the contrary, PSLECAC reviews seeks to understand the factors that contributed to the use of force or complaint of bias-based policing, make recommendations to correct any identified deficiencies, and prevent similar incidents in the future.

PSLECAC  
Reviews  
vs.  
Criminal  
Investigations  
vs.  
Internal  
Agency  
Investigations

- Criminal and internal agency investigations have a backward-looking focus in that they evaluate officer culpability and apply criminal and or administrative discipline, if warranted.
- PSLECAC reviews are forward-looking in that they focus on evaluating factors and conditions that led to the use of force or complaint of bias-based policing, and recommending modifications to policies, procedures, and training to reduce the risk of similar incidents moving forward.
- The goal is PREVENTION, PREVENTION, PREVENTION

# Development of Review Objectives

Review objectives are the questions Commissioners will seek to answer when reviewing the comprehensive investigations summary, listening to agency oral presentations, examining evidence, analyzing information, or performing any other relevant actions.

Review objectives will focus on determining if a Covered Agency's internal investigations of use of force incidents and bias-based policing complaints are prompt, fair, impartial, complete, consistent with applicable policies, and whether the discipline, if any, was reasonable under standard law enforcement protocol.

Additionally, Commissioners will determine which agency policies and procedures are relevant to the facts and circumstances at hand, and review each policy and or procedure thoroughly to determine whether specific guidelines that govern the Covered Agency's response and the Officer's actions during a citizen encounter are adequate.

# Oral Presentation and Supporting Documentation

The Oral Presentation is the opportunity for a covered agency to present the facts and findings of its internal investigation of the incident selected for review. During these presentations, Commissioners should seek to clarify any misconceptions and seek to answer any unanswered questions (objectives) Commissioners may have for the Covered Agency. Given the confidential nature of a Covered Agency's underlying internal investigation, Oral Presentations will be held during executive sessions of PSLECAC's Review Committee meetings.

A Review Committee may also request additional information and or supporting documents, when necessary, to complete its review. Any request for additional information and supporting documents shall be limited to information directly related to the internal investigative findings under review.

# Recommendations

- Commissioners will evaluate factors, conditions, circumstances and actions leading to the use of force incident or bias-based policing complaint and recommend modifications to policies, procedures, and training to reduce the risk of similar incidents, if warranted.
- Commissioners will focus on what happened, why it happened, and what can be done to prevent it from happening in the future.

## Commissioners may consider.....

- The root cause(s) of the incident under review and determine if any deficiencies exist within agency policies, procedures, and training;
- If policies or procedures need to be created or updated;
- If additional training needs to be offered or current training needs to be improved; and
- Best practices, including recommendations from the President's Task Force on 21<sup>st</sup> Century Policing, the President's Commission on Law Enforcement and the Administration of Justice, publications from the United States Department of Justice, successful practices from other law enforcement jurisdictions, etc.....

# Drafting the Preliminary Report

- At the conclusion of a review, the PSLECAC's Review Committee will draft a Preliminary Investigative Review Report (Preliminary Report) that will include findings and conclusions of their review, additional Factors for Consideration, and recommendations for corrective actions, if applicable.
- The Preliminary Report will be distributed to all members of the Commission, the Agency Head, and Chief Counsel of the Covered Agency under review.

# Covered Agency Meeting

- A Covered Agency may request a meeting with the Review Committee to discuss the preliminary findings and recommendations of their review contained in the Preliminary Report within five (5) business days upon its issuance
- Additionally, within five (5) business days upon issuance, other voting and ex-officio Commission members may provide additional recommendations for consideration by the Review Committee
- Final Review Committee recommendations contained in the Preliminary Report will then be presented at the next regular (quarterly) meeting or special session of the PSLECAC.

# Presentation of Preliminary Report

- The Commission's Chairperson or the Review Committee's Chairperson will present the Preliminary Report including, recommendations for corrective actions, if any, to the Commission for a vote during the next regular (quarterly), special, or rescheduled regular 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.

# Final Report

- The Covered Agency will review the approved recommendations contained in a Final Report and provide the Commission with a written response including what, if any, recommendations it may implement. If recommendations cannot or will not be implemented, the Covered Agency must provide the Commission with an explanation.
- PSLECAC will include the Covered Agency's written response as an addendum to the Final Report.
- All Final Reports (including written responses of Covered Agencies) will be posted publicly on the Commission's webpage.