

**BYLAWS OF THE
PENNSYLVANIA CITIZEN LAW ENFORCEMENT ADVISORY
AND REVIEW (CLEAR) COMMISSION**

ARTICLE 1: NAME

1.1 Pursuant to Executive Order 2023-21, this body shall be known as the Pennsylvania Citizen Law Enforcement Advisory and Review (CLEAR) Commission (hereinafter referred to as the “Commission”).

ARTICLE 2: PURPOSE

2.1 Pursuant to Executive Order 2023-21, the purpose of the Commission is to assist law enforcement agencies under the Governor’s jurisdiction with improving their policing practices. 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, where applicable.

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:

- (1) Pennsylvania State Police;
- (2) Department of General Services Capitol Police;
- (3) Department of Conservation and Natural Resources Park Rangers;
- (4) Department of Corrections Law Enforcement Sub-units;
- (5) Department of Agriculture Bureau of Dog Law Enforcement; and
- (6) Pennsylvania Office of State Inspector General (hereinafter referred to as the “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 2023-21.

3.2 Duties of the Commission

The Commission is authorized to:

- (a) Perform reviews of completed internal investigative findings by Covered Agencies related to allegations and incidents of use of force and bias-based policing in the following categories as defined by Section 3 of Executive Order 2023-21:
 - (i) All internal investigations of police-involved shootings resulting in injury or death of civilians conducted by Covered Agencies;
 - (ii) A representative, 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 external complaints of bias or discrimination during interactions with Covered Agencies' law enforcement officers.
- (b) Review the completed internal 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 and regulations;
 - (ii) Determine whether the completed internal investigative findings and any subsequent disciplinary action(s) taken by Covered Agencies were reasonable and/or appropriate under applicable law enforcement protocol, including, but not limited to the Covered Agency's just cause standard, rules and regulations, collective bargaining agreements, past disciplinary precedent and/or grievance and arbitration decisions; and
 - (iii) When appropriate, shall provide recommendations for corrective actions concerning any perceived policy or training deficiency for consideration 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 eleven (11) voting members of the Commission who have lived experience and/or professional experience, as listed below, chosen at large, and who shall serve at the pleasure of the Governor:

- (1) Member of the general public who has been significantly impacted by an encounter with law enforcement;
- (2) Member from academia;
- (3) Member of a municipal law enforcement citizen or community oversight board;
- (4) Mental health expert;
- (5) Member of the Municipal Police Officers' Education & Training Commission (MPOETC) or employee of an accredited Act 120 police academy with experience in use of force and internal investigations;
- (6) Current or former Chief of Police;
- (7) Current or former Public Defender;
- (8) Current or former District Attorney;
- (9) Current or former member of a police officer labor association;
- (10) Member of the general public who is not current or former law enforcement; and
- (11) Member of the general public who is current or former law enforcement.

(b) Non-Voting Members

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

- (1) General Counsel of the Commonwealth of Pennsylvania, or designee;
- (2) Commissioner of the Pennsylvania State Police, or designee;
- (3) Chief of Capitol Police, or designee;
- (4) Secretary of the Department of Conservation and Natural Resources, or designee;
- (5) Secretary of the Department of Corrections, or designee;
- (6) Executive Director of the Pennsylvania Commission on Crime and Delinquency, or designee, and;
- (7) Appointee from the Office of the Governor.

(c) Conflicts

No voting Commission member may be, or have been, a party to or representative of any party as named counsel of record in litigation involving any of the Covered Agencies. Commission members are required to identify any potential conflict, inform the Chair thereof, and execute an abstention related thereto.

With the advice of, and after consultation with, the OSIG Office of Chief Counsel (OCC), 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 OCC; (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.

(d) Chair and Vice-Chair

The Governor shall appoint a Chair and a Vice-Chair from among the voting members of the Commission, who shall serve at the pleasure of the Governor.

(e) Executive Director

The Executive Director of the Commission shall be an employee of the OSIG, who is also assigned by the Inspector General.

4.2 Duties and Responsibilities of the Chair and Executive Director

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

- (1) Attending, convening, and presiding over all Commission meetings;
- (2) Calling all Commission meetings to order;
- (3) Establishing Commission Review Committees (as described by Article 8, Section 1) to conduct the completed internal investigative findings review functions of the Commission authorized by Section 4(b) of Executive Order 2023-21; and
- (4) Presenting matters for consideration and vote by the Commission and maintaining records of all votes of the Commission.

In conjunction with the Chair, duties of the Executive Director shall include:

- (1) Scheduling Commission meetings;
- (2) Creating and distributing meeting agendas for all Commission meetings;

- (3) Recording attendance of Commission members at each Commission meeting and maintaining all Commission meeting attendance records;
- (4) Preparing meeting minutes;
- (5) Distributing final drafts of meeting minutes for formal adoption and any other materials under consideration for review by the Commission at the next scheduled Commission meeting;
- (6) Coordinating with the OSIG OCC and the Covered Agencies in the request and submission of completed internal investigative findings for review by the Commission;
- (7) Assist in preparing, finalizing, and submitting annual reports of the Commission's work to the Governor's Office;
- (8) Representing and acting on behalf of the Commission in external matters involving Commission business; and
- (9) Effectuating all other administrative tasks to support the purpose and mission of the Commission.

In the absence of the Chair at Commission meetings, the Vice-Chair shall act in the Chair's place.

(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 may serve until a successor is appointed. Initially, five (5) voting members shall be appointed for a term of two (2) years, and six (6) voting members shall be appointed for a term of three (3) years, the initial terms to be served beginning from the effective date of Executive Order 2023-21. Thereafter, all terms shall be three (3) years. A member shall serve no more than three (3) terms.

4.4 Compensation

No Commission member shall receive compensation for their services, except those 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 and Review Committees (as described in Article 8, Section 1) to which the member is assigned. Members shall coordinate with the Commission's Chair prior to an absence to obtain excusal. Excessive or unexcused absences will be reported to the Governor.

4.6 Vacancies

Should a vacancy of a voting member occur on the Commission, the Governor shall appoint a successor, and the successor shall fulfill the remainder of the term. A successor so appointed may, thereafter, be reappointed for no more than two (2) additional terms.

4.7 Removal

Voting members shall serve at the pleasure of the Governor.

ARTICLE 5: CONFIDENTIALITY

5.1 Commission members shall not use any information obtained from or through the fulfillment of Commission responsibilities for any non-Commission related purpose. Participation in any event (in their official capacity as Commission members) must be authorized by the Chair, in consultation with the OSIG and the OSIG OCC.

All members of the Commission shall execute an appropriate Confidentiality and Non-Disclosure Agreement which shall be kept on file with the Executive Director. No member of the Commission shall make any individual public statements regarding the Commission, unless so authorized by the Chair, in consultation with the OSIG and the OSIG OCC.

Commission members shall not disclose for any purpose any confidential or protected information (as defined by Section 3(g)-(k) of Executive Order 2023-21), including:

- (1) Law Enforcement Sensitive (LES) Information;
- (2) Personal Identifiable Information (PII);
- (3) Non-Public Information;
- (4) Criminal History Record Information Act (CHIRA), 18 Pa. C.S. Chapter 91, Information; and
- (5) Criminal Justice Information Services (CJIS) Information.

Notwithstanding the confidential or protected information above, the Chair may authorize the use or disclosure of certain information utilized by the Commission under limited circumstances, as the Chair deems appropriate, in consultation with the OSIG OCC.

Administrative and informational sessions of the Commission and of its Subcommittees, or Review Committees (as described in Article 8, Section 1 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.

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

6.1 Commission Meetings

The Commission shall meet four times each year, unless otherwise determined by the Chair and fix a date, time, and place of all such meetings. A schedule of all general quarterly meetings shall be determined in advance each year and made publicly available as soon as practicable. All such times, dates, and locations for all such general meetings shall be posted on the OSIG's website, www.osig.pa.gov. At least three (3) days or seventy-two (72) hours in advance of any such date, the Commission shall also advertise the details and provide notice of such general meetings.

The Chair, or a quorum of the voting members of the Commission, may call specific meetings of the Commission on an as-needed basis, and may adjourn or cancel general or specific meetings for cause. For all specific or rescheduled general meetings, the Commission shall provide at least twenty-four (24) hours advance notice and advertise the details in the same manner prescribed for general meetings.

All general, specific, and rescheduled meetings shall be open to public participation and include a time for public comment, limited to two (2) minutes per speaker, with an additional 30 seconds at the discretion of the Chair.

Commissioners shall make every effort to attend and participate in all Commission meetings and informational sessions of all Commission Subcommittees and Review Committees (as described in Article 8, Section 1 herein) to which they are assigned and may attend all Commission meetings or Commission Subcommittee or Review Committee informational sessions 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.

Commissioners shall review all materials provided at or in advance of all meetings and informational sessions of the Commission and Commission Subcommittees or Review Committees. Each commissioner shall familiarize him or herself with the business of the Commission to facilitate active and effective participation in all Commission meetings and informational sessions of the Commission and of each Commission Subcommittee or Review Committee on which he or she may serve. As much as practicable, 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

The Commission shall provide advance notice of the purpose of all general, specific, and rescheduled meetings. At a minimum, the agenda, which shall act as the regular order of business of all general, specific, and rescheduled meetings, shall include the following:

- (1) Administrative Session (closed to the public);
- (2) Call to Order and Roll Call;
- (3) Approval and adoption of previous meeting's minutes;
- (4) Approval of administrative and procedural matters;
- (5) Report of the Commission's Chair and/or reports of Commission Subcommittees or Review Committees (as described in Article 8, Section 1 herein);
- (6) Opportunity for public comment; and
- (7) Discussion and vote of recommendations (if applicable) stemming from a Commission review under consideration.

The rules of procedure for all general, specific, 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 Robert's Rules of Order Newly Revised 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 of voting members currently appointed and serving on the Commission being in attendance. A quorum for any Subcommittee or Review Committee (as described in Article 8, Section 1) shall consist of a majority vote of the voting members assigned thereto.

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.

6.4 Meeting Recordings

As much as practicable, general, specific, and rescheduled Commission meetings will be recorded and links to these recordings will be posted on the OSIG's website, www.osig.pa.gov.

6.5 Meeting Minutes

Minutes of the Commission shall include:

- (1) The date, time, and location (or other technology platform used) of each Commission meeting;
- (2) The meeting agenda;
- (3) The Commission members in attendance;
- (4) The Case Number, Covered Agency, and Review Committee (as described in Article 8, Section 1 herein) under discussion;
- (5) The proposed recommendations (if any) of each Review Committee related to each of the reviews of the Covered Agency's completed internal investigative findings presented for Commission review;
- (6) The vote of each voting member of the Commission for each proposed recommendation (if any);
- (7) Tabulation and summary of all votes for each recommendation and reports (if any) indicating whether the recommendation and/or reports were approved or adopted; and
- (8) The names of all citizens who appeared officially and the subject of their testimony.

The Commission will 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, voting members of the Commission must complete required training on certain topics including the following:

- (1) Use of Force;
- (2) Stop, Search, and Arrest;
- (3) Traffic Enforcement;
- (4) Bias-based Policing;
- (5) Internal Affairs Processes;
- (6) Constitutional Law;
- (7) Disciplinary Procedures and Grievance and Administrative Processes of each of the Covered Agencies;
- (8) Covered Agencies' Rules and Regulations for law enforcement officers; and
- (9) Administrative Law, the Governor's Code of Conduct, Executive Order 2023-04, and confidentiality.

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

8.1 Commission Subcommittees and Review Committees

Upon a majority vote of voting members, the Commission may establish Subcommittees to effectively implement the Commission's authority and responsibilities under Executive Order 2023-21. Subcommittees may only include voting and ex-officio members of the Commission. All committees shall be chaired by a voting member of the Commission.

Pursuant to Section 7(a) of Executive Order 2023-21, the Commission's Chair will establish Commission Review Committees to oversee all completed internal investigative findings reviews. With the approval of the Commission's Chair, Commission Review Committees will select (upon a majority vote of voting members assigned thereto) at least one, but no more than two completed internal investigative findings for review by the applicable Review Committee per quarterly review cycle.

Once a review is initiated by a Review Committee of the Commission, the Commission's Chair shall, within three (3) business days, notify designees of the applicable Covered Agency that the Commission has selected a completed internal investigative findings matter for review. Within 30 business days of the notification, unless extended for good cause, the Covered Agency shall provide the Commission's Review Committee with a comprehensive written summary and schedule an oral presentation of its completed internal investigative findings. The summary shall include a detailed description of all investigative activities, relevant dates, a summary of the facts as determined by the investigation, and criminal and administrative adjudications (excluding all PII, CHRIA information, CJIS information, LES information, non-public information, and other information restricted by State or Federal law). Prior to the date of the scheduled oral presentation, the Commission's Chair shall request from the Covered Agency, at least three (3) days in advance, copies of all presentation materials for distribution to applicable Review Committee members.

A Commission's Review Committee may request additional information and supporting documents when necessary, to complete its review and any request for additional information and supporting documents shall be limited to information directly related to the completed internal investigative findings under review and shall be redacted of all PII, CHRIA information, CJIS information, LES information, non-public information, and other information restricted by State or Federal law. The Commission shall request a response (within five (5) to 10 business days of the date submitted) from a Covered Agency for any such additional information and/or copies of any such supporting documentation requested by the Commission's Review Committee.

At the conclusion of a Commission Review Committee's review, the Review Committee will prepare a Preliminary Investigative Review Report (Preliminary Report) with administrative assistance from the OSIG, that will include Proposed Findings and Conclusions of the Review, any Additional Factors for Consideration and Proposed Recommendations for Corrective Actions, if warranted. The Commission shall allow for electronic signatures of all applicable Commission officers and Review Committee members for all Preliminary Reports authorized by a Review Committee.

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. Within five (5) business days upon issuance of the Preliminary Report, other voting and ex-officio Commission members may provide additional recommendations for consideration by the Review Committee and, upon approval of the Commission's Chair and a majority vote of voting members assigned thereto, for inclusion in the Preliminary Report.

8.2 Covered Agency's Opportunity to Respond to Preliminary Report

A Covered Agency has 60 days to respond to a Preliminary Report and provide the Commission with a written response including what, if any, recommendations it may implement, or an explanation if proposed recommendations cannot or will not be implemented, as prescribed by Section 4(b)(4) of Executive Order 2023-21. The Covered Agency may request more time in which to respond to the report, which request may be granted by the Chair.

8.3 Presentation of Preliminary Report to Commission

The Commission's Chair and/or the Review Committee's Chair will present the Preliminary Report including recommendations for corrective actions, if any, to the Commission for a vote during the next general, specific, or rescheduled Commission meeting. Before a report is final, the preliminary report and any recommendations within the preliminary report must be approved by a majority of the voting members of the Commission, and the Covered Agency must have had an opportunity to respond to the report.

8.5 Issuance and Publication of Final Reports

Once adopted and ratified by the Commission, following consultation and review with the OSIG OCC, copies of all Final Reports (including written responses of Covered Agencies) will be posted publicly on the OSIG's website, www.osig.pa.gov.

ARTICLE 9: ANNUAL REPORT

9.1 The Commission shall prepare and submit an annual report to the Governor or the Governor's designee, and other reports as may be requested by the Governor. The OSIG shall assist in preparing, finalizing, and submitting any such reports and shall publish them on the OSIG's website, www.osig.pa.gov. Publicly accessible reports may not include any information that is personal or sensitive in nature, or is confidential, privileged, protected, or otherwise prohibited or exempt from public disclosure by law, regulation, or judicial order, including but not limited to any PII, non-public information, CHRIA information, CJIS information, LES information, or other information restricted by State or Federal laws or deemed by the affected covered agency to be law enforcement sensitive.

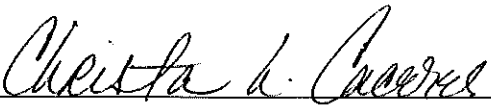
The annual report may include, but is not limited to, summary information and statistical data regarding the number of completed internal investigative findings reported and reviewed, descriptions of recommendations for corrective actions ratified by the Commission (if applicable), and/or policy changes made, or other actions taken by, Covered Agencies.

ARTICLE 10: AMENDMENT OF BYLAWS

10.1 These Bylaws shall be duly adopted by the Commission and may be amended at any general, specific, or rescheduled meeting of the Commission by majority vote of voting members of the Commission 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 2023-21, any statute of the Commonwealth, or the Pennsylvania and United States Constitutions.

ORIGINALLY ADOPTED BY RESOLUTION NO. 1 OF THE COMMISSION (dated March 19, 2024)

SIGNATURE OF CHAIR:



Christa Caceres