



PENNSYLVANIA STATE LAW ENFORCEMENT CITIZEN ADVISORY COMMISSION

Regular Meeting Minutes

Friday, May 13, 2022 at 10:00 a.m.

(In person and Virtual Meeting *via* Microsoft Teams Platform)

At 10:15 a.m. Executive Session

Sha S. Brown, Chairperson, began the Executive Session of the Pennsylvania State Law Enforcement Citizen Advisory Commission (Commission) by welcoming and confirming attendance of Commissioner members. Chairperson Brown walked members through the Commission's proposed Regular Meeting Agenda along with third quarter objectives [i.e., the Commission's proposed Regular Meeting to be held in Allegheny County on August 5, 2022 featuring a panel discussion on the state of police reforms in Pennsylvania], NACOLE training conference in September 2022, and proposed Review Committee meeting schedules for completion of identified matters currently under review [**Internal Case Nos. 21-0003-P, 21-0009-P, 21-0010-P, 21-0014-P, 21-0015-P, 21-0016-P, 21-0017-P and 21-0018-P**].

The Executive Session ended at 10:26 a.m.

At 10:33 a.m. Regular Public Meeting Started and Recording Began

At 10:34 a.m. Call to Order and Opening Remarks by Commission Chairperson

Chairperson Brown called the Regular Public Meeting of the Commission to order, announced that the meeting was being recorded and participation in the meeting conferred consent to being recorded. Chairperson Brown then thanked Commission members in attendance, including Ex-officio members and/or their designees - from the Pennsylvania State Police (Captain Christopher King, Chief Counsel Daniel C. Beck); from the Pennsylvania Department of Conservation and Natural Resources (on behalf of Secretary Cynthia Dunn, Deputy Secretary John Norbeck and Chief Counsel Audrey Miner); from the Office of General Counsel (on behalf of General Counsel Gregory Schwab, Deputy General Counsel Anne Cornick); from the Pennsylvania Commission on Crime and Delinquency (Executive Director Michael Pennington); and from the Office of the Governor (Deputy Chief of Staff, Jalila Parker).

At 10:34 p.m. Roll Call by Commission Secretary

Chairperson Brown recognized the Commission's Secretary, Jaimie L. Hicks, who read the names of all Commission Voting members aloud and those in attendance responded by announcing their presence. 13 Voting members of the Commission were either in attendance in person or virtually and a quorum of the Commission's Voting members was present. A copy of the Roll Call and Attendance Form is attached hereto and made a part hereof [**see ATTACHMENT 1**].

At 10:36 a.m. Recognition of Attendees

Chairperson Brown acknowledged the physical attendance of several stakeholders and other invited guests including Dr. Cynthia Young, Vice-Chair of the Citizen Oversight Board from the Borough of State College in Pennsylvania, Anthony Erace, Executive Director of the City of Philadelphia Police Advisory Commission and Rosoro Thomas, a member of that oversight commission.

At 10:36 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.

At 10:37 a.m. Motion to Approve Commission's Meeting Agenda by Unanimous Consent

Chairperson Brown asked for a motion to approve the Commission's Meeting Agenda by unanimous consent. The motion was offered and seconded by Commission members in attendance. Chairperson Brown asked if any Commissioner had any objection(s) to the Commission's Meeting Agenda. After hearing no objections, Chairperson Brown recognized the approval of the Commission's Meeting Agenda by unanimous consent. A copy of the Commission's Regular Meeting Agenda for May 13, 2022, as adopted, is attached hereto, and made a part hereof [**see ATTACHMENT 2**].

At 10:37 a.m. Guest Speaker [Pennsylvania State Senator Art Hayward] on Legislative Efforts to Require Independent Criminal Investigations of Use of Force Incidents

Chairperson Brown introduced Pennsylvania State Senator Art Hayward, who represents the 4th District covering Montgomery and Philadelphia Counties and is the Co-Chair for the Bipartisan Criminal Justice Reform Caucus. Chairperson Brown remarked the first piece of legislation State Senator Hayward introduced after arriving in Harrisburg was a bill requiring independent investigations of deadly use of force incidents back in 2015. Chairperson Brown also remarked State Senator Hayward secured \$30 million in violence intervention and prevention programs last year and passed legislation in the Senate amending the Crime Victims Act as part of Phase II of the Justice Reinvestment Initiative. Chairperson Brown added State Senator Hayward is a long-time member of the Senate Judiciary Committee and sponsored bills to standardize use of force policies, address community violence, and reform probation practices. Following his introduction, Chairperson Brown welcomed and relinquished the floor to State Senator Hayward.

*[For a complete written transcript of State Senator Hayward's public comments regarding legislative efforts to require independent criminal investigations of use of force incidents involving law enforcement along with questions, comments, and other remarks by Commissioners, kindly see pages 5 through 36 in the attached Meeting Transcript which is attached hereto and made a part hereof [**see ATTACHMENT 3**].*

At this time, Chairperson Brown opened the floor to general public comments and recognized Rosoro Thomas, Member of the City of Philadelphia Police Advisory Commission. Ms. Thomas remarked this topic was extremely important to her personally and professionally with particular emphasis on independent investigations of domestic violence incidents involving police officers. Chairperson Brown also recognized Hasson Bennett who offered comments about his personal experience with police misconduct.

[For a complete written transcript of public comments offered by Ms. Thomas and Mr. Bennett, kindly see pages 36 through 41 in the attached Meeting Transcript which is attached hereto and made a part hereof

[see ATTACHMENT 3].

At 11:26 a.m. Panel Discussion [Alternative 911 Dispatch for Substance Abuse and Mental Health Crisis Response]

Chairperson Brown then opened the Panel Discussion by recognizing national, regional, and local jurisdictions are researching and implementing new operating practices that reduce reliance on law enforcement and emergency medical services when responding to mental health and substance abuse crisis. For example, Chairperson Brown stated nationally organizations including the Harvard Kennedy Schools, Government Performance Lab are offering technical assistance to those creating alternative 911 emergency response teams on a national level while locally organizations such as Blueprints for Addiction Recovery work collaboratively with local jurisdictions and law enforcement to improve call responded programs. Chairperson Brown remarked Commissioners sought information and engaged with many top scholars and experts on this topic to fully inform their deliberative process while considering recommendations for similar programs and services for Commonwealth law enforcement agencies.

Chairperson Brown then introduced panelists and welcomed Dr. Jessica Gillooly, Assistant Professor, Department of Sociology and Criminal Justice, Suffolk University; Professor John Hollway, University of Pennsylvania Law School and Executive Director of the Quattrone Center for the Fair Administration of Justice; Major Neill Franklin, Retired Maryland State Police and Former Executive Director of the Law Enforcement Action Partnership; Dr. Lionel King, Intellectual Researcher -- Intercultural Researcher and Program Specialist with the Law Enforcement Action Partnership; Gabriela Solis, Project Leader with Harvard Kennedy School, Government Performance Lab; Erica Atwood, Senior Director of Office of Policy and Strategic Initiatives for Criminal Justice and Public Safety, Managing Director's Office for Philadelphia; Christopher Dreisbach, Chief Executive Officer and Benjamin McCoy, Executive Vice President, Blueprints for Addiction Recovery, Lancaster County Co-Responder Program; and Chief Edward Cunningham, Chief of Police with Elizabethtown Police Department.

[For a complete written transcript of presentations of panelists regarding the purpose, benefit, and challenges of alternative 911 dispatch programs, current projects, and shared experiences establishing alternative substance and mental health emergency co-responder programs, kindly see pages 43 through 91 in the attached Meeting Transcript which is attached hereto and made a part hereof [see ATTACHMENT 3].

At this time, Chairperson Brown opened the floor to questions and comments offered by Commissioners in response to the information provided by panelists.

[For a complete written transcript of questions and comments offered by Commissioners along with responses by panelists, kindly see pages 91 through 113 in the attached Meeting Transcript which is attached hereto and made a part hereof [see ATTACHMENT 3].

After no other comments or questions, Chairperson Brown recessed the Public Session of the Commission's Regular Meeting at 12:52 p.m. for 15 minutes.

At 1:18 p.m. Public Session Resumed

At 1:18 p.m. Motion to Approve Adoption of the Draft of the Commission’s February 28, 2022 Meeting Minutes by Unanimous Consent

Chairperson Brown confirmed that all Commission members received and had an opportunity to review the draft of the Commission’s meeting minutes from the Commission’s Regular Meeting held on February 28, 2022, publicly posted on the Commission’s webpage, and forwarded to Commission members. Chairman Brown asked for a motion to approve the draft of the Commission’s February 28, 2022, Meeting Minutes by unanimous consent. The motion was offered and seconded by Commission members. Unanimous consent to approve adoption of the draft of the Commission’s February 28, 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 1:19 p.m. Approval of Administrative Matters Including Consideration, Discussion, Deliberations and Adoption of Proposed Amendments to the Commission’s Bylaws

Chairperson Brown opened the floor for discussion of the various amendments to the Commission’s Bylaws offered by the Commission’s Rules Subcommittee for consideration. Chairperson Brown summarized these proposed amendments as follows:

(1) creating protocols related to engagement with governmental stakeholders and other non-governmental constituents regarding proposed legislative and other actions based, in part, on previous recommendations adopted by the Commission;

[PROPOSED AMENDMENT TO

8.4.1 Implementation of Recommendations and Other Recommendation-Related Engagements

Covered Agencies will review recommendations, if applicable, contained in Final Reports and provide the Commission with a written response including, what, if any, recommendations it may implement. If a recommendation cannot or will not be implemented, the Covered Agency shall provide an explanation as required by Section 3(b)(4) of Executive Order 2020-04, as amended.

As duly adopted by the Commission’s Rules Sub-committee (and as duly authorized and prescribed by Article 8, Section 2 herein) and ratified by the Commission, the Commission’s Chairperson, along with his or her designee and/or Chairperson(s) of Review Committees and any other voting member as deemed appropriate, may from time to time engage with governmental stakeholders and other non-governmental constituents concerning proposed legislative and other actions based, in part, on previous recommendations adopted and ratified by the Commission for the purpose of explaining the background, context and character of such recommendations. However, neither the Commission, the Commission’s Chairperson nor any voting member in their official capacity, shall endorse any proposed legislative action based, in part, on any recommendations adopted and ratified by the Commission.]

(2) establishing general and special public comment periods during all public meetings along with discretion for invitations to guest speakers;

[PROPOSED AMENDMENT TO.....

4.2 Duties of Commission Officers

(a) Commission’s Chairperson

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

Creating, distributing, and publicly posting meeting agendas (including the selection and invitation of guest speakers and other invited guests) for all Commission meetings;

6.2 Purpose and Rules of Commission Meetings

As duly adopted by the Commission's Rules Sub-committee (and as duly authorized and prescribed by Article 8, Section 8.2 herein), and ratified by the Commission, all Commission meetings shall include accommodations for both a general comment period (on any matter that falls under the Commission's jurisdiction and/or concerns the Commission's mission and purpose) and a specific comment period (on any matter currently under consideration). For general and specific comment periods, the Commission's Chairperson may, when deemed appropriate and necessary, designate a spokesperson(s) for any entity or constituent for the purpose of offering public comment during a public meeting on a single topic(s) or subject(s). All speakers during general and specific comment periods shall be limited to three (3) minutes per speaker.]

(3) setting timeframe for receipt of a Covered Agency's response for additional information requested by a Review Committee between five to 10 business days to be determined at the discretion of the Commission's Chairperson; and

[PROPOSED AMENDMENT TO

8.2 Commission Sub-committees and Review Committees

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 such information directly related to the completed internal investigative findings under review (excluding all PII, CHRIA, and CJIS information or other information restricted by State or Federal law). The Commission's Chairperson shall request a response (within five 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.]

(4) allowing for electronic signatures for all preliminary reports issued by Review Committees and final reports adopted by the Commission.

[PROPOSED AMENDMENT TO.....

8.2 Commission Sub-committees and Review Committees

At the conclusion of a Commission's Review Committee findings review, the Review Committee will prepare a Preliminary Investigative Review Report (Preliminary Report) that will include Findings and Conclusions of the Review, any Additional Factors for Consideration and Recommendations for Corrective Actions, if applicable. As duly adopted by the Commission's Rules Sub-committee (and as duly authorized and prescribed by Article 8, Section 8.2 herein), and ratified by the Commission, 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.

8.5 Presentation of Preliminary Report to Commission

The Commission's Chairperson and/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, 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. As duly adopted by the Commission's Rules Sub-committee (and as duly authorized and prescribed by Article 8, Section 8.2 herein), and ratified by the Commission, the Commission shall allow for electronic signatures of all applicable Commission officers for all Final Reports duly adopted and ratified by the Commission.]

At this time, Chairperson Brown relinquished the floor to Vice-Chairperson Pittinger [who also serves as the Chairperson of the Rules Subcommittee] for general remarks.

Vice-Chairperson Pittinger thanked fellow Rules Subcommittee members including Commissioners Coolidge, Ashe and Lappas for their work and believed the proposed amendments to the Commission's Bylaws were self-explanatory. First, Vice-Chairperson Pittinger remarked that the Commission appreciated the earlier discussion and dialogue with State Senator Haywood regarding proposed legislation that mirrored a previous recommendation adopted by the Commission. In this regard, Vice-Chairperson Pittinger believed it was important for the Commission to make themselves available to various stakeholders to provide background, nuances, and context of those recommendations.

However, Vice-Chairperson Pittinger added that the Commission must restrict and disallow any official endorsement or support of all pending legislative acts to avoid partisanship battles and maintain the Commission's objectivity. Next, Vice-Chairperson Pittinger summarized the other proposed amendments as those necessary to formalize unofficial practices of the Commission, i.e., use of electronic signatures given virtual meetings, invitations to guest speakers for panel discussions on relevant topics and responses to committees' request for additional information (while cannot compel response, some requests do not require an extended period).

At this time, Chairperson Brown opened the floor to deliberations among Commissioners. Commissioner Young sought clarification regarding the Rules Subcommittee's proposed amendment to restrict Commissioners' legislative activity. For example, Commissioner Young wished to ensure the amendment did not contemplate restrictions on Commissioners' individual community engagement informing the public of the Commission's work or other organizing efforts while appreciating the need to restrict formal endorsement of legislative efforts. Vice-Chairperson Pittinger replied the amendment sought to ensure Commissioners' availability to discuss and explain recommendations adopted by the Commission while also prohibiting the Commission or Commissioners (in their official capacity) from endorsing legislation on behalf of the Commission.

Use of Force Review Committee Chairperson Sonenshein supported all four proposed amendments and believed the amendments were wise and prudent. Use of Force Review Committee Chairperson Sonenshein also believed it was important to explain to stakeholders what the committees and/or Commission had in mind when proposing recommendations to state law enforcement agencies without "getting into the muck" of the legislative process. Commissioner Maines also sought clarification and asked if the proposed amendment allowed the Commission's committees to propose legislative amendments on its own accord based on reviews under its authority and Vice-Chairperson Pittinger replied "Yes." In line with Commissioner Maines' question, Critical Incident Review Committee Chairperson Hodge noted the role and purpose of the Commission was to provide recommendations and by virtue of their positions, Commissioners may present information discussed at these public meetings at community forums. Vice-Chairperson Pittinger explained the Commission was not a lobbyist organization and needed to avoid being seen as such.

With no other comments offered, Chairperson Brown requested a motion to adopt and ratify Resolution No. 1 concerning proposed amendments to various sections of the Commission's Bylaws and such other proposed administrative practices and procedures recommended by the Commission's Rules Sub-committee. The motion was approved and seconded with no noted objections and passed by unanimous consent of all Voting Members in attendance. Chairperson Brown then read a copy of **Resolution No. 1** into the record [*see ATTACHMENT 4*].

Presentation, Consideration, Discussion, Deliberation, Action(s) and Public Comment Concerning Preliminary Investigative Review Report for Internal Case No. 21-0008-P (bias-based policing complaint involving the Pennsylvania State Police related to an incident that occurred on February 23, 2018)

Chairperson Brown proceeded to the next item for business which involved presentation of the Preliminary Investigative Review Report for **Internal Case No. 21-0008-P** by the Bias-Based Policing Review Committee concerning its review of a complaint alleging bias-based policing that occurred on February 23, 2018 involving PSP. The Bias-Based Review Committee is chaired by Marvin Boyer and includes Commissioners Dr. Suresh Canagarajah, Denise Ashe, Keir Bradford-Grey, Esq., Brenda Tate, and Dr. Marilyn Brown.

Chairperson Brown reported the Bias-Based Policing Review Committee proposed three total recommendations in connection with its review of **Internal Case No. 21-0008-P**. Chairperson Brown then proceeded to read the proposed **Recommendation No. 1 and Finding No. 1** of the Bias-Based Policing Review Committee's Preliminary Investigative Review Report for **Internal Case No. 21-0008-P** into the record as follows:

Proposed Recommendation No. 1 – Citizen Engagement and Communication

The Pennsylvania State Law Enforcement Citizen Advisory Commission's Bias-Based Policing Review Committee recommends that the Pennsylvania State Police modify its applicable policies to specifically require (unless exigent circumstances exist) that all members identify themselves during traffic stops and provide the reason(s) for a traffic stop when engaged in enforcement activity.

**Finding No. 1 –
Citizen Engagement and Communication**

During its review, the Review Committee sought to identify the root cause(s) of the complaint, what factor(s) led to the complainant's perception of racial bias during the enforcement activity, and what process(es) will increase communication and minimize misunderstandings that make it difficult for a Covered Agency to identify officers who intentionally engage in explicit or implicit bias versus those officers who are incorrectly accused of bias during legitimate enforcement activity.

To this end, the Review Committee found that PSP maintains two policies that address a Trooper's communication responsibilities when initiating police action, namely:

1. General Requirements (PSP Policy No. FR 1-1) *requires* Troopers, whenever initiating any police action, to identify themselves promptly and respectfully by giving their name, rank, and other appropriate identification to persons involved; and
2. Traffic Law Violations Stops (PSP Policy No. FR 6-8) *recommends* that Troopers both identify themselves and provide a reason for the police action but does not *require* that this information is communicated to citizens.

Regarding requiring prompt identification to a citizen, the Review Committee found that PSP's Policy No. FR 1-1 and Policy No. FR 6-8 conflict with one another since the former *requires* Troopers to identify themselves while the latter only *recommends* this action. Regarding providing a reason for the traffic stop, PSP Policy No. FR 6-8 only *recommends* that Troopers provide a reason(s) for initiation of the police activity to citizens while PSP Policy No. FR 1-1 is silent on this issue.

In this case, the Trooper did not initially identify himself by name or as a member of PSP, in possible violation of PSP Policy No. FR 1-1. Additionally, the Trooper did not provide the reason for the enforcement activity, as recommended by PSP Policy No. FR 6-8. While the latter is not a technical violation since this action is only *recommended*, the Review Committee found that this lack of communication was the probable root cause(s) for the filing of this complaint.

At this time, Chairperson Brown opened the floor to discussion and deliberation by all Commissioners and relinquished the floor to Chairperson Boyer of the Bias-Based Policing Review Committee for further remarks.

Bias-Based Policing Review Committee Chairperson Boyer wished to reiterate that the overall purpose of this recommendation was to improve relationships between the police and citizens they serve. Chairperson Boyer believed if the Trooper properly identified himself or herself and explained the reason(s) for the traffic enforcement activity, such conduct would decrease the probability of such complaints.

At this time, Chairperson Brown asked Commissioners if anyone wished to offer comments or remarks concerning **Recommendation and Finding No. 1** and none were offered. Chairperson Brown then opened the floor to public comment concerning **Recommendation and Finding No. 1** and none were offered.

Chairperson Brown then proceeded to read proposed **Recommendation No. 2 and Finding No. 2** of the Bias-Based Policing Review Committee's Preliminary Investigative Review Report for **Internal Case No. 21-0008-P** into the record as follows:

Proposed Recommendation No. 2 – Documenting Citizen Encounters

The Pennsylvania State Law Enforcement Citizen Advisory Commission's Bias-Based Policing Review Committee recommends that the Pennsylvania State Police explicitly prohibit the practice of issuing verbal warnings and require its members to provide citizens with written documentation (e.g., business card, brochure, written warning and/or traffic citation) for every traffic stop (unless exigent circumstances exist) to ensure proper recording of all traffic enforcement activity and ensure all citizens receive basic information regarding the encounter.

Finding No. 2 – Documenting Citizen Encounters

During its review, the Review Committee confirmed that the Trooper did not appropriately document his or her law enforcement activity by failing to broadcast pertinent information about the traffic stop over the police radio. This failure was properly cited by the adjudicator and addressed with supervisory intervention. Additionally, the Trooper did not issue a written warning or citation for the alleged traffic violation. Consequently, the citizen was left with no written documentation regarding the Troopers who stopped the citizen or the official reason for the traffic stop.

The Review Committee is aware of several PSP practices that address documentation of traffic enforcement activity, including:

1. pertinent information is transmitted and recorded via radio broadcast or the Mobile Data Terminal (required by PSP policy);
2. the encounter is recorded via the patrol vehicle's MVR (required by PSP policy in all vehicles equipped with MVRs);
3. pertinent contact information is documented by a Trooper within a Contact Data Report (required by PSP policy and implemented in January 2021); and/or
4. a Trooper issues a written warning or traffic citation (currently optional in PSP policy).

The Review Committee found that among the various methods designed to capture traffic enforcement activity, only issuing a written warning or traffic citation provides a citizen with documentation concerning the reason for the traffic stop, the Trooper's name, and other pertinent information. The Review Committee notes that there is no greater negative consequence to the citizen in receiving a written warning instead of a verbal warning. Further, while it does not wish to

encourage the over-issuance of citations for minor traffic offenses or eliminate opportunities to exercise appropriate discretion, the Review Committee found that prohibiting the practice of providing mere verbal warnings and requiring the issuance of written warnings ensures that citizens will receive basic written information regarding their encounters with PSP.

At this time, Chairperson Brown opened the floor to discussion and deliberation by all Commissioners and relinquished the floor to Chairperson Boyer of the Bias-Based Policing Review Committee for further remarks.

Bias-Based Policing Review Committee Chairperson Boyer offered again that the Trooper failed to properly communicate information related to the traffic stop and providing documentation to citizens of their encounters with law enforcement would have been helpful. Chairperson Boyer explained he used the term “documentation” rather than issuance of written warnings because the latter implied punitive measures. For example, Chairperson Boyer provided written documentation may be in the form of a business card or a brochure as stated in the preliminary report or some type of acknowledgement that there was some formal communication between the Trooper and the individual who was stopped. Here, Chairperson Boyer stated the committee identified PSP’s failure to document the encounter both with the citizen and transmitting via radio broadcast mobile terminal as required by PSP policy were the shortcomings and relinquished the floor back to Chairperson Brown.

At this time, Chairperson Brown asked Commissioners if anyone wished to offer comments or remarks concerning **Recommendation and Finding No. 2** and none were offered. Chairperson Brown then opened the floor to public comment concerning **Recommendation and Finding No. 2** and none were offered.

Chairperson Brown then proceeded to read proposed **Recommendation No. 3 and Finding No. 3** of the Bias-Based Policing Review Committee’s Preliminary Investigative Review Report for **Internal Case No. 21-0008-P** into the record as follows:

Proposed Recommendation No. 3 – Traffic Enforcement Activity Using Criminal Indicators

Given national trends and initiatives, recent Pennsylvania case law, and recent legislation, the Pennsylvania State Law Enforcement Citizen Advisory Commission’s Bias-Based Policing Review Committee recommends that the Pennsylvania State Police adopt a formal policy requiring either quarterly or annual analysis of traffic enforcement data (including associated demographic data to be made publicly available) to determine the effectiveness of its use and reliance on criminal indicators as the initial, primary and/or secondary basis for initiating traffic stops and/or subsequent searches of vehicles whose occupants are suspected of involvement in criminal activity, and whether this practice should continue in its current form.

Finding No. 3 –

Traffic Enforcement Activity Using Criminal Indicators

During its review, the Review Committee confirmed that the citizen’s vehicle was initially targeted to make a criminal arrest based on indicators of possible criminal activity. For example, Troopers followed the citizen’s vehicle for some time while checking the vehicle’s tags based on three criminal indicators. Troopers then gained probable cause justification for the traffic stop after the citizen stopped to park at the curb in front of her residence without signaling pursuant to Section 3334(a) of the Vehicle Code (see 75 Pa. C.S. § 3334(a) (Turning Movements and Required Signals)).

Based on PSP’s records, the indicators of possible criminal activity used to follow and initiate a check of the citizen’s vehicle registration included:

1. driving through a “high crime area” (a term not defined by PSP);
2. the time of day (i.e., night); and
3. operating a rental vehicle.

Criminal indicators are behaviors or observations made by law enforcement and used as a means of both identifying and preventing potential criminal activity. Though it recognizes that this method of observation-based predictive profiling could be effective, the Review Committee found that enhanced and specialized interdiction training, knowledge, and experience is essential to aid officers in identifying potential criminal behavior and articulating reasonable suspicion and/or probable cause.

The Review Committee noted that the United States Supreme Court in Whren, et al. v. United States, 517 U.S. 806, (1996), permits officer discretion when engaged in traffic enforcement for relatively minor traffic violations. Additionally, the Review Committee noted that, at the time this traffic stop occurred (February 23, 2018), Troopers were lawfully permitted to stop the complainant’s vehicle based on all the aforementioned factors. However, recent decisions by the Pennsylvania Superior Court do not legally support Troopers making a similar traffic stop today, using these same justifications. Specifically, the Review Committee identified the following:

1. in Commonwealth v. Tillery, 2021 Pa. Super. 249 (opinion dated March 26, 2021) – Police officers pulled the defendant over for violating Section § 3334(a) of the Vehicle Code, which requires motorists to use turn signals when changing lanes. The prosecuting agency alleged that the defendant violated this provision by *pulling into a parking spot* without using a turn signal. However, the Pennsylvania Superior Court held that while Section 3334(a) requires a turn signal when changing lanes or *entering traffic from a parking spot*, it does not support a traffic violation when pulling into a parking spot from moving traffic (as was the case in the matter currently under review).
2. in Commonwealth v. Singletary, 2021 Pa. Super. 251 (opinion dated December 17, 2021) – The Pennsylvania Superior Court found that while being in a “high crime area” remains one factor police may consider when engaged in enforcement activity, police cannot stop and seize an individual merely because the person was in an area that had a documented, on-going, open-air, drug-dealing problem *without evidence* that the person is engaged in *actual* criminal activity.

As cited in PSP’s adjudicatory report, the purpose of this traffic stop was to “make a criminal arrest based on the indicators of possible criminal activity.” As noted by the adjudicator, based on the training and experience of both Troopers, “... it was known that rental vehicles are used at times to transport illegal guns and drugs.” In this case, the Review Committee found that PSP used criminal indicators in an attempt to establish reasonable suspicion to search for illegal guns, drugs, or other contraband.

However, the Pennsylvania Supreme Court recently affirmed in Commonwealth v. Alexander, 243 A.3d 177 (Pa. 2020), that the Pennsylvania State Constitution requires a warrant prior to searching a motor vehicle’s interior contents during an otherwise ordinary traffic stop unless exigent circumstances exist, thus limiting law enforcement’s general use of indicators to justify lengthy detentions and/or nonconsensual vehicle searches.

Since Commonwealth v. Alexander limits the general use of criminal indicators to justify nonconsensual searches, the requirement to obtain a search warrant can result in unreasonably lengthy investigative detentions. While the involved Trooper used his or her discretion to release the complainant without a lengthy detention, the Review Committee recognized the potential perils faced by citizens when subject to these types of law enforcement practices along with the potential safety risks such encounters pose to Troopers.

At this time, Chairperson Brown opened the floor to discussion and deliberation by all Commissioners and relinquished the floor to Chairperson Boyer of the Bias-Based Policing Review Committee for further remarks.

Bias-Based Policing Review Committee Chairperson Boyer recognized that while use of criminal indicators may be a valid enforcement tool, the committee expressed concern that indicators may be used in a discriminatory manner. To this end, Chairperson Boyer restated the committee proposed that PSP adopt a formal policy requiring either quarterly or annual analysis of traffic enforcement data, including associated demographic data to be made public -- to be made publicly available to determine the effectiveness of its use and reliance on criminal indicators.

Commissioner Bradford-Grey echoed Chairperson Boyer's sentiments and believed while various stakeholders may reasonably disagree about the use of criminal indicators, data "tells the story" minus any interpretation of how effective policing was when using criminal indicators in this way. Commissioner Bradford-Grey added that such a database should include matching reasons for traffic stop with findings of actual criminal activity and through data analysis [in her experience] a different narrative may present itself about the effectiveness of such a tool and who bore the brunt of such law enforcement activity, i.e., disproportionately affects minority communities with very low (if any) returns. Commissioner Bradford-Grey also noted that an enormous amount of time and resources are spent using criminal indicators as a means to policing with little to no return while actually intruding upon law abiding citizens who now had a negative interaction with law enforcement. Commissioner Bradford-Grey recalled her group even interviewed a few people that talked about their feelings and fears including the embarrassment of that intrusion, i.e., in front of people, including family members and children, and we must balance increasing public safety while not decreasing public trust at the same time. The only way to evaluate whether an officer's perceptions about possible criminal activity are accurate, i.e., most of the time, half of the time, or none of the time, is to have a database that allows PSP to review why the stop occurred, who was stopped and what was found.

Use of Force Review Committee Chairperson Sonenshein offered support for the committee's proposal and sentiments expressed by fellow Commissioners. Chairperson Sonenshein remarked he studied the issue for about 35 years now and hated to report there was no question such a tool represented inefficient policing. Chairperson Sonenshein recalled the study involving stop and frisk used by the New York City Police Department which found there were 5 million stops and frisks in a decade with a hit rate of 0.15 percent for weapons. In other words, Chairperson Sonenshein explained when a New York City Police Officer engaged in a stop and frisk, chances were almost 100 to 0 that that officer would find a weapon and that there were findings of small amounts of drugs for personal use [i.e., not distribution or selling]. Chairperson Sonenshein also recalled that an innocent New York man was stopped 46 times with no evidence of criminal activity and wondered if we could ever expect such an individual to ever cooperate with police given those experiences. Chairperson Sonenshein also surmised that most officers who are instructed to stop 35 individuals for comm stat purposes did not enter the profession for this and it was not until the study was commissioned and statistics were made publicly available that decision makers were faced with whether to continue this practice.

Consequently, Chairperson Sonenshein believed it was worth doing a similar analysis of PSP data on the effectiveness of pretextual traffic stops using indicators despite their legality [U.S. Supreme Court has neither endorsed nor rejected their use] since it was generally known one violates a traffic regulation every time you get in your car. Some jurisdictions, including the State of Washington, the State of

Virginia, the State of Oregon, New York, Los Angeles, and now Philadelphia have changed their laws regarding the use of pretextual traffic stops and use of criminal indicators to conduct searches and/or seizures of persons while still permitting enforcement activity for safety-related traffic violations, i.e., speeding, driving under the influence, etc. While acknowledging the benefits of safety-related traffic enforcement activity, Chairperson Sonenshein cautioned against allowing officers to freely operate on subjective hunches given Fourth Amendment restrictions and believed an analysis of PSP data will determine if and which type of indicators were working since policing is supposed to be individualized, i.e., reasonable suspicion and probable cause are developed on a case by case basis. Data will help inform PSP and decision-making in this regard.

Critical Incident Review Committee Chairperson Hodge had one question and one comment. First, Chairperson Hodge acknowledged the committee's excellent work but asked about **Recommendation No. 2** and the use of absolute language, i.e., explicitly prohibiting the practice of issuing verbal warnings, and requiring members to provide citizens with written documentation. Chairperson Hodge believed the use of verbal warnings may be better received in certain situations and consequently recommended that the Commission not eliminate their use. However, Chairperson Hodge acknowledged the committee's intent to ensure proper communication, i.e., who is stopping me and why. To this end, Chairperson Hodge offered an amendment which did not explicitly prohibit the use of verbal warnings but instead required Troopers to inform citizens of their choice to receive a verbal or written warning. That way, Troopers still maintain the ability to exercise discretion, engage in conversational encounter with citizen and experience a pleasant departure.

Chairperson Boyer expressed support for Chairperson Hodge's proposed amendment since he was conflicted between written warnings versus written documentation to properly record such encounters. Chairperson Brown then restated the proposed amendment to **Recommendation No. 2** which modified the language explicitly prohibiting the practice of issuing verbal warnings and instead requiring its members to provide citizens with written documentation which allows the option to provide business cards, brochures, written warnings, etc. Both Chairpersons Boyer and Hodge agreed.

At this time, Chairperson Brown opened the floor to public comment, and none were offered. Chairperson Sonenshein supported the friendly amendment as stated and recalled the only time he was stooped ended in a verbal warning. The amendment provided the citizen with an option to receive a verbal warning but if wished to have something in writing then can receive a written warning or other documentation.

Commissioner Bradford-Grey sought clarification of Chairperson's Boyer's comments and the amendment offered. Chairperson Boyer replied that he wished to minimize adverse interactions between citizens and Troopers particularly when it was not necessary. Here, Chairperson Boyer stated the Trooper did not properly communicate and that verbal warnings were fine [do not explicitly prohibit its use] but if the citizen wished to receive a written warning then the latter was also acceptable. Commissioner Wilson wished to emphasize Commissioner Bradford-Grey's previous comments regarding the need to increase public safety while decreasing public mistrust. Commissioner Wilson added that Troopers needed to be able to communication which made their job easier, but citizens also needed to feel safe and respected

during those traffic stops.

Chairperson Hodge again offered language for the proposed amendment to Recommendation No. 2 which included that the “Pennsylvania State Law Enforcement Citizen Advisory Commission's Biased-Based Policing Review Committee recommends that the Pennsylvania State Police require its members to provide citizens with the option to receive written documentation.” Chairperson Hodge then stated current parenthetical there, in lieu of a verbal warning for every traffic stop to ensure proper recording of all traffic enforcement activity, ensure all citizens receive basic information regarding the encounter.

Commissioner Ashe wished to ensure citizens had something in their hand and cautioned against removing language about restricting the use of verbal warnings. For example, Commissioner Ashe stated Troopers will simply walk away, i.e., do not have time, despite the citizen's request for documentation and that it happened to her twice. Consequently, this recommendation was meant to protect people who look a certain way and require they were treated like everybody else, and Commissioner Ashe wished to keep some version of the original restriction regarding verbal warnings.

After hearing all comments and concerns, Chairperson Brown asked if the Commissioners wished to require a policy for Troopers to identify himself or herself, state the reason for the traffic stop, and ask the citizen whether he or she wanted that in writing *via* written warning or other written documentation, i.e., three requirements for every traffic stop. Several Commissioners responded in the affirmative.

Chairperson Brown then proposed a slight amendment concerning **Recommendation No. 3** to stress more emphasis on the public accessibility of traffic enforcement data and use of criminal indicators as previously recommended by Commissioner Canagarajah and re-read the recommendation into the record as follows:

Given national trends and initiatives, recent Pennsylvania case law and proposed legislation, the Pennsylvania State Law Enforcement Citizens Advisory Commission's Biased-Based Policing Review Committee recommends that the Pennsylvania State Police (PSP) adopt a formal policy requiring either quarterly or annual analysis of traffic enforcement data to be made publicly available. Data should include demographic information, duration of traffic stops, and other information to determine the effectiveness of PSP's use of criminal indicators in developing reasonable suspicion for initiating traffic stops and/or probable cause for subsequent searches of vehicles. PSP should also use this data to evaluate whether the use of criminal indicators should continue in its current form.

Chairperson Boyer agreed to the proposed changes. At this time, Chairperson Brown asked if any Commissioner wished to offer any additional comment or engage in further discussion regarding these proposed changes and no Commissioner wished to offer any further comment. Chairperson Brown then opened the floor to public comment, and none were offered.

Following comment, discussion, and deliberation, Chairperson Brown asked for a motion to adopt and ratify **Resolution No. 2 concerning the proposed Findings, Conclusions, and related Recommendation(s) contained in the Preliminary Investigative Review Report for Internal Case No. 21-0008-P presented by the Bias-Based Policing Review Committee, and as amended, and further authorize the issuance of a Final Report by the Pennsylvania State Law Enforcement Citizen**

Advisory Commission. The motion was approved and seconded with no noted objections and passed by unanimous consent of all Voting Members in attendance. Chairperson Brown then read a copy of **Resolution No. 2** into the record [*see ATTACHMENT 5*].

Presentation, Consideration, Discussion, Deliberation, Action(s) and Public Comment Concerning Preliminary Investigative Review Report for Internal Case No. 21-0005-P (lower-level use of force (taser deployment) incident involving agents of the Pennsylvania Board of Probation and Parole within the Department of Corrections on July 21, 2016)

Chairperson Brown proceeded to the last item for business which involved presentation of the Preliminary Investigative Review Report for **Internal Case No. 21-0005-P** by the Use of Force Review Committee concerning its review of a low-level use of force incident that occurred by July 21, 2016 involving agents of the Pennsylvania Probation and Parole Division within the Department of Corrections (collectively “DOC”). The Commission’s Use of Force Review Committee is chaired by Professor David Sonenshein and includes Commissioner Joshua Maines and Vice-Chairperson Pittinger.

Chairperson Brown read portions of the Use of Force Review Committee’s Preliminary Investigative Report for **Internal Case No. 21-0005-P** into the record as follows:

Proposed Recommendation No. 1 – Use of Force Policy Enhancements

The Pennsylvania State Law Enforcement Citizen Advisory Commission’s Use of Force Review Committee 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 to 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.

Finding No. 1 – Use of Force Policy Enhancements

During its review, the Review Committee conducted a thorough examination of PBPP’s Arrest Procedures Resistance and Control Policy, which serves as PBPP’s use of force policy, along with PBPP’s Resistance and Control Continuum (Continuum), which provides detailed guidance on such use of force. First, the Review Committee evaluated the internal controls and guidance embedded within these policies to ensure that reasonable force determinations can be made by PBPP adjudicators consistent with both United States Supreme Court precedent (*see Graham v. Connor*, 490 U.S. 386, 394 (1989)(an officer’s application of force must be objectively reasonable given the totality of circumstances the officer faces at the time)) and Pennsylvania Law (*see* 18 Pa. C.S. § 508 (Use of Force in Law Enforcement)).

Based on its review, the Review Committee found that PBPP’s Arrest Procedures Resistance and Control Policy could be strengthened further by including a specific definition for “objectively reasonable” consistent with Graham v. Connor (i.e., the use of force incident must be “judged from the perspective of a reasonable officer on the scene”). This would ensure that

proper guidance is provided for adjudicators who are responsible for making judgements on the reasonableness of PBPP's use of force incidents. The Review Committee noted that, during prior reviews in 2021 and early in 2022, it proposed, and the Commission approved, this same recommendation to both the Pennsylvania State Police (PSP) and the Pennsylvania Department of Conservation and Natural Resources (DCNR).

Generally, PBPP agents are justified in the use of force under the following circumstances: (1) protection of self; (2) protection of others; (3) prevention of a subject's escape; and (4) to arrest or detain a subject as authorized by law. Concerning the matter currently under consideration, PBPP's internal investigation and related adjudication, which includes a multi-layered approval process, determined that the Agents' use of force was justified. Here, the use of force involved a TASER deployment while lawfully taking a citizen into custody for a parole violation and the force successfully overcame the citizen's resistance (i.e., pushing, striking, and active aggression) against the Agents involved.

Overall, the Review Committee found that PBPP's Arrest Procedures Resistance and Control Policy is clear and provides adequate guidance regarding the use of various resistance and control techniques available to Agents, particularly when combined with PBPP's Continuum. In line with best practices, this Continuum provides detailed guidance regarding uses of force, along with guardrails to ensure that such force is not excessive depending on circumstances faced by Agents. During its oral presentation, in accordance with Article 8 (Review Process) of the Commission's Bylaws, PBPP also confirmed that it continuously reviews its use of force policy for potential modifications and improvements that increase the effectiveness of the policy and that its current policy does not impede law enforcement activities or jeopardize Agent safety. Furthermore, PBPP reiterated that its use of force policy adheres to United States Supreme Court standards which require that any force deployed is subject to review under a reasonable person standard, and the Review Committee agreed.

Regarding TASER deployment specifically, PBPP's Care, Custody, and Control of Commonwealth Property Policy (effective October 29, 2020) states, in part, that "[e]mployees authorized to use the TASER may use it to restrain a subject consistent with the agency resistance and control continuum. On that continuum, the TASER falls into the pain compliance category." However, the Review Committee found that PBPP's Arrest Procedures Resistance and Control Policy (effective March 1, 2016) was not updated to include the use of TASERs on PBPP's Continuum. Accordingly, the Review Committee found that PBPP's Arrest Procedures Resistance and Control Policy, which serves as the agency's use of force policy, should be strengthened by updating and specifically including TASER deployments within PBPP's Continuum to ensure that Agents are aware of where such force fits within this spectrum.

Next, and concerning an Agent's duty to render aid, PBPP's policy provides, in part: "anytime an employee causes injury by striking a subject or the subject complains of injury, the employee shall: (1) [i]mmediately call emergency medical personnel or transport the subject to the nearest emergency medical facility for medical attention; and (2) [c]ontact the employees' supervisor and advise the supervisor of the nature of the injury as soon as possible. Here, and as required by PBPP policy, Agents immediately contacted emergency medical personnel to secure treatment for the involved citizen and a supervisor, who was present immediately on the scene after the encounter began.

After calling for emergency medical services for the injured citizen, Agents also simultaneously contacted the Philadelphia Police Department to jurisdictionally transfer and take the citizen into custody for processing of the alleged parole violation. Consequently, medical treatment was interrupted by the custody transfer and Philadelphia Police Officers, not the emergency medical personnel, transported the citizen to the hospital after he complained of chest pains. Although these actions were consistent with PBPP policy, this practice interrupted the citizen's continuum of medical care and potentially exposed the citizen to enhanced risk of complications from untreated injuries resulting from the TASER deployment.

Additionally, PBPP's policy requires Agents to render aid when an Agent causes an injury "by striking a subject." However, PBPP's definition of "striking" is limited, and does not necessarily include potential injury resulting from TASER and pepper spray deployments, or other uses of force. Accordingly, the Review Committee found that PBPP's policy should be strengthened by requiring that medical aid be rendered and/or secured whenever force is used that may cause an injury or when a citizen complains of an injury, and by requiring periodic wellbeing checks following a use of force incident.

Chairperson Brown then relinquished the floor to Use of Force Review Committee Chairperson Sonenshein for initial remarks and comments.

Chairperson Sonenshein reported records indicated DOC agents acted appropriately and investigators conducted a thorough investigation, but the committee still wished to recommend that the agency further strengthen otherwise very good use of force policy language. Chairperson Sonenshein also remarked DOC's adoption and implementation of its Use of Force Continuum which is used in tandem with its use of force policy represented a best practice. Chairperson Sonenshein added that the committee expressed concerns related to the handover of a subject to a county or other local police department since DOC did not operate holding facilities. For example, Chairperson Sonenshein stated arrested parole violators must be turned over to local police, but the committee wanted to ensure a subject's medical care and/or treatment was not compromised. Accordingly, Chairperson Sonenshein stated the committee recommended a clarification to DOC's use of force policy, need for informing local police of any medical needs and for specific placement of taser deployments on its Use of Force Continuum for clarity.

At this time, Chairperson Brown opened the floor to discussions and deliberations by all Commissioners and none were offered. Chairperson Brown then opened the floor to public comments, and none were offered.

Chairperson Brown then proceeded to read **Recommendation No. 2 and Finding No. 2** of the Use of Force Review Committee's Preliminary Investigative Review Report for **Internal Case No. 21-0005-P** into the record as follows:

Proposed Recommendation No. 2 – Body Worn Cameras

The Pennsylvania State Law Enforcement Citizen Advisory Commission's Use of Force Review Committee recommends that the Pennsylvania Board of Probation and Parole [within the Pennsylvania Department of Corrections] implement a body worn camera program as recommended by best practices offered by the United States Department of Justice along with interview and/or assessment room surveillance in support of its enforcement efforts.

Finding No. 2 – Body Worn Cameras

During its review, the Review Committee researched best practices and identified that the US DOJ's Office of Justice Programs provides both guidance and funding for law enforcement agencies interested in planning and implementing a body worn camera program. The Office of Justice Programs' webpage states, in part, "[l]aw enforcement agencies across the United States and throughout the world are using body-worn cameras (BWCs) as a promising tool to improve evidentiary outcomes, and enhance the safety of, and improve interactions between, officers and the public. BWCs also are proving to be an important tool to assist broader law enforcement, problem-solving, and community engagement strategies within jurisdictions. BWCs can be highly effective resources, providing an unalterable audio and visual record of interactions that capture empirical evidence in the event of a crime, police-citizen interaction, or use-of-force incident."

The Review Committee found that audio and/or video footage of the use of force incident currently under review was not available to either PBPP adjudicators or this Review Committee because PBPP does not have a body worn camera program or possess interview or assessment room surveillance equipment. The Review Committee noted that video footage of this use of force incident could have provided a visual record of the encounter between the Agents and the citizen to further assist PBPP's adjudicatory assessment of the Agents' conduct under a totality of the circumstance's standard. The Review Committee also noted that, during previous reviews, it proposed, and the Commission approved, this same recommendation to both PSP and DCNR.

Chairperson Brown then relinquished the floor to Use of Force Review Committee Chairperson Sonenshein for initial remarks and comments.

Chairperson Sonenshein reiterated the same recommendation was made to all other Covered Agencies during previous reviews and the recommendation was received positively. Chairperson Sonenshein acknowledged implementation of a body worn camera program was a funding issue beyond DOC's control, but all were in general agreement such a program was a good idea and the committee wished to publicly lend its support.

At this time, Chairperson Brown opened the floor to discussion and deliberation by all Commissioners and recognized Ex-Officio Member designee of the Pennsylvania Commission on Crime and Delinquency (Executive Director Michael Pennington). Ex-Officio Member Designee Pennington wished to inform the Commission and the public that PCCD administers the "justice funding" for body worn cameras and other "justice" programs. Law enforcement agencies are required to work with the Bureau of Justice for training and offer access to a technical assistance provider. Similarly, agencies are required to work with the [Bureau of Justice] as part of a policy development process and prior to the release of funds for implementation. Accordingly, Ex-Officio Member Designee Pennington reported all law enforcement agencies must demonstrate appropriate policy development and internal law enforcement protocol adoption prior to the release of full funding.

Ex-Officio Member Designee Pennington also reported Act 22 of 2017 requires that PCCD condition grant funding related to the implementation, use, and maintenance or storage of body worn cameras or recordings. [Act 22 of 2017] funds are conditioned on proper protocols, guidelines, and written policies. From a funding perspective, Ex-Officio Member Designee believed funding for such programs is very competitive given the finite amount of dollars.

With no other comment, discussion, or deliberation, Chairperson Brown asked for a motion to adopt and ratify **Resolution No. 3 concerning the Findings, Conclusions, and related Recommendation(s) contained in the Preliminary Investigative Review Report for Internal Case No. 21-0005-P presented by the Use of Force Review Committee and further authorize the issuance of a Final Report by the Pennsylvania State Law Enforcement Citizen Advisory Commission.** The motion was approved and seconded with no noted objections and passed by unanimous consent of all Voting Members in attendance. Chairperson Brown then read a copy of **Resolution No. 3** into the record [*see ATTACHMENT 6*].

At 2:35 p.m. Final Remarks

Chairperson Brown opened the floor to final public comments by both citizens in attendance along with all Commissioners and Ex-officio members and none were offered.

As final remarks, Chairperson Brown reported that during the Commission's Regular Meeting on February 28, 2022, it adopted 14 recommendations and/or sub-recommendations for criminal justice reforms designed to promote core principals of transparency, fairness, and accountability within state law enforcement agencies. In issuing these recommendations, Chairperson Brown also reported the

Commission focused on providing Covered Agencies with an evidence-based and best practice informed blueprint to address perceived deficiencies that may prove to diminish any of those core principals. Additionally, and based on a root cause analysis of an incident under review, Chairperson Brown stated the Commission provided recommendations to improve policy and/or training practices that serve to reduce the risk of force deployment or that a citizen perceives bias during an encounter with law enforcement. The goal of these recommendations was also to prevent similar incidents from occurring in the future and provide Covered Agencies a path for reform.

However, Chairperson Brown recounted reform cannot occur without the participation and cooperation of the Covered Agencies. To that end, Chairperson Brown reported the Commission received updates from the Pennsylvania Department of Conservation and Natural Resources (DCNR) regarding implementation of recommendations issued on February 28th. Chairperson Brown was pleased to report DCNR was actively implementing a corrective action plan that included updating their use of force policy regarding de-escalation, drafting policy to define reasonable force more clearly, and actively seeking funding and evaluating requirements for providing body worn cameras for all DCNR Rangers.

Regarding the Commission's recommendations to PSP and on behalf of the Commission's citizen members, Chairperson Brown thanked PSP for their efforts. Chairperson Brown remarked the Commission proved law enforcement reforms can support both law enforcement personnel and the Pennsylvania citizens they serve, be a tool to identify systemic deficiencies, and provide a path for corrective actions that reduce the risk of harm to citizens during encounters with law enforcement. Chairperson Brown added citizens can be an active participant in shaping how they are policed and thanked the Commission's volunteer citizen members, the support staff, Covered Agencies, and other supporters for their work now and into the future.

At 2:39 p.m. Final Remarks and Announcements by Commission Chairperson

Use of Force Review Committee Chairperson Sonenshein wished to thank panelists for the invaluable information concerning co-responder programs.

Chairperson Brown informed the public about how to file complaints using the Commission's hotline, access the Commission's webpage, and contact the Office of State Inspector General's Bureau of Law Enforcement Oversight for any further assistance.

At 2:39 p.m. Regular Public Meeting Adjourned



Roll Call and Attendance Form


Type of Commission Meeting: Quarterly Special Rescheduled

Date and Time of Commission Meeting: MAY 13, 2022 10:00AM

Regular (Quarterly) Meeting

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 Commission Membership performed at the above listed Commission meeting and recording attendance of Commission 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



COMMISSION 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 Regular (Quarterly) Meeting of the Commission in Philadelphia County to be held in person at **West Chester University's Philadelphia Center, located at 701 Market Street, Concourse/Lower Level, Center City Suite of the Lit Brothers Building, Philadelphia, PA 19106** [specifically enter through the glass doors and down the escalators across from Five Below] and virtually *via* the Commission's information technology platform (Microsoft Teams) on **Friday, May 13, 2022 at 10:00am (Executive Session) and at 10:30am (Public Session)**.

In accordance with 65 Pa.C.S. § 709(b) and Article 6, Section 2 of the Commission's Bylaws, the Commission's Regular (Quarterly) Meeting Agenda consists of the following items:

- (1) Executive Session [*closed to the public* – Review of Meeting Agenda; and other administrative matters];
- (2) Call to Order and Roll Call [*expected to begin at approximately 10:30am*];
- (3) Acceptance of Meeting Agenda;
- (4) **Guest Speaker [Pennsylvania State Senator Art Haywood** (Senate District 4 (serving Montgomery and Philadelphia Counties)) to offer remarks and discuss legislative efforts to require independent criminal investigations of use of force incidents involving law enforcement];
- (5) Opportunity for public comment;
- (6) **Panel Discussion [*Alternative 911 Dispatch for Mental Health and Substance Abuse Crisis Response*]** – Panelists will engage in discussions regarding the purpose and benefit of alternative 911 dispatch programs, current projects, and shared experiences establishing co-responder programs. Panel members include: (1) **Dr. Jessica Gillooly**, Assistant Professor, Department of Sociology and Criminal Justice, Suffolk University; (2) **John Hollway**, Professor, University of Pennsylvania Law School and Executive Director of the Quattrone Center for the Fair Administration of Justice; (3) **Major Neill Franklin**, Retired Maryland State Police and Former Executive Director of the Law Enforcement Action Partnership; (4) **Dr. Lionel King**, Intercultural Researcher and Program Specialist with the Law Enforcement Action Partnership; (5) **Gabriela Solis**, Project Leader, Harvard Kennedy School Government Performance Lab; (6) **Erica Atwood**, Senior Director, Office of Policy and Strategic Initiatives for Criminal Justice and Public Safety, Managing Director's Office for the City of Philadelphia; (7) **Christopher Dreisbach**, Chief Executive Officer, and **Benjamin McCoy**, Executive Vice President, Blueprints for Addiction Recovery, Lancaster County Co-Responder Program; and (8) **Chief Edward Cunningham**, Chief of Police, Elizabethtown Police Department;
- (7) Opportunity for public comment;
- (8) Recess [*expected to begin at approximately 12:00pm*];
- (9) Call to Order [*expected to resume at approximately 12:30pm*];
- (10) Approval and adoption of previous Meeting Minutes from February 28, 2022;
- (11) Approval of administrative and/or other procedural matters;

Pennsylvania State Law Enforcement Citizen Advisory Commission

- (12) Report by the Chairperson of the Commission's Rules Sub-committee;
- (13) Presentation of proposed amendments to the Commission's Bylaws, namely: (a) creating protocols related to engagement with governmental stakeholders and other non-governmental constituents regarding proposed legislative and other actions based, in part, on previous recommendations adopted by the Commission; (b) establishing general and special public comment periods during all public meetings along with discretion for invitations to guest speakers; (c) setting timeframe for receipt of a Covered Agency's response for additional information requested by a Review Committee between five to 10 business days to be determined at the discretion of the Commission's Chairperson; and (d) allowing for electronic signatures for all preliminary reports issued by Review Committees and final reports adopted by the Commission;
- (14) Opportunity for public comment;
- (15) Consideration, discussion, deliberation, and action(s) concerning **Resolution No. 1 [Adoption and Ratification of Proposed Amendments to Various Sections of the Commission's Bylaws and Such Other Proposed Administrative Practices and Procedures Recommended by the Rules Sub-committee]**;
- (16) Presentation of Preliminary Investigative Review Report for **Internal Case No. 21-0008-P** (bias-based policing complaint involving the Pennsylvania State Police concerning incident on February 23, 2018) by the Chairperson of the Bias-Based Policing Review Committee;
- (17) Opportunity for public comment;
- (18) Consideration, discussion, deliberation, and action(s) concerning the Bias-Based Policing Review Committee's Preliminary Investigative Report for **Internal Case No. 21-0008-P via Resolution No. 2 [Adoption and Ratification of Findings, Conclusions and Recommendations Contained in Preliminary Investigative Review Report for Internal Case No. 21-0008-P Presented by the Bias-Based Policing Review Committee in Anticipation of the Issuance of a Final Report by the Pennsylvania State Law Enforcement Citizen Advisory Commission]**;
- (19) Presentation of Preliminary Investigative Review Report for **Internal Case No. 21-0005-P** (lower-level use of force (taser deployment) incident involving agents of the Pennsylvania Board of Probation and Parole within the Department of Corrections on July 21, 2016) by the Chairperson of the Use of Force Review Committee;
- (20) Opportunity for public comment;
- (21) Consideration, discussion, deliberation, and action(s) concerning the Use of Force Review Committee's Preliminary Investigative Report for **Internal Case No. 21-0005-P via Resolution No. 3 [Adoption and Ratification of Findings, Conclusions and Recommendations Contained in Preliminary Investigative Review Report for Internal Case No. 21-0005-P Presented by the Use of Force Review Committee in Anticipation of the Issuance of a Final Report by the Pennsylvania State Law Enforcement Citizen Advisory Commission]**;
- (22) Opportunity for public comment; and
- (23) Final Remarks by Chairperson of the Pennsylvania State Law Enforcement Citizen Advisory Commission.

Individuals having questions regarding this Special Meeting of the Commission's Rules Sub-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*

Pennsylvania State Law Enforcement Citizen Advisory Commission

Commission's Webpage:
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PENNSYLVANIA STATE LAW ENFORCEMENT

CITIZEN ADVISORY COMMISSION

Quarterly Meeting

May 13, 2022

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5 CHAIRMAN SHA S. BROWN: Good morning, all.
6 My name is Sha Brown. I'm the Chairman of the
7 Pennsylvania State Law Enforcement Citizen Advisory
8 Commission. It is my pleasure to call to order our
9 regular meeting. This meeting is now being recorded
10 and will now come to order.

11 By continuing to participate in this
12 meeting, you are consenting to being recorded. For
13 Commissioners and citizens joining us virtually,
14 please mute yourself until being recognized for
15 deliberations or public comments. For anyone
16 experiencing issues accessing virtually, you may
17 also dial in telephonically to join the meeting by
18 calling 267-332-8737, access code 64149926#.

19 The first order of business is to conduct a
20 roll call. Commission Secretary, Jaimie Hicks will
21 conduct a role call. Commissioners please respond
22 when called. Madam Secretary, you have the floor.

23 COMMISSION SECRETARY JAIMIE HICKS: Good
24 morning, everyone. I will start with Commissioner
25 Sonenshine.

1 COMMISSIONER DAVID A. SONENSHINE: I'm
2 here, thank you.

3 HICKS: Commissioner Canagarajah?

4 (No response.)

5 HICKS: Commissioner Hodge?

6 COMMISSIONER KELLY B. HODGE: Present.

7 HICKS: Commissioner Ashe?

8 COMMISSIONER DENISE ASHE: Present.

9 HICKS: Commissioner Pittinger?

10 COMMISSIONER ELIZABETH C. PITTINGER: Here.

11 HICKS: Commissioner Bradford-Grey?

12 COMMISSIONER KEIR BRADFORD-GREY: Present.

13 HICKS: Commissioner Wilson?

14 COMMISSIONER JEFFREY WILSON: Present.

15 HICKS: Commissioner Tate?

16 (No response.)

17 HICKS: Commissioner Maines?

18 COMMISSIONER JOSHUA S. MAINES: Here.

19 HICKS: Commissioner Williams?

20 (No response.)

21 HICKS: Commissioner Jones?

22 COMMISSIONER CURTIS L. JONES, SR.:

23 Present.

24 HICKS: Commissioner Coolidge?

25 COMMISSIONER ERICK J. COOLIDGE: Present.

1 HICKS: Commissioner Young?

2 COMMISSIONER CHARIMA C. YOUNG: Present.

3 HICKS: Commissioner Lappas?

4 COMMISSIONER SPERO T. LAPPAS: Present.

5 HICKS: Commissioner Lawful-Sanders?

6 COMMISSIONER ANDREA A. LAWFUL-SANDERS:

7 Present.

8 HICKS: Commissioner Boyer?

9 COMMISSIONER MARVIN BOYER: Present.

10 HICKS: Commissioner Brown?

11 (No response.)

12 HICKS: Commissioner Walker?

13 (No response.)

14 HICKS: Commissioner Somers?

15 (No response.)

16 HICKS: That's everyone. Thank you.

17 BROWN: Thank you, Madam Secretary. We do
18 have a quorum. Our Ex-Officio Members in attendance
19 today, we have Captain Christopher King from the
20 Pennsylvania State Police. We have Michael
21 Pennington from the PCCD; Jalila Parker from the
22 Governor's Office; and John Norbeck from the
23 Department of Conservation and Natural Resources.
24 Welcome to all our Commissioners and our Ex-Officio
25 Members.

1 We do have a few other stakeholders in
2 attendance today. Online we have Dr. Cynthia Young,
3 the Vice Chair to Citizen Oversight Board from the
4 Borough of State College in Pennsylvania. And we
5 also have in our presence here today, we have
6 Anthony Erace who is the Executive Director of the
7 City of Philadelphia Police Advisory Commission.
8 And Rosoro Thomas who is a member of that commission
9 as well, so thank you all for joining us today.

10 As a reminder for citizens in attendance,
11 items under consideration today will be available on
12 the Commission's webpage at www.osig.pa.gov/pslecac.
13 Any citizen can provide comments directly to the
14 Commission through the public comment forum on our
15 webpage. And any citizen wishing to speak before
16 the Commission, may do so by completing a speaker
17 request form also available on the Commission's
18 webpage.

19 Citizens may also ask to be recognized and
20 heard regarding items under consideration today
21 during the public comment period. The opportunity
22 for public comments will be made available after the
23 presentation of each recommendation and before each
24 of the deliberations by our Commissioners. I will
25 limit public comment to three minutes per speaker to

1 ensure every citizen wishing to be recognized has
2 the opportunity to do so.

3 Our next item of business is acceptance of
4 the meeting agenda. The agenda of record has been
5 distributed to all Commissioners and is available to
6 the public. At this time, is there a motion to
7 approve the meeting agenda?

8 UNKNOWN SPEAKER: So moved.

9 BROWN: Is that motion seconded?

10 UNKNOWN SPEAKER: Second.

11 BROWN: Are there any objections?

12 (No response.)

13 BROWN: No objections, meeting agenda is
14 approved by unanimous consent.

15 It is my pleasure to introduce our first
16 guest speaker today, Senator Art Haywood, who
17 represents the 4th District, Montgomery and
18 Philadelphia Counties and is the Co-Chair for the
19 Bipartisan Criminal Justice Reform Caucus.

20 The first piece of legislation he
21 introduced upon arrival to Harrisburg in 2015 was
22 his bill requiring independent investigations of
23 deadly force by police. Last year, he secured \$30
24 million in violence intervention and prevention
25 programs and passed legislation in the Senate

1 amending the Crime Victims Act as part of Phase 2 of
2 the Justice Reinvestment Initiative.

3 He is a longtime member of the Senate
4 Judiciary Committee and in the past, has sponsored
5 bills to standardize use of force policies, address
6 community violence, and reform prohibition.

7 Please join me in welcoming Senator Art
8 Haywood to the Pennsylvania State Law Enforcement
9 Citizen Advisory Commission. Senator Haywood, you
10 have the floor, sir.

11 PENNSYLVANIA STATE SENATOR ART HAYWOOD:
12 Thank you very much. And thank you for the work of
13 this Commission. It's so important that we have the
14 citizen's voice in looking at how we handle law
15 enforcement in Pennsylvania.

16 Also, I very much want to thank you all for
17 the report that was completed back in December of
18 the critical incident review. It's so important
19 that we take a close look at all of that. And the
20 recommendations that were made, I was in full
21 support of those recommendations. I did notice that
22 one of the recommendations received a response from
23 the state troopers that it requires some
24 legislation.

25 So I'd like to address the legislation that

1 I propose for as you said, since I got into the
2 State Senate to have independent investigations of
3 police-involved shootings.

4 I got involved because there was obviously
5 the killing of Michael Brown, the killing of Eric
6 Garner, and others prior to 2015. And individuals
7 had shown in the community, a significant lack of
8 trust in the outcomes of these shootings when the
9 local district attorney did not prosecute any of the
10 police officers involved with the shootings. The
11 level of distrust was so high, that in some
12 communities, there was civil unrest and just a
13 tremendous reduction in confidence in law
14 enforcement.

15 I believe that trust in law enforcement and
16 the criminal justice system is core to having a
17 reliable system that people can trust, invest in,
18 and respect the outcomes of those systems. But the
19 lack of independent investigations was dramatically
20 decreasing trust.

21 So it was in this context that the
22 independent investigation legislation was proposed,
23 so that folks would have more trust in the outcome.
24 My initial legislation back in 2015 had the attorney
25 general's office, the Pennsylvania Attorney

1 General's Office would have been the organization
2 responsible for the investigation of police-involved
3 shootings.

4 We had a hearing on this legislation. In
5 fact, there's been two hearings in the State Senate
6 on this legislation. Unfortunately, we have not
7 been able to gain the support of the State Senate or
8 the General Assembly.

9 I have had a number of conversations with
10 police officers, district attorneys, and
11 unfortunately, victims of police-involved shootings.
12 These have all been very challenging conversations,
13 especially those with the survivor's families.

14 So at this point, we have been in
15 negotiations with as I've said, the district
16 attorney's office, the various district attorney's
17 offices, as well as, the Association. And we've got
18 a new bill which is Senate Bill 1026. And here are
19 the key provisions of the legislation.

20 Number one, this legislation prohibits, it
21 prohibits a police department from investigating
22 themselves. That is the ultimate conflict. This
23 legislation would prohibit police officers
24 investigating themselves in incidents of deadly
25 force.

1 Second, it requires that the county
2 district attorney to conduct the investigation and
3 it permits the Pennsylvania Attorney General to take
4 over an investigation should the local district
5 attorney decline. This does give the local district
6 attorney from the county the option to prosecute or
7 not prosecute. They have that option. They have
8 that power. But the new power here is to provide
9 the attorney general's office the authority to take
10 a case where a county DA has refused to prosecute.

11 This legislation also has a number of
12 points providing public information, so that
13 individuals in the public will know the outcome of
14 investigations and the status of investigations.

15 Right now, we have 11 co-sponsors of this
16 legislation in the State Senate. And we have some
17 organizations that are also supporting the
18 legislation, including the Pennsylvania NAACP,
19 Philadelphia Urban League, Pennsylvania Council of
20 Churches, Americans for Prosperity, those are a few.

21 Now this legislation in the past has been
22 referred to the Judiciary Committee where I am a
23 member and have been over time been able to build
24 some level of support for it. Unfortunately, this
25 legislation has now been referred to the Law and

1 Justice Committee. A committee where I am not a
2 member and where I've not been able to build support
3 for the legislation over time because I'm not a
4 member.

5 Now we have had a number of newspapers,
6 including *USA Today* which issued an editorial
7 challenging the Chair of the Law and Justice
8 Committee to bring this legislation up for a vote.
9 And we're so glad to get that kind of public
10 support. However, the legislation is in a committee
11 in which I am not a member and, therefore, the fate
12 of it is even more challenging.

13 Any support that you all might be able to
14 provide, I know this organization is not involved in
15 promoting legislation, but I know many of the
16 individuals on this call maybe have an interest in
17 providing support.

18 I'll be glad to answer -- I'll be glad to
19 get any support that you may have and certainly glad
20 to answer any questions that folks may have on the
21 currently proposed legislation and the status.

22 BROWN: Thank you, Senator Haywood. Do we
23 have any questions from any of our Commissioners in
24 the room?

25 LAPPAS: Sha, may I?

1 BROWN: Dr. Lappas first and then we'll go
2 to Commissioner Sonenshine. Dr. Lappas, sir, you
3 have the floor.

4 LAPPAS: Thank you. Senator, does your
5 bill deal only with criminal investigations of
6 police-involved shootings?

7 HAYWOOD: Yes, deadly force incidents.

8 LAPPAS: And so, in other words, when you
9 said that police departments should be forbidden and
10 would be forbidden from investigating itself, how
11 about with regard to internal administrative
12 investigations with police departmental discipline
13 [inaudible].

14 HAYWOOD: This does not respect internal
15 controls, internal discipline of police officers.
16 My legislation is related to criminal, potential
17 criminal misconduct.

18 LAPPAS: Okay. And I have one other
19 question. I mean, you've indicated that your bill
20 would allow the attorney general to takeover any
21 investigation of which the local district attorney
22 refused to prosecute. Would that also include the
23 basis for the local district attorney that conducted
24 an investigation and determined that prosecution was
25 not warranted?

1 HAYWOOD: I think you broke up a little
2 bit, but is your question does the bill allow the
3 attorney general to take cases where a district
4 attorney has declined. Is that the question?

5 LAPPAS: Right. That's my question.

6 HAYWOOD: Yes. That's -- and that's the
7 primary intention.

8 LAPPAS: So in other words, in any case
9 where the district attorney decides not to
10 prosecute, the attorney general can step in?

11 HAYWOOD: These are related to use of force
12 against civilians, deadly force against civilians.

13 LAPPAS: I understand that. Okay. Thank
14 you.

15 BROWN: Commissioner Sonenshine, you have
16 the floor, sir.

17 SONENSHINE: Yes. Thank you, Mr. Chair.
18 And thank you, Senator, for what you're doing. I
19 have three -- one comment and two questions, I
20 suppose.

21 The first one is the comment is I think the
22 public should be aware that I believe Pennsylvania
23 is alone in the immediate area of states with not
24 having the kind of oversight by an independent
25 organization or the attorney general that we have in

1 Delaware, I believe, New Jersey, New York, and
2 perhaps Maryland. So we're in a sense, out of step.
3 Let me just make that at the moment without having
4 that independent oversight.

5 The second point I'll make is, you know, I
6 think self-regulation doesn't work generally. I
7 don't mean to pick on police here. Lawyers don't do
8 a great job regulating lawyers. Doctors don't do a
9 very good job of regulating doctors. That's just
10 the way it is and it shouldn't surprise us. I mean,
11 it's human nature and isn't necessarily clear to
12 police. I just think it's the nature of
13 professions, quite frankly.

14 And the third thing I'll just observe is I
15 remember reading a press story and one of the cases
16 that I think the Senator referred to where the
17 district attorney of that county, and I've forgotten
18 which one it is, it's up toward the northeast, in a
19 case where he was consulted while the police were on
20 the scene with a young man who eventually ended up
21 not surviving. And the district attorney in that
22 case who took the case, investigated, didn't charge,
23 said you know what, on reflection, I shouldn't have
24 been the person to do that. And I give that
25 district attorney credit for that.

1 And it's interesting because this is the
2 district attorney who went through the process that
3 we're trying to change and said, you know what, if I
4 had it to do over again, I wouldn't have been the
5 investigator and the charges were not [inaudible].
6 And I think that's very telling. And I give that
7 district attorney credit for recognizing that by
8 definition his review of this, and his decision in
9 this have to be, you know, by definition, not ones
10 people will have a lot of confidence in and he
11 recognized that.

12 And I think that's again, as I said before,
13 very telling. So thank you, Senator, I appreciate
14 it.

15 HAYWOOD: Thank you for those comments. I
16 just want to add that there was 21st Century Policing
17 Task Force organized by President Obama and that
18 task force chaired by Police Commissioner, Former
19 Police Commissioner Ramsey, had one of the
20 recommendations as independent investigations of
21 police-involved shootings.

22 BROWN: Thank you, sir. Madam Vice Chair,
23 Commissioner Pittinger?

24 PITTINGER: Thank you, Mr. Chairman.
25 Senator --

1 UNKNOWN SPEAKER: Cannot hear. We can't
2 hear Commissioner Pittinger.

3 PITTINGER: We're technically challenged
4 today.

5 BROWN: Can you hear her now, sir?

6 UNKNOWN SPEAKER: No.

7 PITTINGER: Can you hear me now?

8 UNKNOWN SPEAKER: Yes, yes.

9 PITTINGER: Okay. Are we good?

10 BROWN: All right. Try one more time. I
11 don't think he can hear you, Beth.

12 PITTINGER: We're still getting feedback.
13 Is that fair?

14 BROWN: Yeah.

15 PITTINGER: [inaudible].

16 (Laughter.)

17 BROWN: Here she comes, Commissioner
18 Sonenshine, she's coming up front.

19 PITTINGER: Okay. Thank you. Are we
20 better now?

21 BROWN: We're good.

22 PITTINGER: Very good.

23 UNKNOWN SPEAKER: Yes.

24 PITTINGER: Okay. Senator, thank you again
25 for visiting with us today. And I had a couple of

1 questions and I'm coming from a position of being
2 informed by a community working group in the
3 Allegheny County area in Pittsburgh in particular,
4 that started working on what they call the Due
5 Process Act back in 2014, 2015. Around the same
6 time as your original proposal was coming out into
7 the discussion.

8 And so, specifically, they parallel each
9 other, I believe. Are your amendments to the
10 Commonwealth Attorneys Act, specifically or are you
11 introducing a discrete separate bill?

12 HAYWOOD: Separate legislation.

13 PITTINGER: And how would that impact or
14 would it conflict with the provisions in the
15 Commonwealth Attorneys Act where right now, the
16 attorney general can supersede by petitioning the
17 court to take a case if a local DA declines? And I
18 believe an interested party can petition the court
19 of jurisdiction if there's a criminal matter open
20 before the court to invite or to ask the AG to take
21 it over. And I think the third part of that as I
22 recall is that the local district attorney may ask
23 the AG to take a case because of a concern about an
24 appearance or actual conflict of interest within the
25 local DA's Office.

1 HAYWOOD: First, thank you so much. First,
2 this legislation would eliminate any requirement for
3 a petition to the court. It would take the petition
4 to the court out of the process and a decision of a
5 Judge out of the process.

6 Second, it would take the decision of the
7 local district attorney out of the process, so that
8 they wouldn't have a decision about whether they
9 thought it was a conflict or not.

10 PITTINGER: Thank you, Senator. And have
11 you considered including corrections officers in
12 this legislation?

13 HAYWOOD: I have not. This has been
14 primarily focused on the police-involved shootings
15 and the lack of trust in the community from these
16 police-involved shootings.

17 PITTINGER: And one last thing, if I may.
18 The -- may not -- maybe not, maybe, maybe not. That
19 might be it actually. As a practical matter, and
20 it's perhaps not something that you as a legislator
21 would necessarily have to deliberate on, but as a
22 practical matter in the Commonwealth, if we're
23 looking for independent investigations into
24 Commonwealth agencies, how or would you have any
25 recommendation for how we would have the state

1 police investigated?

2 HAYWOOD: Attorney General's Office.

3 PITTINGER: Thank you, Senator. Thank you.

4 HAYWOOD: You're welcome.

5 BROWN: Thank you, Madam Vice Chair.

6 Commissioner Bradford-Grey, you have the floor,
7 ma'am.

8 BRADFORD-GREY: Can you hear me well?

9 Thank you so much, Senator Haywood for this forward-
10 leaping [inaudible] best practices as enumerated by
11 the task force of President Obama and these are
12 things that would bring us closer to being engaged
13 with law enforcement.

14 With that being said, and like [inaudible]
15 bill, I just wanted to get additional detail on what
16 that would look like that. Is that something that
17 is being fleshed out by the individual departments
18 [inaudible] at the time or is this some kind of
19 understanding that [inaudible] be available via
20 website or some kind of public access? I'm just
21 trying to figure that out and figure out what the
22 mechanisms of the information that the public would
23 have about access to reports. That's something that
24 [inaudible].

25 HAYWOOD: Yeah, thank you so much. And

1 thank you for all that you do and have done. But we
2 thought to have any public information about the
3 status of these cases is very important, so that the
4 public again, can get more trust at the outcome of
5 these investigations is in view. That they can
6 assess it.

7 And so, we've got a couple points in the
8 legislation where after, particularly after the
9 investigation, there has to be a report issued. I
10 need to doublecheck. I think our legislation
11 basically has it at least on a website, so that it
12 would be available by website.

13 But I'd be glad to take further
14 recommendations if you think that we should require
15 a combination website and press report. I think we
16 can certainly include that, but right now, we've got
17 a primary release due through web online. But I'd
18 certainly be glad to add any features you think you
19 know, might be helpful to make sure the information
20 gets out.

21 But the transparency has been a big concern
22 and we know that the more that appears to be secret,
23 the more that it appears to be concealed, the more
24 likely that there's not going to be trust in the
25 outcome.

1 I did want to share one other thing about
2 support for this legislation. We've had some
3 support from law enforcement, some local district
4 attorneys have said this is the right way to go,
5 even some police chiefs. I remember a conversation
6 I had with one police chief who said that
7 independent investigation was so important so that
8 once an officer was cleared, the community would
9 really feel that the person was cleared and not
10 still tainted by a sense that the investigation was
11 improper.

12 So the independent investigation goes a
13 long ways not just for the public trust, but so that
14 police officers who are cleared, can be felt to be
15 cleared, received to be cleared once they go back
16 into the community. That's so important for law
17 enforcement agencies as well.

18 BRADFORD-GREY: Thank you so much, sir. I
19 definitely agree with you there.

20 BROWN: Thank you, Commissioner Bradford-
21 Grey. Do you have any other questions or comments
22 for the -- for Senator Haywood?

23 HODGE: Yes.

24 BROWN: Commissioner Hodge, you have the
25 floor ma'am.

1 HODGE: Thank you. Good morning
2 [inaudible].

3 HAYWOOD: Can't hear.

4 UNKNOWN SPEAKER: Can't hear.

5 HODGE: Okay. Gotcha. Come up?

6 BROWN: Sure, come on up.

7 HODGE: Good morning. Can you hear me
8 now?

9 HAYWOOD: Yes, thank you.

10 UNKNOWN SPEAKER: Yes, yes.

11 HODGE: Wonderful. Senator Haywood, I
12 chair the Critical Incident Response Committee and
13 on behalf of my fellow Commissioners and the
14 Committee, we do appreciate you taking time out this
15 morning to discuss and present this information to
16 us. It is helpful for us to know, especially in
17 light of what we as a Committee are doing and as a
18 Commission are doing as a whole to know what is
19 happening when we are making recommendations and
20 what's going on in the House and the Senate
21 legislatively regarding these issues that we are
22 addressing so seriously.

23 With that in mind, you provided kind of the
24 genesis of what you've been doing since 2015. Based
25 upon or with the bill that you currently have

1 presented to us today, has there been or what are
2 the differences, or changes, or kind of things
3 you've done to change the bill in order to present
4 it and have it in it's current state which is
5 obviously resting in another committee which you're
6 not a part of. I think the Law and Justice
7 Committee you referred, but what changes have taken
8 place in the bill that you can share with us?

9 HAYWOOD: Thank you so much. So the
10 primary change was moving the independent
11 investigations from the attorney general's office
12 because in my first go round, the attorney general's
13 office would take all of the deadly force incidents
14 directly from the crime scene. They would all go to
15 the attorney general's office with a special
16 investigative unit that focused on police-involved
17 shootings.

18 The current legislation allows the district
19 attorneys to have the first shot at the
20 investigations and prosecutions. And they have the
21 first shot at the investigations and prosecutions
22 and only if the district attorney declines, then the
23 attorney general has the power to take the case. So
24 that's the main difference. The first round was
25 attorney general first. The current view attorney

1 general second.

2 HODGE: Understood. As far as to what my
3 fellow Commissioner Ms. Bradford-Grey just noted a
4 moment ago about the public review and kind of I
5 will call it transparency that you have incorporated
6 in your current bill, was that something that was
7 also present in your initial bill or was that
8 something that was also added in terms of what is
9 currently being presented in the current bill as it
10 currently exists?

11 HAYWOOD: The transparency features were
12 added as a way to make it more likely that the
13 public would know the outcome of the actions of the
14 district attorneys office. And I'm presuming that
15 you mentioned earlier some of the individual
16 entities that are in support of your bill.

17 You also mentioned conversations you've had
18 with PDAA, the Pennsylvania District Attorneys
19 Association. And I know my colleague, Commissioner
20 Pittinger just articulated about the Commonwealth's
21 Attorneys Act. Have you or others taken the
22 information gathered through those entities or
23 conversations and also done a comparative kind of
24 analysis with the Commonwealth Attorneys Act and any
25 other advisory guidance document in order to

1 incorporate it into this current bill?

2 HAYWOOD: So yeah, we have done significant
3 amount of research about the strengths and
4 limitations of the Commonwealth Attorneys Act and
5 this legislation recognizes those weaknesses, as
6 well as, strengths which is exactly why we're not
7 going with the petition approach that requires a
8 Judge to intervene. The current framework for
9 getting the attorney general involved is just
10 inadequate.

11 And we've had significant conversations
12 with the District Attorneys Association and I can't
13 say where they are on the legislation for, against,
14 neutral. Our last conversations with them it seemed
15 like they were pretty close to neutral. I can also
16 share that they are very much against the first
17 round of legislation which had these cases going
18 straight to the attorney general's office. They
19 were very much against that kind of approach.

20 So I think they're closer to neutral. I
21 don't know that we'll ever be able to get them to be
22 for the legislation, although I guess there's always
23 that kind of optimism.

24 HODGE: And my last question. Not being
25 legislators ourselves, the current kind of timeframe

1 based upon where the legislation sits at this moment
2 are you able to project out or provide us with any
3 information regarding what are the anticipated next
4 steps and when insofar as the legislation is
5 concerned or could it potentially die in committee
6 in terms of where it is?

7 HAYWOOD: This legislation is in a
8 committee where I would tell you my influence is
9 extremely limited. And I do have a concern about
10 why I was placed in that committee since 2015 and
11 it's already been in the Judiciary Committee. But
12 nevertheless, it was moved out of the Judiciary
13 Committee into this other committee.

14 My projection in terms of a forecast or
15 crystal ball is that our chances in this committee
16 are not tremendous. We probably need a change in
17 the composition of the General Assembly which could
18 be accomplished in -- that could be achieved in
19 November. But I generally think the composition of
20 the General Assembly would have to -- would need to
21 change to get people who were elected, who are
22 interested in these kind of changes in the General
23 Assembly.

24 HODGE: Thank you so much, I appreciate you
25 again, taking the time and also entertaining my

1 questions, as well as, those of my fellow
2 Commissioners. I turn it back over to Chairman Sha
3 Brown.

4 BROWN: Thank you, ma'am. Commissioner
5 Lawful-Sanders, you have a question, ma'am. Go
6 ahead.

7 LAWFUL-SANDERS: So, good morning. Can you
8 hear me?

9 HAYWOOD: Yes.

10 LAWFUL-SANDERS: Of course you can.

11 (Laughter.)

12 LAWFUL-SANDERS: All right. So, good
13 morning. Considering what has been happening around
14 the country where we have seen local DA's and the
15 attorney general's in different states where they
16 work hand-in-hand, just how independent would we be
17 able to determine if local DA's would be from the
18 attorney general's office? Am I making sense here?
19 Because often times --

20 HAYWOOD: Yes.

21 LAWFUL-SANDERS: -- they work together
22 hand-in-hand. So how would we create a space where
23 you would see some independence there?

24 HAYWOOD: So thank you for that question.
25 I would look to the case of Georgia in the Arbery

1 case when the Georgia Bureau of Investigation took
2 over the case from the local district attorney.
3 That was the only way we got prosecution. That was
4 the only way in Georgia.

5 In Minnesota, when we got -- got the
6 attorney general there to take over the case.
7 That's how we got some real prosecution in the
8 George Floyd situation.

9 So those are at least two examples where
10 having the attorney general's office was clearly
11 superior to the local district attorney's. Now,
12 does that mean that will happen all the time? I
13 can't say. I would not say that. However, having
14 an organization that is at least one step away from
15 the local police department is an advantage in terms
16 of some level of independence of assessment. And
17 the Georgia case to me is the most clearcut for
18 getting the state involved given what the local
19 district attorney really did. But there's a risk,
20 but I think it's a better situation than we're in
21 today.

22 LAWFUL-SANDERS: Heard and appreciated,
23 thank you.

24 BROWN: Thank you, ma'am. Commissioner
25 Maines?

1 MAINES: Thank you. Senator, my question
2 is with regard to the [inaudible] --

3 HAYWOOD: It's hard to hear.

4 UNKNOWN SPEAKER: We can't hear you, Josh.

5 BROWN: He's coming up Senator.

6 UNKNOWN SPEAKER: Oh, thanks.

7 MAINES: I speak softly, but carry a big
8 stick, right? Senator, my question is with regard
9 to the district attorney's office getting that first
10 shot at the prosecution. I think what I found
11 practicing in small counties, particularly is the DA
12 is not very independent from the police often as has
13 been mentioned in another incident that's occurred
14 in the state. The district attorney is on call,
15 he's on, you know, he's on the scene when a lot of
16 situations occur where -- that end up with a
17 fatality.

18 So I guess for -- is there -- does your
19 legislation allow, I guess, a process for those
20 sorts of situations where the district attorney is
21 intimately involved with the police investigation
22 from the get-go?

23 HAYWOOD: No. It permits the district
24 attorney in the county to do the first level
25 investigation and first level of prosecution.

1 MAINES: Okay. So if -- just to follow-up
2 to that. If the -- unless that district attorney
3 would state that they have a conflict, they would
4 get the first shot, they would continue to have the
5 first shot then at prosecution.

6 HAYWOOD: That's the -- yes. That is the
7 framework that we have, district attorney first,
8 attorney general second.

9 MAINES: Can other -- are there other
10 individuals -- would anybody be able to challenge
11 the district attorneys, I guess, whether they would
12 have a conflict in the matter?

13 HAYWOOD: So there's the existing framework
14 for challenging district attorneys. Now that's
15 typically at the point of the period elections of
16 the district attorneys where the people get to say
17 whether they think the district attorney is doing a
18 proper job or not. I think on individual cases,
19 there may be some way to file a complaint about a
20 district attorney having a conflict of interest.
21 Certainly, as was mentioned earlier, there is an
22 appeal that can be made to a local Judge in some of
23 these areas. Yeah, so there's access to a local
24 Judge.

25 But in Pennsylvania, the number of times

1 that individuals have taken advantage of any of the
2 current laws that require district attorneys to give
3 up cases due to a conflict it's not utilized. It
4 doesn't happen. So I would say, the chances of
5 pushing a district attorney out of a case due to a
6 conflict is very challenging. I would encourage a
7 citizen to do it if they had clear evidence. I'd
8 certainly encourage citizens to do it, but it's a
9 tough hurdle to -- it's a tough hurdle.

10 And that's why my legislation, it doesn't
11 depend upon the district attorney giving up a case.
12 District attorneys seldom give up their cases. My
13 legislation requires -- gives the attorney generals
14 the power to take a case if declined.

15 MAINES: Thank you, Senator. And we
16 appreciate your time today. Thank you.

17 HAYWOOD: No, you're -- I'm glad to be
18 here.

19 BROWN: Thank you, Commissioner Maines.
20 Commissioner Charima Young, go ahead, ma'am.

21 YOUNG: Thank you, Senator. I have a
22 question about the politics --

23 HAYWOOD: I can't hear, I'm sorry.

24 YOUNG: [inaudible].

25 (Laughter.)

1 COOLIDGE: While the next speaker is coming
2 up, I've tried to raise my hand, I'm unable to.

3 BROWN: Okay.

4 YOUNG: Okay. Can you hear me now?

5 HAYWOOD: Yes.

6 BROWN: Yes.

7 YOUNG: Okay. Wonderful. So I just had a
8 question about the politics involved. So I know
9 that you said it was moved to the Law and Justice
10 Committee and I wanted to get specifics as to the
11 perception of the bill to those members in that
12 committee.

13 So do you believe that it's the perception
14 that they feel that it's against the interest of the
15 police or is it just that, you know, you just don't
16 have personal support? I'm asking this question
17 because I want to get specifics as to the opposition
18 of the bill for community members. So for community
19 members who have representation in that committee,
20 how can they really help to support your efforts?

21 HAYWOOD: Thanks so much. So first of all,
22 the -- there were two hearings in the Judiciary
23 Committee on the legislation over the last several
24 years. So the members of the Judiciary Committee
25 have had the benefit of hearing the pros and cons of

1 the legislation and having some hearings, getting
2 input from folks on the legislation really helps
3 members to make a decision. So all the cumulative
4 knowledge that was built from the hearings has been
5 lost because that committee that held it, the
6 Judiciary Committee is no longer involved.

7 So this new -- this Law and Justice
8 Committee is really starting from scratch. They
9 don't have the benefit of all that we had in the
10 Judiciary Committee. I would say that most of the
11 legislation that involves police oversight, and
12 policing, and law enforcement in general is -- has a
13 much better chance of passing if it has the support
14 of law enforcement. And without the support of law
15 enforcement, very, very difficult to get legislation
16 passed in Pennsylvania that deals with policing at
17 all.

18 So for the members on the Law and Justice
19 Committee, I would say often the key challenge is
20 getting law enforcement support as a pre-condition
21 often for getting a member, a Senate member or a
22 House member support. For individuals who have
23 Senators who are on this committee, I would
24 encourage them to share why this legislation is
25 important for their communities and why it's

1 important for law enforcement because having trust
2 in law enforcement is really the safest place to be
3 for anybody who's involved in law enforcement. You
4 want to be in a situation where there's public
5 trust, otherwise people can really get unruly.

6 So those would be some arguments I would
7 encourage folks to make to those who are on the
8 committee.

9 YOUNG: Thank you so much. I think that's
10 important for us to share. Thank you.

11 HAYWOOD: Thank you.

12 BROWN: Commissioner Coolidge, go ahead,
13 sir.

14 COOLIDGE: Yes, sir. Thank you, Chairman.
15 And Senator, thank you again for taking time to
16 visit with us today.

17 In the 27 years I've had the privilege to
18 serve our county, I've interacted with three
19 district attorneys and they are as you well know,
20 elected by the community. And so they've placed
21 their trust and they're hoping that their guidance
22 and their counsel would be distributed and applied
23 as intended. Now perhaps it's rare, but the
24 circumstances and we have had as remote as it is in
25 rural counties some very sensitive engagements with

1 law enforcement and/or our judicial system.

2 And I listened intently to your discussion
3 as you shared to eliminate any dialogue that perhaps
4 would be by a Judge or by the local community. I
5 would hope that the trust that was applied in a vote
6 to elect a district attorney would not be dismissed,
7 if you will in the legislation not to appreciate it
8 deserves its respect by the public electing the
9 individual.

10 And so I make that comment more so in a
11 general application and I say so respectful of the
12 legislation you're presenting. I know that my
13 interaction has been one where we're engaged here
14 with legislated issues as an elected commissioner
15 and so I'll leave it at that.

16 I just want to respectfully acknowledge the
17 trust has been placed in those individuals and I
18 wouldn't want to lose that or not regarding law
19 enforcement's maybe distance of the district
20 attorney. So we have that ability do it here. So
21 thank you again for your time.

22 HAYWOOD: Yeah. Thanks so much. And I
23 think that in most cases, the district attorneys are
24 doing a fantastic job, even in cases where they
25 decline. I mean, some cases should be taken, some

1 should not. I don't think that the ability of the
2 attorney general's office to take a case undermines
3 the trust in the local district attorney. In fact,
4 it might confirm the district -- the attorney
5 general's office might say yes, we decline as well.

6 So just because the attorney general is
7 taking a case, doesn't mean that they will have an
8 investigation that has a different outcome or that
9 they will have a prosecution decision that's
10 different than the local district attorney. But I
11 do think that having another set of eyes on these
12 challenges will not undermine the local district
13 attorney. Let me give you an example.

14 So I've been a lawyer for about 35 or more
15 years. And we have disciplinary board that governs
16 and looks at our conduct or misconduct. I don't
17 have any sense that the disciplinary board does
18 anything to undermine the public trust in what
19 lawyers do. In fact, I think it's the opposite. It
20 gives the public the confidence that lawyers are
21 operating under a system where there's some level of
22 oversight. So I don't think that oversight is in
23 conflict with trust.

24 COOLIDGE: I respect that and I thank you
25 for your answer. And you made one comment that I

1 also pulled forward in that it may not be a
2 different outcome.

3 HAYWOOD: Yeah.

4 COOLIDGE: In other words, it could be the
5 same point. So again, I want to thank you for the
6 discussion.

7 HAYWOOD: Sure. Thank you.

8 BROWN: Commissioner Hodge, did you have
9 something --

10 HODGE: No, I did not. I was just
11 [inaudible].

12 (Laughter.)

13 HODGE: Thank you, though.

14 BROWN: Thank you, ma'am. We'll move to a
15 public comment from Ms. Thomas. You have the floor,
16 ma'am.

17 CITIZEN THOMAS: Good morning, Senator.
18 Can you hear me?

19 HAYWOOD: Yes, good morning.

20 THOMAS: One of -- it's a very sensitive
21 topic for me and for many other women and that's
22 domestic violence. But it's even more serious when
23 it involves a police officer. And one of the
24 questions that my personal experience that I've been
25 in the court system with other survivors whose cries

1 have gone on deaf ears, even with the district
2 attorney's office and with the attorney general's
3 office. And we're hoping with your bill, that their
4 voices and their cries will be heard by us. My main
5 reason to become a commissioner is to many will hear
6 their cries and I plan to be one of them.

7 So my -- I'm very sensitive with the topic
8 domestic violence involving police officers. And
9 many women have lost their lives. So I'm going to
10 emphasize on this. There are many police officers
11 that are abusive. And not only are they abusive on
12 the street, but they do take it home. So I am
13 concerned. This is a very sensitive topic, but we
14 definitely have to work on this also. And I'm
15 hoping that you will be able to help us, Senator.

16 HAYWOOD: So yeah, thanks so much. And
17 what you're describing, obviously, are terrible
18 incidents of abuse. This legislation mostly focuses
19 on deadly force, but I certainly hear your concerns
20 and how it's so important for the Commission to
21 raise these concerns as well. The General Assembly,
22 I hope can be a place where we can get some
23 progress.

24 As I think we've all heard, I've been
25 working on this since 2015 and this is now 2022. So

1 getting progress in these areas is very, very
2 challenging. So challenging, just so we're all
3 clear, my legislation has never come up for a vote.
4 It hasn't come up for a vote in the Committee. It
5 hasn't come up for a vote on the Senate floor.
6 We've had some hearings on it, so we got a tough
7 system of moving legislation forward here in
8 Pennsylvania, but and there's so many concerns that
9 we have to address. Thank you so much for sharing
10 that.

11 THOMAS: Thank you. And thank you for your
12 time, Senator.

13 BROWN: I don't see any additional comments
14 -- we do have one additional comment. Sir, come on
15 up. Good morning, sir, state your name.

16 CITIZEN HASSAN BENNETT: Hassan Bennett.
17 Good morning, Commissioner -- oh, I'm sorry, good
18 morning, Senator.

19 HAYWOOD: Good morning.

20 BENNETT: I was a victim of police
21 misconduct. I spent 13 years, well 12 years in jail
22 for a crime I didn't commit as a result of police
23 misconduct fabricating testimony and abusive
24 witnesses. I understand this legislation is focused
25 on deadly force. And I also understand nothing

1 happens overnight. Nothing, no legislation passes
2 overnight. I understand this is a process. It's
3 been a process throughout history.

4 I just would like to say to all the
5 Senators on the Board that we look at this as a
6 beginning. We tackle the most dangerous risk and we
7 eventually work down to all. Philadelphia has
8 taken a step towards not only ending police
9 misconduct, but bridging the gap between community
10 and policing. And I just ask you guys to take the
11 same step as this beautiful city has. Thank you.

12 BROWN: Thank you.

13 HAYWOOD: Yeah, thanks so much. And I
14 appreciate all the comments. You know, there's a
15 point where there's in legislation where people say
16 you've gone too far. And then there are the people
17 who say you haven't gone far enough. We're always
18 in that space of not going far enough or having gone
19 too far. So it's a challenging process to move
20 through, but I appreciate the marathon approach to
21 it. A lot of these challenges are a marathon to
22 win, not a sprint.

23 I'd just like to say, I guess we're close
24 to closing for my segment that the core to this
25 legislation is an attempt to restore trust in law

1 enforcement. When there's a police-involved
2 shooting and then there are demonstrations in the
3 street, there's a lack of trust. When there's a
4 police-involved shooting and there's newspaper
5 articles, they're posting on the radio concerns
6 about how the prosecution is going or how the
7 prosecution is not going, that all erodes trust.
8 And I can't say how important it is to have trust in
9 our systems of government, particularly, the
10 criminal justice system.

11 This legislation is not saying that the
12 district attorneys are bad. It's not saying that
13 they're doing a bad job at all. Nor does the
14 disciplinary board for lawyers. Their position
15 isn't that all lawyer are bad. It's only that there
16 needs to be some level of oversight for certain
17 cases.

18 So I tried to get this message out as
19 consistently as I can. This legislation, I believe
20 does a lot for law enforcement which is exactly why
21 it was part of the recommendations of the 21st
22 Century Policing Commission of President Obama. It
23 has received some support from law enforcement.
24 Obviously, this goes a long way for community
25 members to see that this process is working.

1 Thank you so much for allowing me to share
2 this with you all and if there's any way I can be
3 helpful in the work that you're doing going forward,
4 please let me know.

5 BROWN: Thank you, Senator. Appreciate
6 your participation with our Commission here. Thank
7 you for taking extra time with us, very much
8 appreciated. On behalf of our Commission, thank you
9 very much, sir.

10 HAYWOOD: Have a great day and weekend.

11 BROWN: Next, we will move to our panel
12 discussion on alternative 911 dispatch for substance
13 abuse and mental health crisis response.

14 National, regional, and local jurisdictions
15 are researching and implementing new operating
16 practices that reduce reliance on law enforcement
17 and emergency medical services when responding to
18 mental health and substance abuse crisis.

19 Nationally, organizations including the
20 Harvard Kennedy Schools, Government Performance Lab
21 are offering technical assistance to those creating
22 alternative 911 emergency response teams.

23 Locally, organizations such as Blueprints
24 for Addiction Recovery work collaboratively with
25 local jurisdictions and law enforcement to improve

1 call responded programs.

2 Our Commissioners have sought information
3 and engaged with many of the top scholars and
4 experts in the nation on this topic, intent on fully
5 informing our deliberative process while considering
6 recommendations for similar programs and services
7 for Commonwealth law enforcement agencies.

8 It is my pleasure to introduce this
9 incredible panel of experts dedicated to improving
10 outcomes for our citizens, while still supporting
11 public safety through these important initiatives.
12 Please join me in welcoming Dr. Jessica Gillooly,
13 Assistant Professor, Department of Sociology and
14 Criminal Justice, Suffolk University; Professor John
15 Hollway, University of Pennsylvania Law School and
16 Executive Director of the Quattrone Center for the
17 Fair Administration of Justice; Major Neill
18 Franklin, Retired Maryland State Police and Former
19 Executive Director of the Law Enforcement Action
20 Partnership; Dr. Lionel King, Intellectual
21 Researcher -- Intercultural Researcher and Program
22 Specialist with the Law Enforcement Action
23 Partnership; Gabriela Solis, Project Leader with
24 Harvard Kennedy School, Government Performance Lab;
25 Erica Atwood, Senior Director of Office of Policy

1 and Strategic Initiatives for Criminal Justice and
2 Public Safety, Managing Director's Office for
3 Philadelphia; Christopher Dreisbach, Chief Executive
4 Officer and Benjamin McCoy, Executive Vice
5 President, Blueprints for Addiction Recovery,
6 Lancaster County Co-Responder Program; and Chief
7 Edward Cunningham, Chief of Police with
8 Elizabethtown Police Department. Thank you to all
9 our panelists for joining us today.

10 To begin our discussion, I will turn to Dr.
11 Gillooly who served as a 911 call taker during her
12 doctoral program and whose research focuses on the
13 rural 911 call takers play in first response. Dr.
14 Gillooly, could you please tell us what is the
15 purpose and benefits of alternative 911 programs.
16 Good morning, ma'am.

17 DR. JESSICA GILLOOLY: Good morning. Thank
18 you for inviting me here to speak today about the
19 purposes, benefits, and some challenges of
20 alternative response.

21 So in recent years, policymakers, the
22 public, and the police themselves have really
23 started voicing concerns about the growing scope of
24 policework. And I think these concerns reflect a
25 set of interrelated problems, right?

1 A, police are called to address many social
2 problems for which they're unsuited. B, because
3 they're unsuited, too often they really fail to
4 solve the problem for which they're being called in
5 effective or lasting way. And C, in too many
6 instances, there's just inappropriate responses to
7 some calls by law enforcement.

8 So in response to some of these negative
9 outcomes, some jurisdictions are trying alternative
10 models of first response. Some of this looks like
11 embedding social workers with the police. Some are
12 engaging in co-response with different agencies.
13 Some are trying out entirely non-police responses.

14 And so for the past year, I, along with a
15 team of researchers from Suffolk and NYU, have been
16 interviewing police leaders, officers, 911 call
17 takers, dispatchers, social workers, clinicians,
18 from multiple jurisdictions that are actually
19 implementing some of these different models of first
20 response.

21 And I'd say early findings from this
22 qualitative work suggest four different, but related
23 purposes and potential benefits of these programs.

24 So one is about harm reduction, right? So
25 this idea that by sending a clinician or a medic

1 instead of an armed officer, we expect that there
2 will be less force used and less law.

3 Two, another purpose potential benefit is
4 getting the right resource to the caller, right? So
5 this idea of the right resource for a person having
6 a behavioral health crisis might not be sending an
7 armed officer. It might be as simple as a
8 conversation with a social worker to create a safety
9 plan to put away a lethal weapon. To get a resource
10 or a referral to a therapist or a primary care
11 doctor. An alternative responder can serve as that
12 bridge or connector between a person in crisis to
13 other sorts of providers in the community.

14 I think a third purpose that came out is
15 providing 911 call takers and dispatchers with more
16 response options. So as a former call taker myself,
17 I was often frustrated by not having many responder
18 options other than the police, right? So family
19 trouble, unruly child, neighbor dispute. I remember
20 a call about a caller being upset that a neighbor
21 had plugged their Christmas lights into the caller's
22 electrical outlet and was stealing their
23 electricity. We sent -- I sent the police to them.

24 I think a fourth benefit or purpose to the
25 alternative response is this idea that we can free

1 up police so that they can respond to higher
2 priority calls. So given staffing shortages across
3 police departments and inside 911 centers across the
4 country, response times in many jurisdictions are
5 increasing.

6 So I saw that in a couple of places that I
7 visited the past month, calls were waiting on the
8 board for hours for a police response. And so the
9 idea that alternative response may free police up to
10 be able to respond a little bit more swiftly to the
11 higher acuity calls is another purpose.

12 So because many of these programs are
13 really new and jurisdictions are experimenting with
14 different models, I think research is still catching
15 up to measure whether a lot of these purported
16 benefits that I just went through are as large as
17 anticipated. And so I think we still have to wait a
18 little bit more to see kind of how the benefits play
19 out.

20 I just want to talk briefly about a couple
21 challenges that came up during this research with
22 alternative response that I think are important to
23 at least touch on today.

24 One is this idea that different perceptions
25 of personal safety can undermine the goals of

1 alternative response. So you can have the best
2 group of clinicians and medics out there, but if
3 dispatch isn't comfortable sending them out, they're
4 not going to be all that effective.

5 And we saw a lot of those kind of tensions
6 between clinicians saying we feel safe going to
7 houses. We're caseworkers, we've done that our
8 whole lives, but dispatchers feeling like they
9 didn't want to send the responders out because
10 they're unarmed and they were worried about their
11 safety and issues of liability. So I think that's
12 an important piece that needs to be addressed in
13 alternative response.

14 I think a second challenge is getting the
15 right resource to the caller depends on the broader
16 social service landscape of a jurisdiction. So you
17 can send out alternative responders, but if they're
18 connecting the person to another resource in the
19 community, that other resource has to exist and it
20 has to be accessible to the person in need.

21 And we saw a lot of instances where people
22 were having substance abuse or homelessness issues,
23 but didn't really want to pursue any of the
24 programs, or shelters, or services offered to them
25 because a lot of times there are rules and

1 regulations with them. You can't bring a pet. You
2 can't be intoxicated. You have a curfew. You have
3 to attend group sessions. All of these rules and
4 regulations can be barriers to getting that long-
5 term help to solve the underlying societal problem
6 that alternative response is trying to do.

7 So in short, I would say alternative
8 response models hold some promise for shrinking the
9 footprint of policing and potentially reducing the
10 harm from unnecessary use of force in law. But I
11 don't think that they're a quick or easy fix to
12 solving some of the more deeply entrenched societal
13 problems that police are responding to right now.
14 Thank you.

15 BROWN: Thank you, Dr. Gillooly. Professor
16 John Hollway is a nationally recognized expert on
17 criminal justice reform and a frequent contributor
18 to our Commission. Professor Hollway, I open the
19 floor to you. Based on what Dr. Gillooly provided
20 us, do you have any insight to add?

21 PROFESSOR JOHN HOLLWAY: Well, she does
22 pretty well.

23 (Laughter.)

24 HOLLWAY: Can you all hear me? Everybody
25 can hear me on the Teams?

1 BROWN: Yes.

2 HOLLWAY: Okay. So yeah, I'd like to kind
3 of tag onto Dr. Gillooly and kind of applaud her
4 important work in this space.

5 For those of you who aren't familiar with
6 the Quattrone Center at Penn Law, we do kind of
7 specialized event reviews when we work with law
8 enforcement, other criminal justice agencies, and
9 community members to look at events that we think
10 have had undesired outcomes in the criminal justice
11 system and to find root causes of those things to
12 track backwards and upstream in the process as far
13 as we can to identify situations where how we -- how
14 do we prevent these situations from evolving and
15 unfolding for outcomes that we know that nobody
16 wants?

17 And I'd like to talk about a few of those
18 where the Quattrone Center has done reviews that
19 implicate emergency services and that illustrate the
20 pivotal role that emergency services has as really
21 the first response to, you know, any of these
22 situations always start with a call to 911. And so
23 the role that an emergency services plays, sets the
24 stage kind of factually and emotionally for police
25 response.

1 And so while it's very easy to say that we
2 should be talking about police accountability and I
3 believe we should, one question is how are our
4 emergency services setting our police up and
5 informing them about how they ought to respond and
6 what is the resulting mindset that officers have
7 when they start an encounter that sometimes leads in
8 a tragic outcome.

9 So the first case I'd like to talk about is
10 a death in custody that we looked at with the Tuscan
11 Police. A Hispanic grandmother called in, primarily
12 Spanish speaking called into Tuscan 911 reporting
13 that her nephew or her grandson rather, who was on
14 some sort of drug, was naked and preventing her from
15 leaving the house.

16 The report -- the 911 call taker who did
17 not speak Spanish, stayed on the phone with the
18 grandmother for 11 minutes, asked her 14 questions
19 to try to ascertain the situation. Ran a search on
20 the grandson's name and found that he had recently
21 had a stop and arrest wanted for a previous domestic
22 violence with his significant other that had
23 happened two or three days later.

24 Her report did not emphasize that the
25 individual was naked or having a mental health

1 crisis, but did emphasize the domestic violence
2 report as a result of which, the officers went in to
3 this with a mindset of we have somebody violent that
4 we have to arrest as opposed to we have somebody in
5 the midst of a clinical problem that needs to be
6 dealt with in a caretaking environment. It
7 completely changed the environment that the police
8 had.

9 And while the police did a lot of things
10 that weren't in line with their protocols and, you
11 know, this wall converging, contributing factors, a
12 better education and information and better
13 enablement of the ability of our call takers to
14 speak the languages of the people that are calling
15 in, understand how to separate a clinical situation
16 from a violent situation, and inform police perhaps
17 with sort of alternative accompaniment that Dr.
18 Gillooly was talking about on how to approach those
19 situations, might have avoided a tragic outcome
20 where force was used and instead, enabled the police
21 to come in with a mindset of provision of care
22 perhaps with the clinician, mental health
23 professional, et cetera, it would have further
24 underscored that, and therefore, better services
25 provided. That's Situation #1.

1 Situation #2, involves a situation of a
2 domestic violence fatality in San Francisco. This
3 was a case that we looked at with a group in San
4 Francisco where the violent individual had actually
5 come to the house of his ex-girlfriend three times
6 and there had been multiple 911 calls over the
7 course of the evening and four different SPD
8 responses coming to the house and engaging with he
9 people.

10 In this instance, the challenge that we had
11 was that the computer dispatch from the 911
12 operators to the police had limitations and did not
13 allow officers to look backwards and look at
14 previous calls from the computer system dispatch.
15 When officers are responding within minutes, the
16 ability to quickly use their laptops or mobile
17 devices that they had provided and get information
18 from call takers about the prior calls has a lot of
19 importance because in this instance, over the course
20 of seven hours, there were three responses.

21 The last response had different officers
22 than the officers that responded to the first two
23 calls and, therefore, those officers lacked the
24 context of escalating risks of lethality that might
25 have been seen if they had been able to look back

1 into the prior calls. And if again, to Dr.
2 Gillooly's point, we had had a domestic violence
3 expert accompany the officers as they went to these
4 calls.

5 As it was, the officers in the third call
6 were limited to a single text from one of the other
7 officers who happened to hear it over the radio,
8 saying heads up, we've been here before. Obviously,
9 lacking a lot of context that might have been
10 important to the officers and an accompanying
11 domestic violence de-escalation expert in handling
12 that situation.

13 So again, in forming our 911 operators with
14 specialized knowledge with experts that can
15 accompany police and in setting the stage and
16 understanding the keys and the nuances that change,
17 a call from something that is potentially calm and
18 peaceful to a call that is potentially violent
19 becomes very important.

20 The third case I'd like to talk about is
21 from a situation we're currently reviewing, so we're
22 only in draft form. In Seattle, in which you may
23 recall during the protest after the murder of George
24 Floyd, there was a period of time in Seattle when
25 there was an occupied zone where the police were

1 actually not welcome. The community said we're not
2 going to sacrifice this ground until we feel like we
3 can meet police equitably and until then, you guys
4 are on the outside. Obviously, this creates real
5 problems for a city because the absence of police
6 means a challenge in providing public safety.

7 There were conversations had between
8 community organizers and the San Francisco Fire and
9 San Francisco Police and the city to try and provide
10 the ability if there was violence or somebody was in
11 the occupied zone to get them out to a liaison
12 point.

13 I think to Dr. Gillooly's point about
14 different levels of comfort with safety, one of the
15 things that was happening there was that the Seattle
16 Unions and the Seattle Agencies were very concerned
17 about the safety of their people entering that
18 occupy zone. And a protocol was created where a 911
19 call would then go to both the police and the fire.
20 The police and community organizers would secure the
21 space and then the fire department and emergency
22 service providers would come in.

23 The problem we had here is that the 911
24 service couldn't actually coordinate both police and
25 fire in real time because they use different

1 frequencies to avoid too much radio traffic. So
2 there isn't a third frequency that you can go to
3 when you need to bring fire and police together for
4 a specific incident. As a result of which, 911 was
5 forced to communicate with police, get the response
6 back, communicate with fire, get the response back,
7 take that to the police, get the response back.

8 The turn around time on each of those was
9 roughly 2 minutes, in the meantime, you've got a
10 young man in a civilian medic tent bleeding from a
11 gunshot wound. Valuable time was lost. And I don't
12 know if that young man's life would have saved, but
13 we know it's a contributing factor to that young
14 man's passing.

15 So finding ways to allow 911 technological
16 solution. These are not -- I want to emphasize
17 this. Everybody wants the same thing here.
18 Everybody wants these people to get the treatment
19 that they need in ways that avoid violence. And
20 there are instances here where we have technological
21 solutions that aren't about motivation. Everybody
22 has the same [inaudible]. Those are the sorts of
23 solutions that we do not have.

24 The last thing that I'm going to talk about
25 is the toll that these calls take on 911 call

1 takers. And I'm sure Dr. Gillooly submitted this as
2 well and probably unfortunate personal experience.

3 One of the things that keeps getting
4 brought up when we do these reviews is that 911 call
5 takers almost never know the resolution of the
6 calls. They get the beginning of the call, they
7 hand it off to people and nobody ever says to them,
8 hey because of your work, you saved a life tonight.
9 Or this one didn't go the way we wanted it to, but
10 we're learning from it and here are some resources
11 that we can provide you to engage with the emotional
12 processing of the calls that you took today.

13 Making sure we provide those emotional
14 resources to our 911 call takers is an important, I
15 think modification of the system, including where we
16 can, the resolution of the calls that they handle so
17 that the vacuum of information about those outcomes
18 doesn't itself cause additional pressure and injury
19 to the professionals that do so much important work
20 for us. Thank you.

21 BROWN: Thank you so much, Professor
22 Hollway for your contribution to our discussion.

23 Next, I'll move to the law enforcement
24 officer action partnership is a 501(c)(3) nonprofit
25 of police, prosecutor, judges, correction officers,

1 and other law enforcement officials advocating for
2 criminal justice reforms.

3 LEAP founded by five police officers in
4 2002 with a sole focus on drug policy, today numbers
5 more than 300 criminal justice professionals
6 advising on police community relations,
7 incarceration, arm reduction, drug policy, and
8 global issues from a place of unassailable
9 credibility and insight.

10 Through speaking engagements, media
11 appearances, testimony, and support of allied
12 efforts, LEAP reaches audiences across a wide
13 spectrum of affiliations and beliefs calling for
14 more practical and ethical police policies from a
15 public safety perspective.

16 We are honored to have Retired Major Neill
17 Franklin from the Maryland State Police who is the
18 Former Executive Director of LEAP and Dr. Lionel
19 King who is an accomplished Intercultural Researcher
20 and Program Specialist at LEAP and a member of the
21 American Anthropological Association and SCIETR.

22 Major Franklin, I'll start with you. Can
23 you please tell us a little bit about your
24 experience regarding emergency response and
25 particularly, the potential benefits of alternatives

1 to traditional response when handling mental health
2 and substance abuse crisis.

3 MAJOR NEILL FRANKLIN: Sure. Thank you,
4 Deputy Inspector Brown. Can you hear me okay, first
5 of all?

6 BROWN: Yes, sir, we can.

7 FRANKLIN: Okay. Great. So, and I also
8 want to thank the Members of the Commission for this
9 important opportunity. This is an extremely
10 important issue that we're discussing here.

11 Just some quick -- a little bit more
12 regarding my background so you can understand
13 exactly where I'm coming from because I am going to
14 talk a little bit about firsthand experience dealing
15 with these issues.

16 So as Deputy Inspector Brown said, I'm
17 retired from the Maryland State Police, but most of
18 my career was spent there in criminal investigation,
19 narcotics training, and ahead of training for the
20 Maryland State Police. Additionally, I spent four
21 years with the Baltimore Police Department as the
22 head of training for them looking into a number of
23 these issues. And then six years after that with
24 Maryland Transit Police.

25 But I want to -- before I became the

1 Executive Director of the Law Enforcement Action
2 Partnership which I held for ten years, but I want
3 to tell you just a quick story regarding firsthand
4 experience.

5 When I was with the Maryland State Police
6 assigned to the Glen Burnie Barracks just south of
7 Baltimore City, this involves a response to a call
8 that I was given regarding a runaway 14-year-old
9 girl. And, of course, the family called 911 in an
10 effort to locate their daughter. And who gets the
11 call, the police do.

12 And so, I'm the one state trooper that
13 responds to the family and they quickly gave me some
14 information, some places to check, some people to
15 call in which I did and I followed up on it. And I
16 eventually located the 14-year-old girl. And the
17 policy was for me to process this 14-year-old girl
18 as a juvenile delinquent.

19 Now this means that I handcuff her and I
20 place her in the car just like I would any adult who
21 was charged with a crime. I take her to the
22 barracks. I, again, run her this processing phase
23 and all the time, I'm asking, you know, why am I,
24 you know, asking myself, why I am dealing with this?
25 I was young trooper, you know, I'm just following

1 the policy that was put before me. And, you know,
2 we still do this today. We still handle these types
3 of calls in similar circumstance, you know, in
4 similar circumstances the same way.

5 So again, you then begin to realize so,
6 okay, so we're the one 24/7 operation that's out
7 there, you know, so just like fire. So when folks
8 call with an issue no matter what it is, whether
9 it's loud music, whether it's plugging into someone
10 else's outlet to, you know, as we heard earlier
11 about, you know, electricity, taking someone's
12 electricity, you know, the police are the ones who
13 typically get the call. And that's why police -- I
14 mean, that's who citizens are -- have become
15 accustom to calling no matter that the issue.

16 So then, you know, we begin to think about
17 it and understand the need for different type of
18 approach. And, of course, the work that I do today
19 is about that. I'm at a symposium here in Baltimore
20 right now where we're discussing policing practices,
21 where we're discussing the footprint of policing
22 within our communities, and we're discussing these
23 very same issues of community responders and what do
24 we do and how do we go about doing it. And luckily,
25 we've been doing this work at LEAP for quite some

1 time now as Dr. King will get into more of the
2 details.

3 So as I, you know, begin to close here, I
4 just want to say that as we heard before, it is a
5 great benefit to be able to free up the time of our
6 police officers to deal with more serious calls for
7 service; robberies, shootings, murders, especially
8 as we're starting to see an uptick in violent crime
9 within our communities, we need to find a way to
10 shift these other minor calls for service, the
11 things that people are dealing with, to more
12 appropriate entities and people within our
13 communities that can deal with this.

14 Another added benefit, of course, is you
15 know, we don't want to have to continue to respond
16 to a particular household or to deal with a
17 particular person whether it's mental issues or
18 whether it's neighborhood dispute. So by being able
19 to connect those folks to the right resources to get
20 them continued help, that's extremely important for
21 reducing our calls for service overall and again,
22 reducing the interaction between police and our
23 citizens.

24 Let me tell you, police officers really do
25 not want to respond to many of these calls that

1 we're talking about today and it's going to make
2 their jobs a whole lot easier. And again, as being
3 -- as we heard earlier with our first speaker, being
4 able to reduce those calls for service and not
5 having those wait times because it's important for
6 people to get that.

7 And then, finally, as we heard Senator
8 Haywood talk about community trust, this would go a
9 long way in improving community trust when we have
10 police responding to the appropriate calls for
11 service, everyone welcomes the police coming into
12 the community to deal with those calls for violent
13 crimes. But when it calls -- when it comes to
14 dealing with maybe some juvenile issues, mental
15 health issues, again, some of the other things that
16 we're hearing, I think we have -- we need to put in
17 place the ability for other more adequate responses
18 to those calls.

19 So I'll turn it over to Dr. King right now,
20 he'll get into more of the details, but thanks again
21 for having me.

22 BROWN: Thank you, Major Franklin. Dr.
23 King, again thank you for joining us. Following up
24 on with what Major Franklin said, what is your
25 opinion of purpose and benefits of alternative 911

1 programs?

2 DR. LIONEL KING: Can you guys hear me
3 well?

4 BROWN: Yes, sir, go ahead.

5 KING: Thank you guys for having us on this
6 panel. It's very important to have this discussion.

7 So, ultimately, the purpose of an
8 alternative response program is to connect the
9 appropriate responder to an incident.

10 I have done a narrative analysis on 911
11 calls in several cities. And some of the calls as
12 Dr. Gillooly alluded to that I've gotten calls, I've
13 reviewed calls that says there are three stray cats
14 in my backyard. There's a homeless man with no coat
15 on and it's very cold outside. There's a car on the
16 street parked and with it's lights on for the last
17 20 minutes, right?

18 These calls clearly do not require an armed
19 police response. Other times, these calls that I
20 have reviewed, clearly needed the assistance of a
21 mental health professional. These calls included
22 suicidal ideation, auditory hallucinations, and
23 anxiety attacks. Again, these calls don't require
24 an armed uniform officer instead of trained mental
25 health professional would have been the most

1 appropriate responder.

2 So LEAP and the Center for American
3 Progress examined calls from eight cities and found
4 that 33 to 68 percent of calls for service could be
5 handled without sending an armed police officer to
6 the scene. And 21 to 38 percent could have been
7 handled by community responders.

8 Furthermore, community responders reduce
9 the number of police interactions with historically
10 overpoliced communities such as people of color and
11 those living with mental health diagnosis. And too
12 often, those interactions can end horribly.

13 Many of us may remember the incident back
14 in 2016 with Arnaldo Soto. Soto was a man on the
15 autism spectrum. And he ran away from his group
16 home and he ended up sitting in middle of the
17 street. His therapist, Charles Kingsley, and
18 African American man, found Soto, but the police
19 were already at the scene. Kingsley explained to --
20 that Soto had a developmental disorder and he was
21 non-violent and that what he needed was for Kingsley
22 to speak with him. Kingsley approached Soto very
23 slowly with his hands in the air and he sat down
24 next to him, but at some point, Soto's toy car was
25 mistaken for a gun and the officers started shooting

1 and actually hit Kingsley. And fortunately,
2 Kingsley did not die.

3 So this story's an example of two things.
4 Number one, the story shows how an inappropriate
5 response to a behavioral health mental health
6 situation can be escalated and end horribly. Number
7 two, the story illustrates how police contact with
8 historically overpoliced populations often ends in
9 harm to those populations.

10 There's research that suggests that
11 preconceived notions of African Americans and people
12 living with mental illness being more criminal in
13 nature, have led to quicker use of deadly force by
14 police officers. According to research by the
15 Treatment Advocacy Center, people with untreated
16 mental illness are 16 times more likely to be killed
17 by law enforcement.

18 There's also research that suggests police
19 interaction can increase the likelihood of mental
20 health episodes in African Americans. A study in
21 the *Journal of Racial and Ethnic Health Disparities*
22 found that statistically significant associations
23 between police interactions and mental health,
24 psychotic experiences, psychological distress,
25 depression, PTSD, anxiety, suicidal ideation, and

1 attempts indicating a nearly twofold higher
2 prevalence of poor mental health among African
3 Americans reporting prior police interaction
4 compared to those with no interaction.

5 So the reason why we must have an
6 alternative response to mental health and substance
7 abuse calls twofold. Number one, it connects the
8 right responder to the incident. Two, it reduces
9 police interaction with historically overpoliced
10 communities.

11 BROWN: Thank you, Dr. King. Much
12 appreciated, sir. Next, we'll turn to Gabriela
13 Solis who is a Project Leader at the Harvard at the
14 Harvard Kennedy School, Government Performance Lab,
15 GPL.

16 Based on the school's Taubman Center for
17 State and Local Government, the GPL supports state
18 and local governments across the country in
19 designing and implementing solutions to pressing
20 social problems. The GPL has conducted more than
21 200 projects in 35 states helping innovate state and
22 local government leaders improve the results they
23 achieve for their residents.

24 An important part of GPL's research model
25 involves capturing the insights, tools, and

1 practices that are gained through these hands-on
2 projects and sharing them with government leaders
3 across the county.

4 Gabriela works in the division in
5 alternatives to the criminal justice system.
6 Currently, she leads the alterative 911 emergency
7 response initiative.

8 Gabriela oversees projects that provide
9 technical assistance to five governments seeking to
10 improve outcomes for residents in communities by
11 diverting 911 calls to unarmed trained professionals
12 equipped to offer connection to supportive services
13 such as mental and behavioral health crisis,
14 substance use, and other forms of support.

15 The five cohort communities selected from a
16 highly competitive applicant pool that included
17 submissions from more than 60 jurisdictions around
18 the country including Durham, North Carolina; Harris
19 County, Texas; Long Beach, California; Phoenix,
20 Arizona; and right here in Philadelphia,
21 Pennsylvania.

22 Gabriela, the Commission welcomes you. Can
23 you please share a little bit more about your work?

24 PROJECT LEADER GABRIELA SOLIS: Hello,
25 everyone. So my name is Gabriela Solis. Like Mr.

1 Brown shared, I'm a project leader at the government
2 performance lab.

3 So I just want to give a little bit more
4 context about -- am I good on the Teams? Like
5 should I --

6 BROWN: Can everyone hear out there?

7 UNKNOWN SPEAKER: It's a little low.

8 UNKNOWN SPEAKER: Yeah, a little low.

9 UNKNOWN SPEAKER: They're saying that you
10 have to unmute yours --

11 UNKNOWN SPEAKER: Unmute it.

12 SOLIS: Okay. Can you all hear me now?

13 UNKNOWN SPEAKER: Better.

14 BROWN: Okay. Can you hear her now?

15 SOLIS: Okay. Can you all hear me now? Is
16 that good?

17 UNKNOWN SPEAKER: Yes.

18 SOLIS: Yes. Great. All right. Well,
19 thank you everyone for having me here. It's my
20 first time in Philadelphia, so I'm very excited.
21 Everyone has been a pleasure to chat with in the
22 morning and everything, so thank you. And I feel
23 very fortunate to be here to share about what we
24 have learned about alternative response for the past
25 two years now.

1 So my organization like Mr. Brown shared is
2 a research and technical assistance organization.
3 The way our model works is that we hire full-time
4 staff like myself and Aloga [phonetic], who's
5 sitting back there who also works with us and
6 partner these folks with jurisdictions who are
7 testing innovative solutions to some of our nation's
8 most complicated problems.

9 So we focus on projects that have to do
10 with criminal justice reform, reforming the child
11 welfare system, and addressing our homelessness
12 crisis in the country. But the thing that I think
13 sets us apart from other technical assistance
14 organizations is that we really focus on
15 implementation support.

16 So we partner with jurisdictions who have
17 already sort of agreed and come up with what they
18 want their strategy to be and work with them for 12
19 to 36 months to make sure that whatever they are
20 implementing gets launched and hopefully expanded,
21 evaluated, and iterated. And we do that because
22 what we've noticed is a lot of high priority
23 projects for cities and state governments often
24 times sort of fall off during implementation and
25 that's sort of when efforts sort of wither.

1 So we make sure that we're focusing in
2 that, in supporting folks in the front line like
3 Erica Atwood's team and Sierra, who's in the back,
4 also who works for the Department of Behavioral
5 Health here to make sure that they have the support
6 because they're obviously busy staffed and often
7 times have a million other things that they need to
8 do.

9 So I lead our alternative 911 emergency
10 response work which I will note focuses on helping
11 jurisdictions launch unarmed alternative response
12 teams. So we don't actually support on co-response
13 teams. So the types of teams that send out a law
14 enforcement officer with some sort of behavioral
15 health professional. We only focus on teams that
16 are unarmed, outside of law enforcement in our
17 support. So I just want to frame that in everything
18 that I'm saying.

19 But I was super excited because as I've
20 been leading this initiative, we're doing our best
21 to really collect implementation learnings that
22 we're seeing across the board. And we're trying to
23 find opportunities to share those in spaces like
24 today because obviously, there's a lot of folks who
25 are trying to implement these types of teams and we

1 want these learnings to be shared.

2 So there were three main points that I was
3 really hoping to highlight today in that we've seen
4 in the implementation and really like the nitty-
5 gritty boots on the ground work. And those three
6 are that there is obvious, but I think we really
7 need to highlight, a strong [inaudible] of our
8 mental collaboration and trust building that needs
9 to happen for these teams to sort of be successful,
10 there also is -- needs to be some very in like
11 strategic support for 911 dispatch system changes
12 that need to happen which Professor Hollway sort of
13 highlighted in his remarks.

14 And then, we're seeing a lot of issues with
15 hiring and retention of responder teams on the --
16 with the jurisdictions that were helping. So there
17 seems to be an opportunity for testing out new
18 strategies to really recruit and retain the right
19 responder staff. So I'll give a couple examples for
20 what we're seeing.

21 So the first, like I mentioned, and we've
22 seen this across all five of our cohort governments
23 and in a lot of our community of practice
24 governments is that we're asking departments who
25 historically have not worked together. So you have

1 your Department of Behavioral Health, your Homeless
2 and Service Department, a Law Enforcement
3 Department, your Dispatch Departments to really all
4 come together and try to tackle a solution as one.
5 And there's just a lot of challenges with trust
6 building and making sure that everyone understands
7 and has the same goals in mind.

8 And what we're seeing for example in one of
9 our jurisdictions, they're taking 911 calls are all
10 answered by their police department. And the way
11 that they've setup their project is to have the
12 calls transferred to the fire department who will
13 then dispatch a behavioral health unit or an
14 alternative response team.

15 In theory, when I say that out loud, it
16 feels like the natural thing to do, right, because
17 police and fire coordinate all the time on 911
18 calls, but what we found on the ground is that
19 really their technology and their data sharing
20 practices are completely different.

21 And we're having to create new pathways and
22 workflows to make sure that all the information that
23 my colleagues mentioned before me is actually being
24 shared and the responders know what they're really
25 getting their selves into and how they're going to

1 these calls and also having to create new workflows
2 for the very limited times and almost never the sort
3 of calls go awry, that they have quick response if
4 they need to port from either an EMS agency or the
5 law enforcement department.

6 So that's one thing that we've seen across
7 the board is there needs to be sort of a lot of
8 collaboration, trust building, and translation
9 between the different departments.

10 The second thing I want to highlight is
11 that we're seeing a lot or one of the common
12 concerns within this collaborative environment is
13 that law enforcement actually feels that there is
14 pretty significant safety risks with sending an
15 armed team to a 911 call.

16 And although it's a fair concern, what
17 we've seen is that -- or what we've seen from other
18 jurisdictions who have already implemented teams, so
19 we have Portland who has a team on the ground,
20 Denver has a team on the ground, Albuquerque,
21 Cahoots has been running for over 20 years. And
22 across the board, we're seeing that very few of
23 those calls actually need law enforcement backup.
24 And that has a lot to do with obviously, the
25 dispatchers are well-trained, they understand what

1 the program is and who -- and what types of calls
2 are eligible, but this is still a very real concern
3 that newer jurisdictions sort of have to toggle
4 with.

5 And what we've done in these spaces in
6 addition to presenting the stats and obviously the
7 data, but we also hold space to really acknowledge
8 and build that trust among the collaborators. And
9 what we did in one of our jurisdictions for example
10 where this concern was one of the highest concerns
11 that was really mitigating a lot of the
12 implementation that we were able to do is that we
13 brought in law enforcement, 911 dispatchers, and
14 also other social service providers into the same
15 work group and really defined what scenarios we --
16 the group thought would be good for alternative
17 response teams.

18 And low and behold, it was the same calls
19 that social service providers were willing to take
20 that law enforcement and dispatchers sort of linked
21 and said these are the same ones that we don't want
22 to go on. And I think we just wanted to highlight
23 that because there has to be a lot of intentionality
24 on building those relationships and trust building
25 in that and that takes time.

1 The second thing that we're seeing is that
2 dispatch system changes are sometimes long overdue.
3 Some of these dispatch centers haven't seen
4 technology upgrades in a very long time. They
5 haven't changed their work clothes in a very long
6 time. And these changes can be complex and can
7 really draw out implementation which is very
8 frustrating for people in executive levels or
9 leadership and the community who are really trying
10 to get these teams out quickly.

11 So what we're seeing is that the workflows
12 haven't been updated, obviously, and we need these
13 updated workflows to successfully triage these
14 teams. And for example, one of our jurisdictions,
15 they took this team as an opportunity to really give
16 a facelift to their dispatch center processes and
17 that added an extra 12 months to the implementation
18 timeline.

19 And that's just something that like we have
20 to take into account and sort of when we're thinking
21 about what it takes to implement these teams and
22 that can vary depending on the size of your
23 jurisdiction, how many people you have to train,
24 right? We have people in our cohort who have 17
25 dispatchers in their dispatch center. And Harris

1 County for example is massive. They have over 300
2 people that they need to train and hire up for.

3 And lastly, I just want to say that we're
4 seeing now that our governments are starting to hire
5 for their responder teams. So there are some
6 challenges to hiring and retaining these new crisis
7 responders. And I think something that I want to
8 highlight and that I repeat to the cohorts over and
9 over again is that we truly are hiring for a new
10 workforce in the United States when we're thinking
11 about this.

12 So we haven't really had unarmed responders
13 go out to 911 call teams at this like -- at this
14 level before. So we really are having to test out
15 new retainment strategies and also outreach
16 strategies to make sure that we're getting the right
17 responders.

18 But one thing that I want to highlight that
19 we've been very impressed with the City of
20 Philadelphia is that they are running learning
21 collaboratives with their contracted providers who
22 are tasked with hiring up for alternative response
23 teams.

24 And what they're doing there is they're
25 making sure that everyone understands what the

1 expectations are, what the day-to-day of the work is
2 going to be, and that everyone has comparable
3 training across the board, so that you have some
4 sort of like quality assurance check and can make
5 sure that everyone is getting good resources
6 regardless of where you're calling for help.

7 And that's just something that we're really
8 hoping that other jurisdictions follow the footsteps
9 of Philadelphia because we think that's really a
10 great investment in training up and hopefully
11 retaining folks in your teams. I'll stop there.

12 (No audio several seconds.)

13 BROWN: [inaudible] it's a policy
14 [inaudible] in public safety. Through our
15 discussion, ma'am, can you please share with us some
16 information regarding the all important public
17 safety --

18 UNKNOWN SPEAKER: Can't hear.

19 BROWN: -- here in Philadelphia?

20 SENIOR DIRECTOR, ERICA ATWOOD: Sure. Good
21 morning, everyone and thank you for having me join
22 you this afternoon for this really important
23 discussion.

24 So Philadelphia, the City of Philadelphia
25 has launched our crisis intervention response team.

1 We love our acronyms, so we call it CIRT. And so,
2 CIRT is a co-responder program that pairs behavioral
3 health clinicians with police officers to respond to
4 behavioral health-related 911 calls.

5 Additionally, there are peer-based follow-
6 up teams that help individuals and their families
7 connect to services in those communities. The CIRT
8 pilot launched in April of 2020 with four co-
9 responder teams and two outreach teams and we are
10 continually expanding city-wide in the coming
11 months.

12 Some things I want to point out in terms of
13 what the program is and what it does, structurally,
14 it sits kind of on a three legged stool with the
15 managing director's office and our office of
16 criminal justice and I'll put in parenthesis reform,
17 so get a sense of what they do. The Department of
18 Behavioral Health who works with our providers, our
19 contracted providers to ensure that we have the
20 right folks on the ground with the police officers
21 and that our police department in making sure that
22 they have CIRT trained officers that are paired with
23 our behavioral health professions.

24 Each team has one CIT trained officer and
25 one master's level clinician in an unmarked police

1 car. And we have a very limited pilot right now
2 that's been for the last year with four teams
3 operating in two police divisions, both central and
4 east for one shift that's 7:00 a.m. to 3:00 p.m.,
5 Monday through Friday. We are looking to expand
6 this to be kind of city-wide 24/7, but that is it's
7 our challenges with that are what Gabriela mentioned
8 just in terms of the staffing and finding the right
9 people and getting our police department kind of
10 staffed at level and getting then officers trained
11 and move to the behavioral health unit. And there
12 is a specific behavioral health unit that support
13 this work.

14 They respond and assist other officers in
15 the field for mental health-related calls, for 911
16 calls serviced in real time. We are moving towards
17 the co-responder teams being directly dispatched,
18 but that's in process.

19 CIRT teams are also actively monitoring the
20 police band and have the capacity to put themselves
21 on the scene where they can be helpful in incidents.
22 And the peer-based follow-up teams are attached to
23 each CIRT team. Peers are in a separate vehicle
24 that follow-up with the individuals and their
25 families.

1 And additionally, I want to say that as we
2 are doing kind of the pilot for CIRT, we've also
3 instituted a 911 behavioral health script to support
4 kind of behavioral health triage calls and our 911
5 unit is moving into a new center. We hope that this
6 will help them mitigate some of the challenges that
7 the earlier speakers were mentioning around
8 technology and support for our 911 staff. And
9 again, we are short staffed in 911 as well and so we
10 are looking to expand kind of the call takers we do
11 have in our unit.

12 I think prominent things that I want to
13 mention that we are doing is we hold monthly open
14 meetings with service providers, advocacy
15 organizations, and neighborhood residents where we
16 share the data and solicit feedback on the model.

17 Additionally, we hold monthly executive
18 level leadership meetings with all of the entities
19 that are involved to make sure we're staying on
20 track.

21 Secondly, we conduct city-wide police
22 officer focus groups to solicit their perspective on
23 the co-responder model, as well as, larger -- as
24 well as the larger universe of police encounters
25 with people struggling with mental health or

1 substance abuse disorder. And that speaks to kind
2 of what we heard earlier around kind of officers
3 want this just as much as citizens do in making sure
4 that we are in communication with front line
5 officers to understand that we are addressing their
6 needs and concerns.

7 And three, we are already kind of in the
8 midst of a full scale evaluation of the model during
9 it's pilot implementation. It's a mixed method
10 approach. We're looking at both qualitative and
11 quantitative. And that has researchers from public
12 health and criminal justice working collaboratively
13 on this process. We think that's really important
14 so you get both perspectives weighed fairly equally.

15 Just in terms of general data. There have
16 been about over 500 behavioral health interventions
17 in this first year of this limited pilot. The CIRT
18 teams have never arrested anyone that they were the
19 primary teams of engagement.

20 And then the top five calls for service
21 have been investigating -- to investigating person,
22 the suspicious individual, check on the wellbeing of
23 someone. There's a disruption in a public place or
24 on the highway. Domestic calls and a person with a
25 weapon. This is kind of the -- a general overview

1 of what we're doing, general information about the
2 data and I'm happy to answer any questions after
3 everyone else speaks.

4 UNKNOWN SPEAKER: I believe if someone is
5 speaking, you're on mute, Sha Brown?

6 UNKNOWN SPEAKER: Chairman Brown, we can't
7 hear you, sir. I'm sure it's a great dialogue, but
8 we haven't heard it.

9 UNKNOWN SPEAKER: Still can't.

10 UNKNOWN SPEAKER: Can't hear you, Chairman.

11 BROWN: -- go. Next we would like shift
12 our focus to successful mental health and substance
13 abuse co-responder models. Blueprints for Addiction
14 Recovery second change programs, provides a co-
15 responder model where certified recovery specialists
16 co-respond with law enforcement to offer
17 diversionary services for anyone who is experiencing
18 mental health or substance abuse crisis. The
19 program prioritizes rehabilitation over
20 incarceration where situationally appropriate.

21 I am pleased to introduce two frequent
22 contributors to our commission, Blueprint CEO,
23 Christopher Dreisbach and his Executive Vice
24 President, Ben McCoy.

25 Chris, I'll turn to you first. Can you

1 please share your experiences while implementing
2 these types of recovery services and co-responder
3 programs here in the Commonwealth? Chris, you have
4 the floor, sir.

5 CHIEF EXECUTIVE OFFICER, CHRISTOPHER
6 DREISBACH: Thank you very much. And I will be very
7 brief because I know it's lunchtime and I know you
8 all are hungry. I also am hungry, so.

9 (Laughter.)

10 DREISBACH: Then Chief Cunningham who will
11 speak a little bit later and I founded Second Chance
12 PA in 2018 is as Sha said, the pre-arrest version
13 co-responder model.

14 Some of the main focuses that we have are
15 on breaking down the stigma between law enforcement
16 and the folks that suffer from substance abuse
17 disorder and mental health disorders. And I am as I
18 said, going to be very brief because, you know,
19 there's still two more people to talk and Ben is
20 nice and wordy.

21 You know, one of the things as -- that we
22 have done is personally train law enforcement
23 officers in our county, so we have 24 of 26 police
24 departments in Lancaster County onboarded with this
25 program. Each of those departments and each of the

1 individual street officers, sergeants, lieutenants,
2 all the way up to the chief get trained on the brain
3 science of addiction, the continuing of care, best
4 practices to help somebody get from a hopeless life
5 to a life of purpose.

6 And then we discuss a little bit of the
7 humanizing factor. We talk a lot about, you know,
8 my personal life having spent several hundred days
9 incarcerated because I had a medical issue and what
10 can happen when an individual gets access to the
11 care that they need. And that often will show law
12 enforcement officers who may not have been presented
13 this information before that, in fact, most of the
14 folks that they encounter are just good people
15 struggling with issues. And when those issues are
16 taken care of, folks can go on to do pretty
17 impressive things.

18 So a lot of the stuff that we do is very
19 personalized, individualized, and one-in-one with
20 law enforcement. And having had, you know, many,
21 many, many, many, many, many, many ride alongs, I
22 can say that, you know, the 911 dispatchers have
23 very, very, very difficult jobs. A lot times, you
24 know, on those ride alongs, we'll get a call from
25 911 and say, you know, you have to report here for

1 this and when we get on the scene, it's a completely
2 different thing altogether.

3 So it's a lot of difficulty in just sending
4 people out to situations, at least in my opinion, it
5 would be very difficult to do it without law
6 enforcement. And I'll let Ben talk a little bit
7 more about, you know, why we feel that way, so thank
8 you.

9 BROWN: Thank you, Chris. Ben, good
10 afternoon. Do you have any insight to add from your
11 perspective?

12 EXECUTIVE VICE PRESIDENT, BENJAMIN MCCOY:
13 Sure. Thanks again for the opportunity for us to
14 contribute to this discussion as we have a couple
15 times before. And thanks, Chris for starting us
16 off.

17 Yeah, I just wanted to say one or two brief
18 things. Just to clarify what is unique about Second
19 Chance PA, the pre-arrest diversionary program in
20 question is that we supply infield response at the
21 discretion of notifying officers when they qualify a
22 case or situation.

23 So we have the same concerns about safety
24 or the same conversations about assessing and
25 qualifying a scene to make sure it was safe for our

1 responders to show up. And it's been effective
2 because we really leave it up to the discretion of
3 officers that we've trained to the best of our
4 ability, many of whom also get the crisis
5 intervention training at the county level and are
6 more equipped to screen and qualify, you know,
7 mental health and substance abuse disorder crisis
8 and situations and they call us out onto the scene.

9 And I just wanted to say how much I
10 appreciate and support all of this emphasis on
11 increasing the education and providing specialized
12 education and training to call takers at dispatch.
13 To just -- because all of this coalesces into really
14 helping to position and message law enforcement as
15 stakeholders in community health which, of course,
16 they are.

17 And a lot of the priority for our program
18 is as Chris said, about modeling the kind of union
19 of our two arms of community health. Us as
20 actual -- a mental health and substance abuse
21 experts and our function in qualifying screening,
22 assessing, and referring to appropriate levels
23 throughout the continuum of care, to show up
24 alongside law enforcement and not tell them how to
25 enforce the law, but to support them and to takeover

1 where they aren't the experts, to not invite them to
2 work as crisis response, but to focus on what they
3 specialize in and then also to be able to as has
4 been said, prioritize more critical incidents that
5 actual law enforcement are appropriate to respond to
6 and it has been effective.

7 We've experienced fewer of the pain points
8 that I think other attempted models like ours have
9 had. We've, you know, there's always discussion
10 about what about rural communities where there isn't
11 necessarily a large network of supportive services
12 for behavioral health. We don't really have that
13 issue and because what we do, you know, we have a
14 vast network of services. We haven't really had any
15 difficulty in actually connecting individuals to
16 care.

17 So I think when the system supports it as
18 it does at least in Lancaster County, you know, we
19 were just reviewing our cumulative annual data for
20 another -- for review through another agency
21 recently and in 2020 and 2021, respectively,
22 cumulative annual data of the cases that were
23 actually effectively onboarded into the diversion
24 program, had consents signed and were willing to go
25 along. 93 percent and then 89 percent of them were

1 successfully connected to the first level of care
2 which is huge. And there's a large percentage of
3 the calls that were actually enrolled in the first
4 place.

5 And so, it is an effective model, but there
6 are all kinds of opportunities to continue to expand
7 it. And of course, increasing education and
8 increasing the specialized training across the board
9 for every stakeholder who encounters an individual
10 where crisis, law enforcement, or emergency response
11 may be the only gateway they ever have into the
12 healthcare system is, of course, vital.

13 And we specialize in substance abuse
14 disorder and mental health and there is -- there are
15 fewer resources for intellectual disabilities, but
16 it's just as critical as in some of the cases that
17 were reviewed and discussed here. It's just as
18 critical that there are models and resources that
19 exist for -- and officers are educated and know when
20 they encounter the line and when to contact
21 resources and programs like ours who are actually
22 available and dedicated enough to show up at a call
23 wherever it's necessary to takeover a case that
24 really is more their case than it is law
25 enforcement's case.

1 So I appreciate as always, the opportunity
2 to speak on behalf of Second Chance and any of the
3 insights we've found and continue to find as we move
4 forward, but I don't want to take up anymore time.
5 Thank you.

6 BROWN: Thank you, Ben, much appreciated.
7 Finally, and critically important is law
8 enforcement's ability to successfully implement and
9 manage these programs to the benefit of our
10 citizens.

11 Chief Ed Cunningham of the Elizabethtown
12 Police has successfully implemented a co-responder
13 program in his jurisdiction and he works closely
14 with Blueprints for Addiction Recovery. It is my
15 pleasure to again welcome Chief Cunningham to our
16 discussion. Chief, can you please share with us
17 from a law enforcement perspective, your experience
18 implementing these types of programs?

19 CHIEF EDWARD CUNNINGHAM: Absolutely.
20 Thank you for having us. And I also will remain
21 brief to keep this on track.

22 To echo some of the things that many of the
23 other speakers have said, as Major Franklin said, we
24 don't -- we as police officers don't really want to
25 be handling these cases that we're not thoroughly

1 trained to handle. The problem is in my 30 years of
2 experience, probably at least 75 or 80 percent or
3 more of the cases that we end up handling as mental
4 health cases are dispatched as something else.

5 So a number of the other speakers, but
6 specifically stuck in my head was Dr. Gillooly
7 talking about training the 911 dispatchers to ask
8 the right questions to send the right resources.

9 Our -- and I'll make clear from a police
10 officer's standpoint, our 911 dispatchers are
11 absolute heroes and we love them. So I don't want
12 to sound like I'm critical of them. But giving them
13 the training to ask the right questions, to figure
14 out what resources will best handle that situation.
15 And a part of it, too is often times the people who
16 are calling 911, don't even know the right
17 information to direct the right resources there.

18 As Chris and Ben mentioned, one of the
19 biggest parts of making the program here in
20 Lancaster County so successful is that training
21 piece because the police officers once they
22 understand how and why substance use disorder and
23 these mental health issues are happening, they are
24 much more able and much more ready to call for the
25 co-responders to come out and assist us because we

1 understand what we're actually being faced with.

2 You know, you have to remember that cops
3 are the Swiss army knife. We have a little bit of
4 training in a whole lot of things and so when we
5 have the ability to call an expert to support us, we
6 love to do that because we want to get the right
7 person to handle the situation.

8 By implementing -- I think the successful
9 implementation here in Lancaster County was a
10 partnership between, you know, elected officials and
11 police officials and having the right group of
12 responders who were there to support us. When we
13 got all of that together into this one program, it
14 really was wildly successful because that training
15 piece really took over and had the buy in from the
16 street cops to say hey, we have an expert who is
17 available to us 24 hours a day, seven days a week,
18 and is willing to come help us whenever we need them
19 and wherever we need them. Having that resource is
20 what really made our program successful.

21 BROWN: Thank you so much, Chief. At this
22 time, I will open the floor to questions and
23 comments for our panelists from our Commissioners.
24 Do we have any questions from our Commission? I'll
25 start with Commissioner Coolidge. Sir, you have the

1 floor.

2 COOLIDGE: Thank you very much. I'm
3 encouraged by every single presenter here today
4 because it is about taking a step forward trying to
5 eliminate unnecessary harm and loss of life. And
6 listening to Mr. McCoy talking about and the
7 officer, it's critically important that we address
8 some of these issues.

9 Now, we had a call this week looking for
10 funding for human services. And much of that has to
11 do with care in that environment, however, not
12 allowing people with mental health to end up in our
13 prisons, they can't successfully be improved upon in
14 that environment.

15 I did talk to our -- sent a text to our
16 emergency services department. We call for two
17 counties, Potter, Tioga. The population is little
18 over 60,000, but there's 42,000 calls. How do you
19 get them all right, right? And stop and think,
20 measures that you're providing here today are
21 absolutely appropriate that we do act in unison.

22 And you talked about the elected officials,
23 sir, I do appreciate the Commissioners in Lancaster
24 County. You have great leadership there, but it
25 does take that kind of cooperative dialogue that

1 lets this mature and happen and be a success.

2 Also, I do know that PEMA will be
3 announcing an implement in June, EMD, EPD, and EFP
4 which is Emergency Medical, Emergency Police, and
5 Emergency Fire protocol that will be developed.
6 Now, PEMA has opted to have this be a part of a
7 program that will be implemented across all sectors.
8 Again, a step in the right direction.

9 And the fact that there is some experience
10 in dispatching, you know, we work really hard to get
11 it right, but you don't know what that call is. And
12 they're frustrated by the [inaudible], but they have
13 to hold that composure and bring people to an
14 understanding what's going on.

15 And then finally, I would say that Eric
16 Edwards did present in front of this group not too
17 long ago. And there's a mental health issue where
18 he freezes up when he's anxious or concerned. He
19 can't communicate, but it looks like he doesn't
20 care. That's not the issue.

21 And so, mental health is probably at the
22 crux of a lot of this. Of course the drugs and all
23 the other aspects by sending someone out unarmed, I
24 will hold reservation. If it's my 38-year-old
25 daughter going out and on that call -- unarmed in an

1 environment, I'm going to pause and say you can
2 train me, but goodness, there's a lot of environment
3 out there of risk.

4 But on the 24th of this month, we will be in
5 Harrisburg presenting some of our law enforcement
6 programs and Eric Edwards will be there to be part
7 of that exchange and talk about what we're doing to
8 protect each other. Thank you very much.

9 BROWN: Thank you, Commissioner Coolidge.
10 Commissioner Pennington, you have the floor, sir.

11 COOLIDGE: Yes. Good afternoon, everyone.
12 And I, too, I'd like to thank all the panelists.
13 Appreciate the great information.

14 And, you know, through the work of our, I
15 just wanted to share, through the work of our Mental
16 Health and Justice Advisory Committee, PCCD
17 supported a number of county-based efforts to try to
18 help reduce avoidable justice system contact through
19 a number of individuals with mental illness, co-
20 occurring, intellectual disorders, and/or autism
21 spectrum disorders and local criminal justice
22 through, you know, through supporting comprehensive,
23 appropriate diversion programs and services.

24 And one of those programs, we do support is
25 the co-responder model that we're talking about here

1 today. And, you know, what we've seen through our
2 funding, too, and as you all know and have learned,
3 these programs are often situated in different
4 locations, some are out of law enforcement agencies,
5 some are in with the human services agency.

6 And I certainly appreciated Dr. Gillooly's
7 comments, research, and appreciated learning about
8 that. And certainly, there's no easy, quick fixes
9 and I agree with Commissioner Coolidge that, you
10 know, I think every meeting I go to, the issues
11 around mental health, whether it's youth, whether
12 it's adults.

13 And, you know, I can tell you from our most
14 recent youth, Pennsylvania youth survey that we
15 administer along with Department of Education and
16 Department of Drug and Alcohol Programs, there are
17 very concerning negative mental health trends
18 occurring among students. You know, depression,
19 self-harm, suicidal thoughts, and so that's very
20 concerning and those issues we really need to
21 address with upstream prevention programs.

22 But with that being said, I just wanted to
23 share, you know, kind of a couple things we're
24 seeing some of the results from counties that we've
25 seen reported to us through some of the outcomes is

1 really decreasing the law enforcement, time law
2 enforcement spends in response to situations
3 involving social service needs.

4 More effective emergency response through
5 the addition of clinical informed support and
6 obviously, an enhanced community resource knowledge
7 base, timely and streamlined connection to care,
8 diversion of individuals in crisis from further
9 involvement in the system, and reduction in
10 repetitive calls for -- from persons with issues
11 better addressed by human service, kind of what
12 we're talking about here.

13 So, you know, certainly, we want to -- with
14 our limited resources, we want to continue to
15 provide those resources and opportunities to local
16 jurisdictions.

17 And just finally, we also support crisis
18 intervention training across the state. We support
19 training for emergency response personnel. You
20 know, certification of crisis intervention training
21 coordinators. So this is very much a priority for
22 us, so it's great to hear about some of the programs
23 and certainly, we hope we can continue to provide
24 some resources out there in the days to come, so
25 thank you.

1 BROWN: Thank you, sir. Commissioner Ashe,
2 you have the floor, ma'am.

3 ASHE: Good afternoon, now. Thank you
4 [inaudible]. This is my passion for 911
5 [inaudible]. At one of our last meetings, I know I
6 got together with Commissioner Coolidge and also
7 Mike Pennington. And we did develop a program
8 [inaudible] some of these things and [inaudible].
9 Being Montgomery County, I'm close to Philadelphia,
10 but we don't get the same services that are
11 obviously in Philadelphia because we're small, a
12 small community. [inaudible] is exactly what we
13 need and waiting to do out of Montgomery County.

14 We're having people ride along or ride
15 behind the police officers because of the number of
16 cases we're seeing with trauma involved care and
17 care for [inaudible] illnesses or something wrong as
18 they say or they are faking. And there's nothing
19 wrong, it's just they're different. But when the
20 police officer looked at them, they say they didn't
21 see that they have any type of sickness. They're
22 could not see it. And any one in this room could
23 have something that they care for [inaudible].

24 So there is not one thing you could look
25 for [inaudible] and know that they need to

1 [inaudible]. And just with the documentation
2 [inaudible], that service that they were talking
3 about was available at that time, I don't think some
4 of these cases would [inaudible] because they're
5 doing their job based on what they say [inaudible].

6 So I would have to -- my question or
7 comments would be we definitely need to train the
8 911 operators on because a lot of them are put into
9 the job without any training because they're the
10 ones that reach out, they're working the nightshift,
11 they're working over time and they're stressed
12 themselves.

13 So I would like to see that service
14 implemented. So these are the people that will be
15 able to [inaudible] some of the non-emergency type
16 calls that the police shouldn't be going to. It
17 should be a case manager showing up. It should be
18 somebody going to their house. It should be
19 somebody saying this is not really a dangerous
20 situation, it's just one that someone needs to
21 understand who's there and what's going on.

22 So that, I would like to see implemented.
23 And one thing, I know I think there could be change
24 [inaudible], like the Major from Maryland had talked
25 about and that's Major Franklin. When you have kids

1 or you go out to them, you have to handle them
2 differently. So to show up as a police officer is
3 threatening enough as it is to be dealing with them
4 [inaudible].

5 So I don't feel that there's any way, I
6 know it's a system change that we could use the
7 probation office or officers that work with that
8 particular age population to be the ones that would
9 go to those particular -- answer those calls. That
10 we could give the 911 operators particular
11 individuals that deal with his age group all the
12 time. Don't send a police officer, this is who you
13 can contact and maybe they can help.

14 It's out there, but, you know, we've got to
15 start making a change. We've got to make a change
16 locally at home. You have to deal with who we've
17 got out there already like the young man who came up
18 and spoke earlier. We need to be with those people
19 in the community, they're in the community that know
20 better than we know sitting here looking at
21 [inaudible]. They're right there and they have
22 business phones that I think they're about the best
23 [inaudible] right there. Erica's group had the best
24 idea about [inaudible].

25 BROWN: Commissioner Sanders, I see --

1 LAWFUL-SANDERS: The allergies are killing
2 me.

3 BROWN: Yes.

4 LAWFUL-SANDERS: So [inaudible].

5 (Laughter.)

6 LAWFUL-SANDERS: I have the unique position
7 of having worked with 911 dispatchers in the last
8 week. We sat through several meetings with them
9 downtown in Philadelphia and I can tell you, not
10 only do they love what they do, they need help. So
11 what you're talking about Erica, oh, my goodness.
12 They're asking to be trained differently. They're
13 asking -- they're given training. They don't just
14 get on the job and turn on a microphone, they get
15 training. They absolutely get training. But what
16 they're saying is that they need their training
17 updated. They need time to decompress because
18 sometimes when they get those calls through, there
19 is no space for them to take a timeout to say, let
20 me take a deep breath. They have to go on to the
21 next call. It's, you know, consistent.

22 They get a lot of 311 calls that really,
23 you know, are meant to come to 911, right? And
24 they're asking if they can take time off because the
25 job is so traumatic for them, so there is a rotation

1 for them so they're not consistently, you know,
2 enveloped in the craziness all the time.

3 I think -- and they love the police
4 officers and they talk about the police officers all
5 the time. I really do think at the -- because
6 they're the place of first contact, point of first
7 contact, they're more traumatized [inaudible]. And
8 that's why we see the turnover that you're seeing.
9 So they're asking for all of these things.

10 So I would love to talk to you a little bit
11 more about that. How to work with them because, you
12 know, and when they do something good, they want you
13 to acknowledge that, too. If they've done something
14 that helped to save lives, come back and they want
15 the commendation services to support to come back
16 again. You know, this is what you did that helped
17 to save a life [inaudible]. So it works, but we
18 have work to do.

19 ATWOOD: If I could?

20 BROWN: Yes.

21 ATWOOD: One comment I want to make in
22 clarification and so 911 actually sits in our police
23 department currently.

24 LAWFUL-SANDERS: Yes.

25 ATWOOD: And so that's -- it's a

1 distinction I think folks should know just in terms
2 of how they're onboarded, who their primarily
3 responsible for, and where the culture and structure
4 comes from. There's not a conversation happening
5 right now by that [inaudible]. And so, if we are
6 looking to support, extend, and train, making sure
7 the police department is at the table as well
8 because it is in their [inaudible].

9 BROWN: Commissioner Wilson, go ahead.

10 LAWFUL-SANDERS: Thank you [inaudible]. My
11 question [inaudible] how are they responding to
12 [inaudible]?

13 UNKNOWN SPEAKER: Sorry, we can't hear.

14 (Laughter.)

15 BROWN: He's coming on down.

16 WILSON: Thank you, Deputy Inspector. And
17 I first of all want to thank each person that has
18 spoke today. We really gained a lot of information.
19 I would like to know how our FOP, police chiefs
20 across the State of Pennsylvania and police at
21 large, how are they adapting to and our they
22 welcoming to these changes? In particular, some of
23 our larger cities, things tend to be more welcoming,
24 but in many of the rural communities, change is slow
25 to come.

1 And in particular, I know that one of the
2 focal points for what has been going on happened in
3 State College, Pennsylvania with the infamous case
4 of, I believe it was Osaze, I hope I pronounce the
5 name right, Osagie, Osaze Osagie, I believe is how
6 you pronounce it, but I know that particular case
7 had a lot of statewide and even national news about
8 it.

9 So that's my biggest concern is that are
10 the police agencies welcoming the changes when it
11 comes to mental health and substance abuse. Thank
12 you.

13 BROWN: Thank you, sir. Commissioner
14 Sonenshine, you have the floor, sir. You're still
15 on mute, sir.

16 UNKNOWN SPEAKER: Can't hear you.

17 BROWN: We'll come back to you,
18 Commissioner Sonenshine. Commissioner Bradford-
19 Grey, go ahead, ma'am.

20 BRADFORD-GREY: Thank you so much. I think
21 these conversations have been going on and I really
22 want to understand because John [inaudible]. What
23 do you think we should do for the change? How can
24 we [inaudible] in the places where these things have
25 happened like Philadelphia, Pittsburgh, but in other

1 areas that maybe they don't have as many of the
2 major incidents [inaudible], right, because
3 [inaudible] police contact and continue to
4 perpetuate the wrong distinction [inaudible]
5 sometimes it's very hard to pivot once you start a
6 path to criminal prosecution. And so, you know,
7 there's been in the City of Philadelphia, of course
8 [inaudible] where it was not [inaudible].

9 What I do want to spend time with is
10 Pennsylvania take [inaudible] Pennsylvania state law
11 enforcement that they have one of these trainings to
12 allow [inaudible] for their mindset as well based on
13 the information that they gave to dispatch and it
14 does set the tone. And it may lead to a police
15 officer [inaudible] if there can't be those key
16 [inaudible]. And that's what he said, every day is
17 not [inaudible] mental health [inaudible] or
18 [inaudible] issue. It's not only [inaudible],
19 especially when it comes to getting communities into
20 that [inaudible].

21 So I don't want to know what has to happen
22 to continue not just talking about, but to move
23 forward and pass this. And going forward, there has
24 to be [inaudible], so that we can have healthy
25 communities and make sure [inaudible] right, so that

1 we're not [inaudible] and we're not continuing to
2 put more money in failed options.

3 HOLLWAY: Thanks, Commissioner, I
4 appreciate you giving me the really simple and easy
5 question today.

6 (Laughter.)

7 HOLLWAY: I mean, look, you're asking the
8 right question and I think it's a kind of
9 complicated answer. I think Gabriela's method of
10 bringing different agencies together to do that
11 training at the same time, you really are
12 coordinating different approaches to the challenge.
13 So I think the one thing is making sure that the
14 training that you're giving to call takers is
15 training that you're also giving to the officers
16 that are interacting with them, so that everybody
17 understands and speaking from -- and is singing from
18 the same hymnal, if you will, on where we're going
19 to go there.

20 I think one of the complicating factors is
21 honestly municipal contracting in some of these
22 small jurisdictions because the technology that they
23 have is the technology that they had for years, and
24 years, and years, and you got to figure out how to
25 get -- I mean, honestly, with this device, with my

1 phone, I could patch fire and police onto the call
2 by pushing a button, but the computer aided dispatch
3 that we have from the municipal contract can't do
4 that, right?

5 So figuring out how to bring that new
6 technology in in a world of government contracting
7 is a challenge as well. But I think the overarching
8 thing that I hear you asking for is a conversation
9 where we start whether it's with 911, behavioral
10 health, policing, whoever it is, everybody starts
11 from the question of how do we keep people safe and
12 then if necessary, we drop down into a question of
13 how do we enforce the law. And I think overall,
14 we've got a conversation about how do we enforce the
15 law and when does that involve keeping people safe.

16 So I would say if we can start by flipping
17 that conversation and say how do we keep the people
18 calling us safe and sometimes that's going to mean
19 enforcing the law. And all those other times we
20 have all these other things to do and we can empower
21 those first responders to carefully and correctly
22 make that decision with fidelity and consistency
23 that every jurisdiction is going to be benefit
24 whether it's urban in responding to the big events
25 that you're talking about or rural and has fewer

1 events.

2 BRADFORD-GREY: That would be [inaudible].

3 (Laughter.)

4 BROWN: Commissioner Sonenshine, I'll turn
5 it back over to you, sir.

6 SONENSHINE: Thank you. I hope you can
7 hear me now. Am I all right?

8 BROWN: Yes, we can.

9 UNKNOWN SPEAKER: Yes.

10 SONENSHINE: Good. Thanks. I want to make
11 three quick observations. Number one, this strikes
12 me as one of those rare situations where it's a win,
13 win, win situation. It's win for the police, it's
14 win for the people who call 911, and a win for the
15 rest of us. And I don't see a lot of those, so I'm
16 happy to observe this.

17 Number two, Chief Cunningham invited a
18 number of us to go attend his training with his
19 officers on this program that they're running in
20 Lancaster County very, very successfully. And I
21 have to tell you, it was enlightening in a whole
22 number of ways.

23 First of all, the officers were engaged.
24 The officers were there because they wanted to be
25 there. They developed a relationship with the folks

1 at Second Chance, it was clear. And I think they
2 immediately saw the benefit and I think we all
3 learned a little something about addiction and a
4 number of other things as well. So I think it was
5 an excellent training.

6 And I just mention that Chief Cunningham,
7 although he's now Chief in Elizabethtown, I think
8 formerly served in Pittsburgh as an officer, so he's
9 seen sort of the large city and, as well as, the
10 more rural if I can use that word for Lancaster,
11 maybe that's unfair, less Pittsburgh-like area, if I
12 could say that. And so I think it's interesting.

13 I will add two other quick things. The
14 Cooke County Sheriff who runs the Cooke County Jail
15 was on television a year or two ago and announced
16 that 95 percent of the folks he is charged with
17 caring for in the Cooke County Jail have serious
18 mental illness, 95 percent. That is essentially
19 everybody sitting in the Cooke County Jail now has
20 serious mental illness problems.

21 And I guess, the only other comment I'll
22 make is for the City of Philadelphia and from Ms.
23 Atwood, you described 500 calls and described the
24 kind of calls they were and I got the -- I think you
25 said no arrests were made. And it occurs to me the

1 kinds of calls you were describing are the kinds of
2 calls we read about in the newspaper that end in
3 death.

4 And, you know, whether it's domestic,
5 whether it's whatever the kind of calls were, and I
6 think that's remarkable and a remarkable testament
7 to the way these kind of program works. I could see
8 a lot of those being exactly the thing you would see
9 in a headline of a mental health person, domestic
10 dispute, et cetera, et cetera, and those are the
11 ones, frankly, that put officers in tremendous
12 dangers, quite frankly, and put citizens in
13 tremendous danger. That, you know, without getting
14 carried away, that may be 500 lives saved and 500
15 police careers saved in those cases. So I think
16 that's very impressive. Thank you.

17 BROWN: Commissioner Hodge, do you have
18 a --

19 HODGE: [inaudible].

20 (Laughter.)

21 UNKNOWN SPEAKER: Can't hear.

22 HODGE: You can't hear me?

23 UNKNOWN SPEAKER: No.

24 BROWN: He said same here.

25 UNKNOWN SPEAKER: No.

1 HODGE: Can you hear me? The system is
2 wanting me to make a comment. I did want to make a
3 comment. It's really going to be brief. For many
4 of the individuals that spoke this morning, some of
5 you I've had the chance to meet and know and know
6 your work over the years, John being one and some
7 others. Erica, I know we've met before. I can't
8 thank you all enough for what you've given to us as
9 Commissioners as we do the work that we're doing.

10 And I will say that for those that I just
11 heard from this morning for the first time, Ms.
12 Solis and some others, the implementation piece,
13 that's kind of where the rubber meets the road in
14 this. That begs the question of things that we know
15 are critically important as John just alluded to or
16 stated about the municipalities and the antiquated
17 ability to communicate through technology. The
18 technology exists. It comes down to what we know,
19 budget, cost, planning, implementing it correctly as
20 opposed to the cost of implementing something
21 incorrectly and then having to go back to the
22 drawing board, so to speak when we all knew what the
23 drawing board said when we initially looked at it.

24 So I have worked -- very briefly, I will
25 say this. I've worked as a public defender in the

1 beginning of my career and then became an assistant
2 district attorney and then was DA in Philadelphia.
3 Having been on both sides of the courtroom aisle,
4 but more importantly, having engaged with people as
5 my clients who I would always say I had the
6 privilege of representing you in court when I did
7 argue their cases and try their cases, what I
8 learned is exactly what was noted a moment ago by
9 David and I didn't know the statistic was as high in
10 terms of 95 percent for Cooke County. But I did
11 notice and was keenly aware of the need to be
12 conscious, and deliberate, and informed about mental
13 health and mental wellness, and that it's
14 relationship within the criminal justice system and
15 how you are best going to serve people.

16 So for that to all of you who spoke this
17 morning, we appreciate what you've stated, the work
18 you've done, and we'll look forward to what I
19 suspect will be continuing engagement and
20 information shared by you all with us, so that we
21 can continue to make sure that the recommendations
22 that we are making for the timeframe that we are,
23 you know, continuing to serve as Commissioners, that
24 we're able to go ahead and put that forward for this
25 Commonwealth. Thanks.

1 BROWN: Thank you, ma'am. Commissioner
2 Boyer, we'll finish up with you. Go ahead, sir.

3 BOYER: Okay. Thank you, Chairman Brown.
4 First of all, I'd like to thank all the presenters
5 for sharing their expertise and experience in their
6 co-responder models.

7 There's an axiom, an old axiom in business
8 that if you're standing still, you're moving
9 backwards. So it is clear with the increase in
10 mental health and drug-related case responses by 911
11 responders, there is a need for specialized units to
12 respond to these calls to decrease the probability
13 of adverse outcomes and to get the proper treatment
14 for those individuals who they are responding to in
15 terms of the call.

16 So, again, I found this very informative
17 and helpful and hopefully, we will see in the future
18 across our state, an increase in the use of these
19 co-responder units.

20 Now, of course, these programs required a
21 lot of planning, training, and subsequent execution,
22 training with the dispatchers as I've heard, the
23 police who -- as well, and the selection of the
24 right co-responders to ensure the best possible
25 outcomes. So I found this very informative and

1 helpful and again, thanks to those presenters this
2 morning. That's all I have. Thank you.

3 BROWN: Thank you, Commissioner Boyer. I
4 would like to thank all of our panelists for joining
5 our discussion today. You have done a great service
6 for our Commission and the citizens of the
7 Commonwealth. Thank you again for joining us. It's
8 been a real pleasure getting to know some of you
9 individually just I'm setting this up, so I'm very
10 excited to actually meet you in person, so thank
11 you.

12 I think what we'll do now is take a recess.
13 Let's take 15 minutes to get everybody's legs
14 stretched out and get ready to get back into it with
15 our three resolutions we have to go over a little
16 bit later. So we'll stand in recess for about 15
17 minutes. Thanks again to all our panelists.

18 (Recess.)

19 BROWN: All right. Let's come back to
20 order. Our next item of business is adoption of the
21 Commission's meeting minutes from February 28, 2022.
22 A draft of the meeting minutes has been provided and
23 distributed to all Commissioners and is available to
24 the public. At this time, is there a motion to
25 adopt the meeting minutes from February 28, 2022?

1 UNKNOWN SPEAKER: [inaudible].

2 BROWN: Do I have a second?

3 BROWN: Any objections?

4 (No response.)

5 BROWN: Hearing none, seeing none, the
6 meeting minutes from February 28, 2022 have been
7 approved by unanimous consent.

8 Under approve in administrative and
9 procedural matters, the only administrative and
10 procedural matter for consideration today are the
11 proposed amendments to our Commission's bylaws. For
12 that, we'll start with a report from the
13 Commission's Vice Chair, Beth Pittinger.

14 I'd like just to also highlight the four
15 issues that we're looking at as far as amendments to
16 our bylaws. Issue #1 is creating protocols related
17 to the engagement of government stakeholders and
18 other non-government constituents regarding proposed
19 legislation and other actions based in part on a
20 previous recommendation adopted by the Commission.
21 I think we talked about that a little bit before
22 Senator Haywood came and discussed it earlier.

23 The proposed amendment essentially reads as
24 just an added paragraph to Section 8.4 of the
25 Commission's bylaws that states as duly and adopted

1 by the Commission's Rules Committee and is duly
2 authorized and prescribed by Article 8, Section 2
3 herein and ratified by the Commission, the
4 Commissioner's chairperson along with his her
5 designee under chairperson's or review committee's
6 and other voting members as deemed appropriate, may
7 from time-to-time, engage with government
8 stakeholders and other non-government constituents
9 concerning proposed legislative and other actions
10 based in part on previous recommendations adopted
11 and ratified by the Commission for the purpose of
12 explaining the background, context, and character of
13 such recommendations. However, neither the
14 Commission, the Commission's chairperson, nor any
15 voting member in their official capacity shall
16 endorse any proposed legislative action based in
17 part on any recommendation adopted and ratified by
18 the Commission. That is the proposed language
19 amendment for that.

20 Issue #2 is establishing general and
21 special public comment periods on all public
22 meetings along with discretion for invitations to
23 guest speakers. The sections of our bylaws we're
24 looking to amend for that one is Section 4.2, duties
25 of Commission officers.

1 Number two is duties of the Commission
2 chairperson which will be creating, distributing,
3 and publicly posting meeting agendas, including the
4 section -- selection and invitation of guest
5 speakers and other invited guests for all Commission
6 meetings. Similar to what we've done today.

7 And then Section 6.2, purpose and rules of
8 the Commission meaning there will be a paragraph
9 added to that section which will read as duly
10 adopted by the Commission's Rules Committee and as
11 duly authorized and prescribed by Article 8, Section
12 8.2 and ratified by the Commission, all Commission
13 meetings shall include accommodations for both a
14 general comment period on any matter that falls
15 under the Commission's jurisdiction and/or concerns
16 of the Commission's mission and purpose and a
17 specific comment period on any matter currently
18 under consideration. To general and specific
19 comment periods, the Commission's chairperson may,
20 when deemed appropriate and necessary, designate a
21 spokesperson for any entity or constituent for the
22 purpose of offering public comment during a public
23 meeting on a single topic or subjects. All speakers
24 during general and the specific comment period shall
25 be limited to 3 minutes per speaker. So that's the

1 proposed amendment for that section.

2 Section 3, setting timeframes for
3 recipients of covered agencies response for
4 additional information requested by Review Committee
5 between five to ten business days to be determined
6 by -- at the discretion of the chairperson.

7 Essentially, the language amendment would be to
8 Section 8.2, Commission's, subcommittees and review
9 committees.

10 And the additional language would be the
11 Commission's chairperson shall request a response
12 within five to ten business days of the date
13 submitted for the covered agency for any such
14 additional information, and/or copies of any set
15 supporting documentation requested by the
16 Commission's Review Committees.

17 I think this was a change out of our
18 Committee level approach where we're looking to pose
19 that responsibility onto the Agency. However, that
20 responsibility isn't imposed on the Commission
21 because this body doesn't have the authority to
22 impose that restriction on the Agency themselves.
23 So we're asking our chairperson meet to make that
24 request when the Committee comes in and officers
25 [inaudible].

1 And our last section for the proposed
2 amendments is #4 would be allowing for electronic
3 signatures for all preliminary reports issues by the
4 Review Committee and final reports adopted by the
5 Commission. I think this is something that we
6 already do. As you noticed, the Committee reports
7 will have my signature on it and the signature of
8 all the Committee Members on that particular
9 committee. And for the Commission reports, it will
10 have my signature on it and the Commission's
11 secretary's signature on it. So those are two
12 things we're already doing, but we needed the
13 language amendments to ensure that we had that
14 codified in such a way.

15 At this time, I will open the floor for
16 remarks in support of these recommendations from the
17 Commission's Vice Chair and the Rules Subcommittee
18 Chairperson, Elizabeth Pittinger. Madam Chair, you
19 have the floor.

20 PITTINGER: [inaudible].

21 UNKNOWN SPEAKER: We can't hear.

22 UNKNOWN SPEAKER: Beth, we can't hear you,
23 Beth.

24 UNKNOWN SPEAKER: We can't hear.

25 BROWN: Here she comes.

1 COOLIDGE: I appreciate because I really
2 respect what she has to say.

3 (Laughter.)

4 PITTINGER: Commissioner Coolidge. And I
5 wish you were here with us today. We hope maybe you
6 can come and join us in Pittsburgh.

7 And I want to on behalf of the Commission
8 or the Committee, the Rules Committee, thank
9 Commissioners Ashe, Commissioner Coolidge, and
10 Commissioner Lappas for their diligence in looking
11 at these matters that come to the Committee,
12 resulting in these kinds of recommendations back to
13 you.

14 And but when people come forth seeking the
15 support or endorsement of the Commission, that
16 presented a practical matter that we were concerned
17 about and that is the genesis of the recommendation
18 that the Chairman read related to our not becoming
19 an agency or a commission that will issue official
20 endorsements either as a body or as a -- in the
21 official capacity as any appointed commissioner.

22 And that's important for our -- the
23 avoidance of an appearance of a conflict and to keep
24 us out of the muck when it comes down to arguments
25 and partisanship and all the rest of the stuff that

1 goes on. However, it is terribly important that our
2 committee chairs, and our chairman, and anyone else
3 who may have a particular interest or expertise, be
4 available to confer with those parties who are
5 putting forth potential legislative ideas or
6 actually putting a piece of legislation out. If
7 it's compatible with an action that this Commission
8 had taken, that we support our own work and provide
9 background and explanation and talk the nuances of a
10 particular notion that might be out there consistent
11 with our work, that may be beneficial to the sponsor
12 of legislation or some other action taken in the
13 public interest. So that's the background to why we
14 had that rather substantive recommendation.

15 The others are pretty proforma in terms of
16 accepting. Electronic signatures, that enhances our
17 Commission accountability and disclosure and
18 transparency, as well as, formalizing our work or
19 documents or documentation. And then with the world
20 being so virtual these days, it was something that
21 was practical and we just wanted to put it into the
22 rule, so it was clear that it was recognized and
23 permissible.

24 I think that's the other, you're getting --
25 asking the chairperson to attempt to retrieve

1 material from the covered agencies. That he can set
2 a deadline within five to ten days of the request is
3 again, another practical matter that we ran into.
4 We recognize that we cannot compel them, but we can
5 make the gesture to remind them the courtesy of
6 responding where the Commission has asked for
7 information, so that you can continue your committee
8 work that can resolve the cases that are in front of
9 you.

10 And lastly, we have asked the chairperson
11 to have the diligence to determine who would be
12 invited and for what purpose to address the
13 Commission. They were pretty practical. The most
14 substantive was the one I explained related to the
15 non-official endorsement role that the Commission
16 should adopt for its own credibility and integrity.
17 Thank you, Mr. Chairman.

18 BROWN: Thank you, Madam Vice Chair. Would
19 any Commissioner like to be heard in deliberation on
20 this issue? Commissioner Young?

21 YOUNG: Well I just wanted to clarify for
22 the record and make sure that we're operating in
23 decency and in order because I often update my
24 community members and organizations about some of
25 the content that we discuss in our meetings,

1 including what we just discussed today about the
2 recent legislation being proposed.

3 So my question is I want to make sure it
4 doesn't prohibit us from at least sharing that
5 information with community members with the caveat
6 that we do not endorse this legislation, but this is
7 for general education and information.

8 PITTINGER: That is precisely what the
9 recommended [inaudible] does.

10 YOUNG: Okay.

11 PITTINGER: And should be very available to
12 discuss [inaudible] the education of anyone who's
13 interested. You have the expertise. You can do
14 that if it's not going to need endorsement
15 [inaudible] or in your own role as the Commission.

16 YOUNG: Got it.

17 PITTINGER: You can talk about it.

18 YOUNG: Got it. Okay. Thank you.

19 BROWN: Commissioner Sonenshine, you have
20 the floor, sir.

21 SONENSHINE: Yes, thank you. I endorse all
22 four of these items. I want to just speak briefly
23 about the first one that Beth talked about, it's
24 very wise. This is a very prudent approach. It
25 does exactly what you suggest which allows us to

1 explain to people who would be in a position to do
2 something about it, what we had in mind, where we're
3 coming from, et cetera, et cetera, without getting
4 us involved in the, as you said, in the muck where I
5 used to be involved as a public official. And I'd
6 just as soon not be involved in that muck anymore.
7 So I think this is just fine.

8 BROWN: Sounds great. Anyone else like to
9 be heard in deliberation? Commissioner Maines, you
10 have the floor, sir.

11 MAINES: Just a clarification about --
12 everybody can hear me? I know some of our
13 committees are used to [inaudible] organizations
14 [inaudible].

15 BROWN: Thank you, sir. Commissioner
16 Hodge?

17 HODGE: Yes. Can you hear me --

18 UNKNOWN SPEAKER: Barely, barely, barely.

19 PITTINGER: [inaudible]. It's really just
20 on the heels of what Commissioner Maines just said
21 and to just affirm what Commissioner Pittinger said
22 which is our rule [inaudible]. So it in no way
23 [inaudible] deviates or diminishes [inaudible] it
24 just makes it [inaudible] we are not by virtual
25 [inaudible] that we can prevent [inaudible] to our

1 communities and also are [inaudible]. So I just
2 wanted to add that commentary. [inaudible].

3 BROWN: Thank you.

4 PITTINGER: [inaudible] lobbying
5 organization [inaudible] anything out there. If you
6 go into the [inaudible], but we're not lobbyists.
7 That's [inaudible].

8 BROWN: Any other comment or question in
9 deliberation? Madam Chair, can you -- would you
10 like to make the motion for -- this has all been
11 codified in Resolution 1, adoption and ratification
12 to proposed amendments, to various sections of the
13 Commission bylaws and such proposed administrative
14 practices and procedures recommended by the Rule
15 Subcommittee as amended. Madam Chair, would you
16 like to make a motion.

17 PITTINGER: [inaudible].

18 UNKNOWN SPEAKER: Second.

19 BROWN: And one of my esteemed colleagues
20 reminded me I have to ask for public comment. Do we
21 have any public comment on this issue?

22 (No response.)

23 BROWN: Okay. Do we have a second to the
24 motion made by Madam Vice Chair?

25 UNKNOWN SPEAKER: Second.

1 BROWN: Do we have any objections to the
2 motion?

3 (No response.)

4 BROWN: Hearing none, seeing none,
5 Resolution 1 has been approved by unanimous consent.

6 All right. Next, we'll go to a
7 presentation from the Biased-Based Policing
8 Committee. This presentation is for Internal Case
9 #21008P. It includes determinations, findings, and
10 recommendations regarding the review of a complete
11 internal investigation by the Pennsylvania State
12 Police of a complaint of biased-base policing that
13 occurred on February 23, 2018. The Bias-Based
14 Policing Review Committee is chaired by Commissioner
15 Marvin Boyer and includes Commissioners Keir
16 Bradford-Grey, Dr. Suresh Canagarajah, Denise Ashe,
17 Dr. Marilyn Brown, and Commissioner Brenda Tate.

18 So the recommendations that we have for
19 this particular case, 21008P, we have three total
20 recommendations. Recommendation #1 is citizen
21 engagement and communication. And the
22 recommendation reads the Pennsylvania State Law
23 Enforcement Citizen Advisory Commission, Biased-
24 Based Policing Review Committee, recommends that the
25 Pennsylvania State Police modify it's applicable

1 policies to specifically require unless exigent
2 circumstances exist, that all members identify
3 themselves during traffic stops and provide the
4 reason for the traffic stop when engaged in
5 enforcement activity.

6 In support of this first recommendation,
7 the Committee has written, during it's review, the
8 Review Committee sought to identify the root cause
9 of the complaint, what factors led to the
10 complainant's perception of racial bias during the
11 enforcement activity, and what processes will
12 increase communication and minimize
13 misunderstandings that make it difficult for covered
14 agencies to identify officers when intentionally
15 engaged in explicit or implicit bias versus those
16 officers who are incorrectly accused of bias during
17 legitimate enforcement activity.

18 To this end, the Review Committee found
19 that PSP maintains two policies that addresses a
20 trooper's communication responsibilities when
21 initiating police action, namely, general
22 requirements Policy FR-11 requires troopers whenever
23 initiating any police action to identify themselves
24 promptly and respectfully by giving their name, rank
25 and other appropriate identifying information to

1 persons involved. And two, to traffic law violation
2 stops policy FR-68 which recommends that troopers
3 both identify themselves and provide a reason for
4 the police action, but does not require that this
5 information is communicated to citizens.

6 Regarding requiring prompt identification
7 to citizens, the Review Committee found that PSP's
8 policy FR-11 and Policy FR-68 conflict with one
9 another since the former requires trooper to
10 identify themselves while the latter only recommends
11 this action. Regarding providing a reason for the
12 traffic stop, PSP Policy FR-68 only recommends that
13 troopers provide a reason for initiating --
14 initiation of the police activity to the citizen
15 while PSP Policy FR-11 is silent on the issue. In
16 this case, the trooper did not initially identify
17 himself by name or as a member of PSP in possible
18 violation of PSP Policy FR-11.

19 Additionally, the trooper did not provide
20 the reason for the enforcement activity as
21 recommended by PSP Policy FR-68. While the latter
22 is not a technical violation, since the action is
23 only recommended, the Review Committee found that
24 this lack of communication was the probable root
25 cause for the filing of the complaint.

1 Before we go onto the other two, I'll turn
2 it over to Commissioner Boyer just on this
3 particular finding and recommendation to anything
4 that you have in support of Recommendation #1.
5 Commissioner Boyer, you have the floor, sir.

6 BOYER: Thank you, Chairman Brown. Again,
7 just kind of reiterating what you overall stated.
8 As it relates to Recommendation 1, again, the -- one
9 of the purposes of this Committee and of this
10 Commission, of course, is to improve the
11 relationships between the police, state police, you
12 know, troopers and the people it serves, the
13 citizens it serves in this Commonwealth.

14 To that extent, it would have been in
15 retrospect, it would have decreased probably the
16 probability of a complaint if, in fact, the trooper
17 had identified himself when he made this stop which
18 led to the individual coming to the conclusion that
19 there was a racial profiling situation involved
20 here.

21 So, of course, our recommendation as it
22 relates to this investigative overview would be in
23 the future for PSP to properly identify their self
24 when they make a traffic stop.

25 BROWN: Would any other Commissioner like

1 to be heard specifically on Finding #1,
2 Recommendation #1?

3 (No response.)

4 BROWN: Do we have any public comments
5 specifically related to Finding 1, Recommendation
6 #1?

7 (No response.)

8 BROWN: Okay. We'll move on to Finding #2
9 of the report, Recommendation #2. Recommendation #2
10 reads, the Pennsylvania State Law Enforcement
11 Citizen Advisory Commission, Bias-Based Policing
12 Review Committee recommends that the Pennsylvania
13 State Police explicitly prohibit the practice of
14 issuing verbal warnings and require its members to
15 provide citizens with written documentation. As an
16 example, business card, brochure, written warning,
17 and/or traffic citation for every traffic stop,
18 unless exigent circumstances exist to ensure proper
19 recording of all traffic enforcement activity and
20 ensure all citizens receive basic information
21 regarding the encounter.

22 So Finding #2 which supports Recommendation
23 #2 reads, during its review, the Review Committee
24 confirmed that the trooper did not appropriately
25 document his or her law enforcement activity by

1 failing to broadcast pertinent information about the
2 traffic stop over the police radio. This failure
3 was properly cited by the adjudicator and addressed
4 with supervisory intervention.

5 Additionally, the trooper did not ensure --
6 did not issue a written warning or citation for the
7 alleged traffic violation. Consequently, the
8 citizen was left with no written documentation
9 regarding the trooper who stopped the citizen or the
10 official reason for the traffic stop.

11 The Review Committee is aware of several
12 PSP practices that address documentation of traffic
13 enforcement activity, including one, pertinent
14 information is transmitted and recorded via radio
15 broadcast or the mobile data terminal which is
16 required by PSP policy.

17 Two, the encounter is recorded via the
18 patrol vehicle's MVR which is required by PSP
19 policies and all vehicles are equipped with MVR's.

20 Three, pertinent contact information is
21 documented by a trooper within a contact data report
22 which is required by PSP policy and implemented in
23 January 2021.

24 And/or four, a trooper issues a written
25 warning or traffic citation currently optional in

1 PSP policy.

2 The Review Committee found that among the
3 various methods designed to capture traffic
4 enforcement activity, only issuing a written warning
5 or traffic citation provides a citizen with
6 documentation concerning the reason for the traffic
7 stop, the trooper's name and other pertinent
8 information.

9 The Review Committee notes that there is no
10 greater negative consequence to a citizen in
11 receiving a written warning instead of a verbal
12 warning. Further, while it does not wish to
13 encourage the over issuance of citations for minor
14 traffic offenses or eliminate opportunities to
15 exercise appropriate discretion, the Review
16 Committee found that prohibiting the practice of
17 providing near verbal warnings and requiring the
18 issuance of written warnings, ensures that citizens
19 will receive basic written information regarding
20 their encounters with PSP.

21 At this time, for this particular
22 recommendation and finding, I'll turn it over to
23 Commissioner Boyer for anything that he would like
24 to add in support.

25 BOYER: Okay. Thank you, Chairman Brown.

1 As it relates to our recommendation, findings in
2 documenting citizen's encounter, again, if, in fact,
3 the trooper had communicated this information at the
4 stop, that would have been helpful and also,
5 providing some documentation. And I use the term
6 documentation rather than written warning because
7 I'm kind of conflicted with the term written warning
8 because that to me implies a punitive situation.

9 So written documentation in terms of
10 terminology is -- I'm more comfortable with. And
11 written documentation could also be in the form of a
12 business card or a brochure as stated in our report
13 here. At least some acknowledgement that there was
14 some formal communication between the state trooper
15 and the individual who was stopped.

16 So going forward, it's important that we
17 have these types of formal interactions to ensure
18 both that there's a better understanding as to the
19 reason for the stop and documentation of such. So
20 again, failure to document the encounter both with
21 the individual and with the documenting,
22 transmitting via radio broadcast mobile type of
23 terminal as required by policy was a shortcoming
24 here. That's all I have. Thank you.

25 BROWN: Thank you. Would any Commissioner

1 like to be heard in deliberation on specifically
2 Finding 2, Recommendation #2?

3 (No response.)

4 BROWN: Do we have any public comment
5 regarding Finding 2, Recommendation #2.

6 (No response.)

7 BROWN: Moving on to our last
8 recommendation from this report which is Proposed
9 Recommendation #3, traffic enforcement activity
10 using criminal indicators.

11 The recommendation reads, given national
12 trends and initiatives, recent Pennsylvania case law
13 and recent legislation, the Pennsylvania State Law
14 Enforcement Citizen Advisory Commission's Bias-Based
15 Policy Review Committee recommends that the
16 Pennsylvania State Police adopt a formal policy
17 requiring either quarterly or annual analysis of
18 traffic enforcement data, including associated
19 demographic data to be made publicly available to
20 determine the effectiveness of its use and reliance
21 on formal indicators as the initial primary or
22 secondary basis for initiating traffic stops and/or
23 subsequent searches of vehicles whose occupants are
24 suspected of involvement in criminal activity and
25 whether the practice should continue in its current

1 form.

2 The finding that supports Recommendation #3
3 reads during it's review, the Review Committee
4 confirmed that the citizen's vehicle was initially
5 targeted to make a criminal arrest based on
6 indicators of possible criminal activity. For
7 example, troopers followed the citizen's vehicle for
8 some time while checking the vehicle's tags based on
9 three criminal indicators. Troopers then gained
10 probable cause justification for the traffic stop
11 after the citizen stopped to park at the curb in
12 front of her residence without signaling, pursuant
13 to Section 3334(a) of the Vehicle Code.

14 Based on PSP's records, the indicators of
15 possible criminal activities used to follow and
16 initiate a traffic -- initiate a check of the
17 citizen's vehicle registration included one, driving
18 through a high crime area, a term that has not been
19 defined by PSP. Two, the time of day as an example,
20 night. And three, operating a rental vehicle.
21 Criminal indicators are behaviors or observations
22 made by law enforcement and uses a means of both
23 identifying and preventing potential criminal
24 activity.

25 Though it recognizes that this method of

1 observational-based projected profiling could be
2 effective, the Review Committee found that enhanced
3 and specialized interdiction training, knowledge,
4 and experience is essential to aid officers in
5 identifying potential criminal behavior and
6 articulating reasonable suspicion and/or probable
7 cause.

8 The Review Committee noted that the United
9 States Supreme Court in Rhen vs. United States
10 permits officers discretion when engaged in traffic
11 enforcement for relatively minor traffic violations.
12 Additionally, the Review Committee noted that at
13 this time this traffic stop occurred, February 23,
14 2018, troopers were lawfully permitted to stop the
15 complainant's vehicle based on all the
16 aforementioned factors. However, recent decisions
17 by the Pennsylvania Superior Court do not legally
18 support troopers making a similar traffic stop today
19 using these same justifications.

20 Specifically, the Review Committee found --
21 identified the following. In Commonwealth vs.
22 Tillery, police officers pulled the Defendant over
23 for violating the same section, Section 3334(a) of
24 the Vehicle Code which requires motorists to use
25 turn signals when changing lanes. The prosecuting

1 agency alleged that the Defendant violated this
2 provision by pulling into a parking spot without
3 using a turn signal.

4 However, the Pennsylvania Superior Court
5 held that while Section 3334(a) requires a turn
6 signal when changing lanes or entering traffic from
7 a parking spot, it does not support a traffic
8 violation while pulling into a parking spot from
9 moving traffic as was the case in the matter
10 currently under review by the Committee.

11 In Commonwealth vs. Singletary, the
12 Pennsylvania Superior Court found that while being
13 in a high crime area remains one factor police may
14 consider when engaged in enforcement activity.
15 Police cannot stop and seize an individual merely
16 because the person was in an area that had a
17 documented ongoing open air drug dealing problem
18 without evidence that the person is engaging in
19 actual criminal activity.

20 As cited in PSP's adjudicatory report, the
21 purpose of this traffic stop was to make a criminal
22 arrest based on the indicators of possible criminal
23 activity. As noted by the adjudicator, based on the
24 training and experience of both troopers, it was
25 known that rental vehicles are used at times to

1 transport illegal guns and drugs.

2 In this case, the Review Committee found
3 that PSP used criminal indicators in an attempt to
4 establish reasonable suspicion to search for illegal
5 guns and drugs or other contraband.

6 However, the Pennsylvania Supreme Court
7 recently affirmed in Commonwealth vs. Alexander that
8 the Pennsylvania State Constitution requires a
9 warrant prior to searching a motor vehicle's
10 interior contents during an otherwise ordinary
11 traffic stop unless exigent circumstances exist,
12 this limiting law enforcement's general use of
13 indicators to justify lengthy detentions and on non-
14 consensual vehicle searches.

15 Since Commonwealth vs. Alexander limits the
16 general use of criminal indicators to justify non-
17 consensual searches, the requirement to obtain a
18 search warrant can result in unreasonably lengthy
19 investigative detentions. While the involved
20 trooper used his or her discretion to release the
21 complaint without lengthy detention, the Review
22 Committee recognizes the potential perils faced by
23 citizens when subject to these types of law
24 enforcement practices, along with the potential
25 safety risk such encounters pose to troopers.

1 Further, the Review Committee found that
2 while the practice of using criminal aided
3 indicators is legally justifiable under certain
4 limited circumstances? Criminal indicators
5 themselves are ambiguous, can be subjective, and
6 often wastefully divert law enforcement resources on
7 citizens engaged in lawful behavior.

8 Even when based on case law and
9 observations made by specially trained law
10 enforcement officers, over reliance on criminal
11 indicators while engaged in minor traffic
12 enforcement can be problematic.

13 Regarding the need to address this
14 enforcement strategy, the American Law Institute
15 Project on Policing states in part, given the
16 breadth of misdemeanor and municipal codes,
17 particularly around the regulations of automobiles,
18 police officers have enormous discretion to stop
19 individuals to engage in other activities such as
20 removing them from cars, conducting questioning,
21 conducting limited or full searches of people, and
22 their effects at even arresting them.

23 Although such intrusions are
24 constitutionally permissible, they raise a number of
25 serious concerns. The requirements of reasonable

1 suspicion or probable cause are designed precisely
2 to justify intrusions on individual liberty.
3 Thereby ensuring that a significant percentage of
4 intrusions will yield some evidence of criminal
5 activity.

6 When officers are pretextual -- when
7 officers act pretextually, they typically act on
8 hunches that fall short of these constitutional
9 thresholds. Evidence suggests that pretextual
10 traffic stops and searches are much less likely to
11 uncover the evidence of criminal activity.

12 In addition, adhering to constitutional
13 standards helps guard against discriminatory
14 policing by requiring that officers have some
15 articulable, factual basis for singling out, a
16 person out. There is all too plentiful evidence
17 that pretextual enforcement efforts can lead to
18 substantial racial disparities which can in turn
19 have degraded trust between communities and police.
20 Much is gained and little is lost by prohibiting
21 pretextual hot policing in most circumstances.

22 Recent state and national legislation seek
23 to address this very serious concern by preventing
24 police officers from using minor traffic violations
25 as a pretext for conducting motor vehicle searches.

1 Based on more recent case law, the risk of
2 exposing citizens to unreasonable and lengthy
3 investigative detention, best practices, and recent
4 legislation, the Review Committee found that PSP
5 should consider whether it's practice of using
6 criminal indicators should continue in its current
7 form and consider regularly analyzing how effective
8 this practice is at identifying actual criminal
9 activity.

10 Commissioner Boyer, I'll turn it over to
11 you to -- for any comment or deliberation in support
12 of this recommendation.

13 BOYER: Thank you, again, Chairman Brown.
14 Use of criminal indicators is a valid tool to
15 determine criminal activity, no argument with that.
16 Yet, the concern here is that these criminal
17 indicators are not used in a discriminatory manner
18 or form. That the stop is indeed valid using
19 criminal indicators.

20 As such, what the Committee recommends is
21 that the PSP adopt a formal policy requiring either
22 quarterly or annual analysis of traffic enforcement
23 data, including associated demographic data to made
24 public -- to be made publicly available to determine
25 the effectiveness of it's use and reliance on

1 criminal indicators as the initial primary and/or
2 secondary basis for initiating traffic stops.

3 Again, just to have an analysis of
4 quarterly or annually to support the use of criminal
5 indicators and if, in fact, if such use should be
6 continued. Thank you, Chairman Brown.

7 BROWN: Thank you, sir. Commissioner
8 Bradford-Grey?

9 BRADFORD-GREY: [inaudible].

10 UNKNOWN SPEAKER: We can't hear you. We
11 can't hear you.

12 UNKNOWN SPEAKER: Can't hear you.

13 BROWN: Back in --

14 BRADFORD-GREY: [inaudible] can you hear me
15 now?

16 UNKNOWN SPEAKER: Not really.

17 UNKNOWN SPEAKER: It's a little low.

18 BROWN: Hold on, I can -- I'll mute in my
19 end and you can turn up your mic.

20 BRADFORD-GREY: Now?

21 UNKNOWN SPEAKER: There you go.

22 UNKNOWN SPEAKER: Yes.

23 BRADFORD-GREY: All right. So I really
24 want to second Commissioner Boyer's sentiments based
25 on some of the information or the work that I've

1 been involved in. But reasonable minds can
2 disagree. Reasonable hearts can disagree. However,
3 data tells the story that doesn't have anything to
4 do with interpretation, but more so just the factual
5 understanding of how effective our we doing in this
6 role of policing when we are using criminal
7 indicators in such a way.

8 And so, what we were able to do when we had
9 transparency in terms of a database, we were able to
10 match up reasons for stops that were legitimate in
11 the officer's mind, but also matching them up with
12 the finding of criminal activity which was the basis
13 of the stop. And through that data analysis, we
14 were able to get a different narrative about one,
15 the effectiveness of that policing tool and two, who
16 bears the brunt of those criminal indicators, as
17 well as, that police intrusive.

18 And, you know, it's sad to say, of course,
19 it very disproportionate in terms of the minority
20 community. But also, the return in terms of
21 criminal activity being found was very, very low if
22 almost nothing.

23 And so, what we saw was a lot of time and
24 resources being spent with criminal indicators that
25 were not actually correct and were actually being

1 intruded upon law abiding citizens who now had a
2 negative taste with respect to that interaction.
3 And then probably, no real incentive to work with
4 police when it came down to actually solving crime
5 that was in their neighborhood.

6 And we even interviewed a few people that
7 talked about their feelings and their fears. And,
8 of course, the embarrassment of that intrusion that
9 was taking -- that took place in front of many
10 people, including family members and children.

11 And these things should be factored in when
12 we're talking about effective policing and how to
13 make sure that we are actually putting our resources
14 in an area where we are increasing public safety and
15 not decreasing public trust. The only way to really
16 do that, to really evaluate whether or not an
17 officer's perceptions are accurate most of the
18 times, half of the times, none of the times is to
19 have a database that allows us to review why the
20 stop occurred, who the stop occurred on, and then
21 what was found.

22 So that -- for those reasons, I would 100
23 percent support collecting data and having an annual
24 more -- however often review of the types of
25 policing tools that are being used to actually

1 increase public safety.

2 BROWN: Okay. Commissioner Sonenshine, go
3 ahead, sir.

4 SONENSHINE: Yes, thank you. I support the
5 Committee's proposal. I support the comments we
6 just heard from my fellow Commissioner.

7 This is something that for better, for
8 worse, I've studied for about 35 years. And there
9 is no question that -- I have to say and I hate to
10 say it, this is inefficient policing. I -- you
11 know, I look, read back, looked back and read the
12 stop and frisk case from New York with NYPD. And
13 I'm -- and by the way, this is in NYPD, it's not the
14 PSP. And I'm not pretending it is because we don't
15 know what the statistics show, would show for
16 Pennsylvania which is why I think it's important
17 that we have this studied, and tabulated, and the
18 data made available.

19 But in New York, what they found was there
20 were 5 million stops and frisks in a decade. The
21 hit rate in those stops and frisks in New York was,
22 are you ready? 0.15 percent for weapons, 0.15
23 percent. That is to say when a New York Street
24 Officer did a stop and frisk, chances were almost
25 100 to 0 that that officer would find a weapon,

1 which to me is my main concern. I -- there were
2 findings in a number of those cases of small amount
3 of personal drugs, but in terms of weapons, it was
4 miniscule in terms of the number of people stopped.

5 And, you know, again, there was a story of
6 one guy, an innocent guy, a New Yorker was stopped
7 46 times, the same person and never -- nothing was
8 ever found on him. I mean, can we expect him to
9 ever cooperate with the police?

10 And so, I think that's the issue. You
11 know, I -- if I were an NYPD officer, which I'm not,
12 and just as an example, if my lieutenant and
13 [inaudible] quotas, by the way, in New York, too, on
14 stops. Not arrests, not seizures, but stops, okay,
15 for comm stat purposes. If my supervisor in NYPD
16 was telling me, I want you to make 35 stops today
17 and basically, I don't care if you find anything or
18 not, I want you to make 35 stops. I would say I
19 didn't become an NYPD officer for this. That's not
20 why I volunteered to serve for this, right? I want
21 to catch real bad guys. That's why I am doing this
22 dangerous job, right? And not to have a one out of
23 a 100 chance of finding something that might be
24 preventing crime.

25 And so, and they didn't realize this until

1 those statistics which were NYPD statistics were
2 made available.

3 And I think that what you'll see
4 [inaudible] is those stops are down dramatically
5 because -- and the hit rate is the same, but the
6 stops are down dramatically because it was
7 considered, I suppose, a waste of time, a waste of
8 time. And that allowed the negative consequences of
9 the type that Commissioner Keir Bradford just
10 mentioned.

11 And so, you know, I think this is really
12 worth looking at. And I'll just make one other
13 point about pretext stops, if I can. Yes, they're
14 illegal. The Supreme Court decided in the Rhen case
15 that they are illegal. And an officer can't, in
16 fact, make a stop based purely on a hunch if you
17 find any kind of however minor traffic violation;
18 registration tag that's out of date by a minute,
19 anything else, okay?

20 And by the way, I will just say and I think
21 most people know this. You are violating a traffic
22 regulation every time you get in your car. It is
23 inconceivable that you would drive from here to the
24 Wawa and you won't violate some of the thousands of
25 regulations. So it's really permitting, you know,

1 to me a little too much discretion.

2 Some jurisdictions, the State of
3 Washington, the State of Virginia, the State of
4 Oregon, New York, Los Angeles now, and Philadelphia
5 have now changed their law. And I think it's a wise
6 change. And then, this is beyond what we can do or
7 what PSP can do or anybody else, obviously, it
8 requires something else. However, it could be a
9 matter of simply what we're going to do in practice
10 even if the law doesn't require it.

11 And what those rules now say in those
12 jurisdictions is you can make stops if they're
13 safety-related traffic violations. We want you to
14 make those stops. And, in fact, the public
15 overwhelmingly supports those stops, right? Whether
16 it's speeding, or making a left turn from the right
17 lane, all of those things, those are fine. And, in
18 fact, they have found the studies that those stops
19 are much more likely to lead to something to a hit,
20 then the minor traffic regulation kinds of stops
21 which very infrequently lead to anything.

22 And so, I think that's a good, moderate
23 approach. We're not going to say you can't make
24 traffic stops, of course not. We want you to make
25 traffic stops where they affect safety, okay? And,

1 in fact, those are more efficient stops. They're
2 more likely to develop good intelligence, good
3 information, weapons, drugs, whatever it is. Okay?
4 Please, keep doing that. That's the job. Okay?

5 But when it comes to these very, very minor
6 regulations, I think it becomes a situation where
7 police officers are operating on hunches and, you
8 know, if the Fourth Amendment means anything, we're
9 not supposed to operate on hunches. I mean, that's
10 what it says in the Fourth Amendment cases, I don't
11 know, a hundred times? And this sort of invites it.
12 And I think that's probably not a great idea.

13 And again, I don't want to be, if I'm an
14 officer, I don't want to make a lot of stops which
15 are a waste of my time. I just don't. I don't know
16 why I wouldn't want to. So in my view, I think
17 first of all, the first sort of things, let's find
18 out what's happening in Pennsylvania. Are these
19 indicators working? Some work and some probably
20 don't, right? And until we see some data, we're
21 never going to know. And that would allow PSP and
22 whoever's doing -- also doing stops in Pennsylvania
23 to in fact say, guess what, these indicators, some
24 of them, we thought they were meaningful, other
25 people have used them and guess what, they're not

1 really meaningful.

2 I will tell you that there's a -- the
3 Supreme Court of the United States has said about
4 indicators, we don't endorse them. We don't un-
5 endorse them. They said if there's probable cause
6 or in the case, I think that was involved,
7 reasonable suspicion, the fact that an officer also
8 relied on an indicator, that is the officer made
9 some observations that provide the probable cause,
10 reasonable suspicion, the fact that those are also
11 in the indicators, doesn't make that reasonable
12 suspicion decision wrong.

13 So we're not saying, you know, they're not
14 allowed to exist. What we're saying is we wanted --
15 this is supposed to be an individualized thing.
16 Case-by-case you decide if there's real -- something
17 that gives the rise to probable cause for a search
18 or reasonable suspicion. And I think until we know,
19 I think it's hard to really appreciate what's
20 happening and if the police are using their time
21 efficiently or not. And, you know, I would think
22 this is something the police supervisors want to
23 know when they're sending their officers and
24 troopers out there.

25 So, you know, it's one of those things

1 where I think we ought to -- the first step is
2 knowledge. Is knowing what we're doing and seeing
3 what works and what doesn't work. And from that
4 point of view, it's hard to object or accept from
5 Commissioner Boyer's committee's recommendation on
6 let's have those documents created, let's see what's
7 going on, and see what's working, what isn't
8 working. And I think that's important and I think
9 that's really all he's saying. He's not saying band
10 traffic stops. That's not what the Committee is
11 saying. And no one's saying that.

12 But I think this would be good information
13 for PSP to have, for every police agency to have,
14 and then we can -- they can start making decisions,
15 we can start making decisions to the extent we can
16 make recommendations, not decisions about, you know,
17 what makes sense and what doesn't make sense. But
18 you really want to know the police time is being
19 used efficiently. If anything, I think that's
20 something we all have an interest in.

21 So I think it's very important that this --
22 these recommendations be supported and I hope we
23 will.

24 BROWN: Thank you, Commissioner Sonenshine.
25 Commissioner Hodge, go ahead, ma'am.

1 HODGE: [inaudible].

2 UNKNOWN SPEAKER: Can't hear you, sorry.

3 Kelley, can't hear you.

4 HODGE: Okay. [inaudible].

5 UNKNOWN SPEAKER: We can't hear you.

6 HODGE: Can you hear me?

7 UNKNOWN SPEAKER: Raise it up. Can't hear
8 you.

9 HODGE: Sorry.

10 (Laughter.)

11 HODGE: Not a problem. We tried. Okay.

12 My question or, I guess, additional comment that I
13 would like to have considered by the Committee and I
14 think you did an excellent job with what you have
15 proposed. I'm focused on Proposed Recommendation
16 #2.

17 And in looking at Proposed Recommendation
18 #2, that is the explicit prohibition of issuing a
19 written or rather a verbal warning and requiring
20 that members provides to citizens written
21 documentation. I'm always wary of absolutes,
22 especially absolutes in the realm of what officers
23 must or should not do when I do note that I think in
24 the conversation or comments that the Committee
25 made, that sometimes a verbal warning can be more

1 better received or more, you know, well received as
2 opposed to a written warning which seems more
3 concrete and like you did something wrong or written
4 documentation to that end.

5 UNKNOWN SPEAKER: Exactly.

6 HODGE: And to that end, what I was going
7 to say is that I would like to not eliminate issuing
8 a verbal warning, but requiring because this is
9 about communication. And the essence of this is
10 making sure that things are communicated to the
11 citizen and that citizen knows who and why this stop
12 has taken place. Who is stopping me and why did you
13 stop me. And if it can be resolved in a verbal
14 warning to the satisfaction of the citizen, then it
15 should.

16 So my kind of proposal or revision to
17 Proposed Recommendation #2 would be to not
18 explicitly prohibit the practice of issuing verbal
19 warnings, but requiring the members let the citizen
20 know that I would like to release your -- or want to
21 give you a verbal warning in this case, however, if
22 you want to and would like to receive written
23 documentation of this encounter, I will provide you
24 with my information and the basis for the stop.

25 So that onus is on the officer to inform

1 the individual that they have the option of
2 requesting that information if the individual
3 doesn't request it on their own like officer, can I
4 get your name and can you tell me why you're
5 stopping me. That, to me, I believe gives enough of
6 an ability for the officer and the citizen to
7 hopefully have a pleasant departure or at least a
8 more conversational engagement as opposed to here's
9 something in writing and it makes it seem, in my
10 opinion, a little less communal.

11 So that was something that I wanted to just
12 note and provide to you all as my takeaway, but I
13 think the other two recommendations are duly noted
14 and well received. But I do and would like for the
15 Committee to consider what I've discussed or
16 mentioned in Proposed Recommendation #2.

17 BROWN: Thank you, ma'am.

18 HODGE: You're welcome.

19 BROWN: Commissioner Boyer, would you like
20 to be heard on that particular proposed --

21 BOYER: Yes, I -- thank you, Chairman
22 Brown. I couldn't agree with the Commissioner as it
23 relates to her rationale. I was not real
24 comfortable as I stated during my short time
25 previously on this particular recommendation with

1 the written documentation, a written warning, or a
2 written documentation as opposed to a written
3 warning. I think that terminology is problematic
4 and implies a punitive matter as far as a written
5 warning. I'm fine with a verbal warning. And I
6 agree, I think that would be more applicable or even
7 providing a business card.

8 So in a sense, in short, I agree with the
9 Commissioner's recommendation or alteration to this
10 particular point. Thank you.

11 BROWN: Yes, sir. I think if I heard you
12 correctly during the first round of deliberations,
13 essentially, the modification to that particular one
14 would be instead of the language that says
15 explicitly prohibited the practice of issuing verbal
16 warnings and require its members to provide citizens
17 with written documentation, they could state that
18 the Pennsylvania State Police require its members to
19 provide written documentation. It doesn't talk
20 about the written warning. So that gives them the
21 option of business cards, brochures, written
22 warnings, whatever it might be. Is that what I'm
23 hearing on this particular --

24 HODGE: Yes, but it's basically --

25 BOYER: Yes.

1 BROWN: So that is the proposed amendment
2 to Recommendation #2. Do we have any public comment
3 on the Recommendation #2, the proposed amendment?
4 Professor Sonenshine, go ahead, sir.

5 SONENSHINE: Thank you. I'm not a member
6 of the public, but I guess I'll comment.

7 [Laughter.]

8 SONENSHINE: I support the friendly
9 amendment. I will just tell you I've been stopped
10 once in my life by a Pennsylvania State Trooper
11 driving my son and I on a baseball trip heading to
12 Pittsburgh and I was speeding. And the officer came
13 over, gave us a warning, and I felt -- and then, you
14 know, basically said enjoy the game. And that was a
15 very different, you know, kind of a back-and-forth
16 and an encounter. And he realized it wasn't, you
17 know, I wasn't going crazy. I wasn't doing
18 something that was dangerous particularly.

19 I could -- and the fact is and I think this
20 is the point of Commissioner Boyer's proposal is
21 that people know why they were stopped. That's the
22 important thing. That it wasn't arbitrary. There
23 was a reason. I was speeding. And if you can do
24 that verbally and I'm comfortable, then everything's
25 cool. And I -- the officers did the right thing. I

1 mean, he stopped me. He should have. And I think
2 the fact is if you want it in writing, great. And
3 that's fine and we'll give it to you, but I don't
4 know -- I agree, I don't think the officer has to
5 put it in writing.

6 In my situation, it wouldn't have been
7 different. I didn't need it in writing, but I felt,
8 you know, respected and I think that's what we're
9 talking about, that there's an explanation, it
10 wasn't arbitrary. So I think this covers it.

11 BROWN: Commissioner Bradford-Grey, go
12 ahead, ma'am.

13 BRADFORD-GREY: [inaudible].

14 UNKNOWN SPEAKER: We can't hear you.

15 BRADFORD-GREY: Commissioner Boyer, I just
16 wanted to make sure I got what your proposed
17 amendment was so we could --

18 BOYER: Sure.

19 BRADFORD-GREY: -- I could totally
20 understand the nuance of what you were proposing
21 based on Commissioner Hodge's comment.

22 BOYER: Okay. Yeah, I think that a verbal
23 warning is applicable and if, in fact, there is a
24 request for something in writing by the individual
25 who is stopped, that's fine. But the idea is to

1 minimize any adverse interaction between the officer
2 and the individual they're stopping particularly
3 when none is necessary. And, you know, that's one
4 of the issues as it relates -- relating to this
5 investigation was that, you know, the proper
6 communication wasn't employed and it affected his
7 complaint.

8 So the -- my understanding in terms of this
9 amendment is that a verbal warning is fine if the
10 individual wants something in writing, that's fine
11 as well, but we're not eliminating the possibility
12 of issuing verbal warnings. Does that give some
13 clarification, Commissioner?

14 BRADFORD-GREY: [inaudible].

15 (Laughter.)

16 UNKNOWN SPEAKER: That was a yes.

17 BROWN: Commissioner Wilson, go ahead.

18 UNKNOWN SPEAKER: That was a yes.

19 WILSON: First of all, can you hear me?

20 BROWN: Yes.

21 WILSON: Okay. Yeah, as I just wanted to
22 emphasize to the public that I -- what I got in
23 particular from the quote from Commissioner Brandon-
24 Grey [sic] is that this will increase public safety,
25 but also decrease public distrust and I think that's

1 extremely important. And in particular, it's good
2 for the entire state for not only the officers to be
3 able to establish that communication and make their
4 job easier, but for the citizens to be able to feel
5 during those traffic stops, to feel safe and also to
6 feel as if they're being respected.

7 UNKNOWN SPEAKER: [inaudible] hear me?

8 UNKNOWN SPEAKER: There's a lot of
9 interference.

10 BROWN: Yeah, it sounds like [inaudible].

11 HODGE: [inaudible] very simple.

12 (Laughter.)

13 HODGE: Okay. The language that I suggest
14 is what you stated a moment ago, Chairman Brown.
15 The Pennsylvania State Law Enforcement Citizen
16 Advisory Commission's Biased-Based Policing Review
17 Committee recommends that the Pennsylvania State
18 Police require its members to provide citizens with
19 the option to receive written documentation. Then
20 the parenthetical that's there, in lieu or a verbal
21 warning for every traffic stop to ensure proper
22 recording of all traffic enforcement activity and
23 ensure all citizens receive basic information
24 regarding the encounter.

25 So the only thing I didn't state out loud

1 was the parentheticals, but that's the language. So
2 that's my proposal in order to encompass everything
3 that we have discussed and that would be my friendly
4 comment.

5 (Laughter.)

6 HODGE: Even though I know that's not
7 proper --

8 BROWN: Commissioner Ashe?

9 ASHE: Well I understand [inaudible], I was
10 saying the same thing, but, you know, [inaudible]
11 because a lot of things [inaudible]. But I think
12 what this is trying to do is to make sure the
13 citizens having something in their hand one another
14 -- if we take it out and not being the verbal
15 warning part, they're going to walk away from your
16 car because it's happened to me twice. So this is
17 just to protect the people who look a certain way of
18 getting treated like everybody.

19 So I would like to keep just something
20 getting [inaudible], not to take it out, the verbal
21 or written because they can say I'm not giving you
22 my name or I don't have time to walk away, so if
23 they walk away from you, then you'll have a number
24 or something if you don't get it off the side of
25 their car to follow up with what went on.

1 BROWN: So --

2 ASHE: So sometimes like when I was
3 stopped, I didn't feel comfortable at all.

4 BROWN: -- this proposed amendment would be
5 something that we are requiring that there is a
6 policy. Just like we required --

7 ASHE: Yes.

8 BROWN: -- a policy for the officer to
9 identify himself and state the reason for the
10 traffic stop, this would be in addition to that and
11 not only you're identify yourself, you're stating
12 the reason for the traffic stop, but you're asking
13 the citizen whether or not they would like that in
14 writing, written documentation that is. So that
15 would be the three part test for every traffic stop
16 that we need to provide to the officer. Is that
17 what we're suggesting?

18 UNKNOWN SPEAKER: Yes.

19 UNKNOWN SPEAKER: Yes.

20 UNKNOWN SPEAKER: Yes.

21 BROWN: All right. That sounds good. All
22 right. And I do have one proposed language change
23 on Recommendation #3 and it's to do two parts. One,
24 we want the language to really emphasize that we
25 want the data to be publicly available. That was

1 something that Commissioner Canagarajah brought up
2 during the Committee meetings. And also that we
3 want --

4 CANAGARAJAH: Yes, sir.

5 BROWN: -- the data include -- the data --
6 I'm sorry, to include demographic information, the
7 duration of the traffic stops which is important
8 when we're talking about investigative detentions
9 and other information in that analysis. So that --
10 those things are not in current recommendation and
11 we would like to add that language into the
12 recommendation.

13 The total recommendation with the proposed
14 amendments would read given national trends and
15 initiatives, recent Pennsylvania case law and recent
16 proposed legislation, the Pennsylvania State Law
17 Enforcement Citizens Advisory Commission, Biased-
18 Base Policing Review Committee recommends that the
19 Pennsylvania State Police adopt a formal policy
20 requiring either quarterly or annual analysis of
21 traffic enforcement data to be made publicly
22 available.

23 Data should include demographic
24 information, duration of traffic stops, and other
25 information to determine the effectiveness of PSP's

1 use of criminal indicators in developing reasonable
2 suspicion for initiating traffic stops and/or
3 probable cause for subsequent searches of vehicles.

4 PSP should also use this data to evaluate
5 whether the use of criminal indicators should
6 continue in its current form. That would be the new
7 proposed amendment to Recommendation #3.

8 UNKNOWN SPEAKER: Agreed.

9 BROWN: Do we have any deliberations on
10 that proposed amendment to Recommendation #3?

11 (No response.)

12 BROWN: Do we have any public comment in
13 reference to Recommendation #2 to proposed
14 amendments or Recommendation 3 to proposed
15 amendments?

16 (No response.)

17 BROWN: Okay. Chairman Boyer, I turn it
18 over to you for a motion to approve Resolution, I
19 think it's Resolution #2.

20 BOYER: Okay. Was there a question? If
21 not, I'll go ahead with the motion. I'd make a
22 motion or --

23 BROWN: Commissioner --

24 BOYER: Go ahead, I'm sorry.

25 BROWN: I was going to say go ahead,

1 Commissioner Pittinger, you have a question, ma'am?
2 I saw your hand. Okay. That was a ghost question.
3 I'm sorry. Sorry, Commissioner Boyer, go ahead with
4 your motion, sir.

5 BOYER: Okay. I'm making a motion for the
6 adoption and ratification of findings and
7 recommendations for corrective action for Internal
8 Case #21008P presented by the Biased-Based Policing
9 Review Committee. Is there a second?

10 UNKNOWN SPEAKER: Second.

11 UNKNOWN SPEAKER: I second the motion.

12 BROWN: Any objections?

13 (No response.)

14 BROWN: Hearing none, seeing none, the
15 resolution has been approved for 21008P.

16 BOYER: All right.

17 BROWN: All right. Where are we? Okay.

18 The next item of business is presentation of
19 preliminary review report for Internal Case #21005P
20 from the Use of Force Review Committee including
21 determinations, findings, and recommendations
22 regarding the review of the complete internal
23 investigation by the Pennsylvania Board of Parole
24 and Probation within the Pennsylvania Department of
25 Corrections of a use of force incident involving a

1 taser deployment that occurred on July 21, 2016.
2 The Use of Force Review Committee is chaired by
3 Commissioner David Sonenshine and includes
4 Commissioner Joshua Maines and Elizabeth Pittinger.

5 Okay. There are two recommendations for
6 this particular review. Proposed Recommendation #1,
7 use of force policy enhancements reads as follows.
8 The Pennsylvania State Law Enforcement Citizen
9 Advisory Commission, Use of Force Review Committee
10 recommends that the Pennsylvania Board of Probation
11 and Parole within the Pennsylvania Department of
12 Corrections enhances arrest procedures, resistance
13 and control policy, also known as their use of force
14 policy, by including a definition for objectively
15 reasonable, consistent with the United States
16 Supreme Court precedents mandated by Graham v.
17 Connor.

18 And two, specifically listing taser
19 deployments to its accompanying resistance and
20 control continuum.

21 And three, revising language to
22 indicate when force is used and an injury is
23 apparent or possible or a citizen complains of an
24 injury, a requirement that an agent one, aid is
25 rendered and/or secured.

1 And two, the citizen is continually
2 monitored while in custody for potential medical
3 intervention after the use of force. And three or
4 C, agents must inform the respective agency of the
5 citizen's apparent or possible injury or complain of
6 an injury prior to releasing the citizen to the care
7 and custody of other law enforcement or criminal
8 justice agencies.

9 In support of this recommendation, finding
10 number one is during it's review, the Review
11 Committee conducted a thorough examination of PBPB's
12 arrests, procedures, resistance, and control policy
13 which serves as PBPB's use of force policy along
14 with the resistance and control continuum which
15 provides detailed guidance on such use of force.

16 First, the review committee evaluated the
17 internal controls and guidance imbedded within these
18 policies to ensure the reasonable force
19 determinations can be made by [inaudible] the
20 adjudicators consistent with both United States
21 Supreme Court precedents, Graham v. Connor, and the
22 officers application of force must be objectively
23 reasonable given a totality of circumstance the
24 officer faces at the time and Pennsylvania Law Title
25 18, Section 508, use of force in law enforcement.

1 Based on this review, the Review Committee
2 found that the arrest procedures, resistance and
3 control policy could be strengthened further by
4 including specific definitions for objectively
5 reasonable consisting with Graham v. Connor. The
6 use of force incident must be judged from a
7 perspective of a reasonable officer on the scene.
8 This would ensure that proper guidance is provided
9 for adjudicators who are responsible for making
10 judgments on the reasonableness of PBPD's use of
11 force incident.

12 The Review Committee noted that during
13 prior reviews of 2021 and early 2022, they proposed
14 and the Commission approved this same recommendation
15 both to the Pennsylvania State Police and the
16 Pennsylvania Department of Corrections and
17 [inaudible].

18 Generally, PBP agents are justified in the
19 use of force under the following circumstances;
20 protection of self, protection of others, prevention
21 of subject's escape, and to arrest or retain a
22 subject as authorized by law.

23 Concerning the matter currently under
24 review and consider -- and under consideration,
25 PBP's internal investigation and related

1 adjudication which includes the multiple layer
2 approval process, determined that the agent's use of
3 force was justified.

4 Here, the use of force involved a taser
5 deployment by lawfully taking a citizen into custody
6 for a parole violation and the use of force
7 successfully overcame the citizen's resistance.

8 Overall, the Review Committee found that
9 PBP's arrest, resistance, and control policy is
10 clear and provides adequate guidance regarding the
11 use of various resistance and control techniques
12 available to agents, particularly, when combined
13 with the PBP's continuum. In line with best
14 practices, this continuum provides detailed guidance
15 regarding uses of force, along with guardrails to
16 ensure that such force is not excessive, depending
17 on circumstances faced by agents.

18 During its oral presentation in accordance
19 with Article 8 of the Commission's bylaw's PBP also
20 confirmed that it continuously reviews its use of
21 force policy for potential modifications and
22 improvements that increase the effectiveness of
23 PBP's policy and that it's current policy does not
24 impede law enforcement activities or jeopardize
25 agent safety.

1 Furthermore, PBP reiterated that it's use
2 of force policy adheres to the United States Supreme
3 Court standard which requires that any force
4 deployed is subject to review under reasonable
5 person standard and the review committee agreed.

6 Regarding the taser deployment,
7 superficially, PBP's care and custody and control of
8 Commonwealth property policy states in part that
9 employees authorized to use their taser may use it
10 to restrain subject's consisting with the Agency
11 resistance and control continuum.

12 On that continuum, the taser falls into the
13 [inaudible] compliance category, however, the Review
14 Committee that found that PBP's arrest, resistance,
15 and control policy effective March 1, 2016 was not
16 updated to include the use of taser on the
17 continuum.

18 Accordingly, the Review Committee found
19 that the arrests procedures of the resistance and
20 control policy which serves the Agency use of force
21 policy should be strengthened by updating and
22 specifically including taser deployments in the
23 continuum to ensure the agents are aware of which --
24 are aware if such force fits within the spectrum.

25 Next, in concerning the Agency's duty to

1 render aid, PBP's policy provides in part, any time
2 an employee causes an injury by striking a subject
3 or the subject complains of an injury, the employee
4 shall one, immediately call emergency medical
5 personnel or transport the subject to the nearest
6 emergency medical facility for medical intervention.
7 And two, contact the employee's supervisor and
8 advise the supervisor of the nature of the injury as
9 soon as possible.

10 Here and as required by PBP's policy,
11 agents immediately contacted emergency medical
12 personnel to secure treatment for the involved
13 citizen and a supervisor who was present immediately
14 on the scene after the encounter began. After
15 calling for emergency medical services for the
16 injured citizen, agents also simultaneously
17 contacted the Philadelphia Police Department to
18 jurisdictionally transfer and take the citizen into
19 custody for processing of the alleged parole
20 violation.

21 Consequently, medical treatment was
22 interrupted by the custody transfer and Philadelphia
23 Police Officers, not the emergency medical
24 personnel, transported the citizen to the hospital
25 after he complained of chest pains. Although the

1 actions were consistent with PBP's policy, this
2 practice interrupted the citizen's continuum medical
3 care and potentially exposed the citizen to enhance
4 risk of complications from untreated injuries
5 resulting from the taser deployment.

6 Additionally, PBP's policy requires agents
7 to render aid when agents causes an injury by "by
8 striking a subject". However, PBP's definition of
9 striking is limited and does not necessarily include
10 potential injury as a result from taser, pepper
11 spray deployments, or other uses of force.

12 Accordingly, the Review Committee found
13 that PBP's policy should be strengthened by
14 requiring that medical aid be rendered and/or
15 secured whenever force is used that may cause an
16 injury or when a citizen complains of an injury and
17 by requiring periodic wellbeing checks following a
18 use of force incident.

19 Commissioner Sonenshine, I'll turn it over
20 to you, sir, for any comment or deliberation in
21 support of Finding 1, Recommendation #1.

22 SONENSHINE: Yeah. I want to be very clear
23 for everybody that the agents in this case did
24 absolutely nothing wrong and we're not saying they
25 did or quarreling what they did. I think they

1 behaved absolutely perfectly in this situation.
2 We're all but talking here about -- all we're
3 talking about here is strengthening the language of
4 generally very good policies to make sure that what
5 the agents did here is going to be, in fact, policy
6 in a very clear way. And we do appreciate that
7 their use of force continuum is, in fact, best
8 practice. That, in fact, medical aid was rendered
9 here immediately and all of that.

10 I -- what sort of concerned us a little bit
11 was just the handover because there are no holding
12 facilities, I suppose at the Agency's headquarters
13 wherever the unit was operating from and they have
14 to turn people who were violators over to the police
15 which, of course, they must do. And in that
16 handoff, we wanted to make sure that the person's
17 care didn't get compromised. Happily, in this case,
18 it was not. It was not. He got care fairly quickly
19 via PS -- PBPD.

20 But we wanted to clarify the use of force,
21 the medical care, and the taser issue just to make
22 sure that what was done here which was correct is
23 completely codified in the policies that may not
24 have caught up with the actual behavior of the
25 agent, so wanted to make sure that was clear.

1 BROWN: Thank you, sir. Do we have any
2 comment or deliberation in reference to specifically
3 Finding 1, Recommendation #1?

4 (No response.)

5 BROWN: Moving on to Recommendation #2.
6 Recommendation #2 in this particular review reads as
7 follows. The Pennsylvania State Law Enforcement
8 Citizen Advisory Commission, Use of Force Review
9 Committee recommends that the Pennsylvania Board of
10 Probation and Parole within the Pennsylvania
11 Department of Corrections implements a body worn
12 camera program as recommended by best practices and
13 offered by the United States Department of Justice
14 along with interview and/or assessment from
15 surveillance in support of its enforcement efforts.

16 In support of this, Finding #2 is during
17 this review, the Review Committee researched best
18 practices and identified that the US DOJ Office of
19 Justice Program provides both guidance and funding
20 for law enforcement agencies interested in planning
21 and implementing a body worn camera program. Also,
22 the justice program web states in part, law
23 enforcement agencies across the United States and
24 throughout the world are using body worn cameras as
25 a promising tool to improve evidentiary outcomes and

1 enhance the safety of and improve interactions
2 between officers and the public.

3 Body worn cameras also are providing --
4 proving to be an important tool to assist broader
5 law enforcement problem-solving and community
6 engagement strategies within jurisdictions. Body
7 worn cameras can be effective resources providing an
8 unalterable audio and visual record of interactions
9 with -- that capture empirical evidence in the event
10 of crime, police citizen interaction, or use of
11 force incident.

12 The Review Committee found that audio and
13 video footage of the use of force incident currently
14 under review was not either -- was not available to
15 either PBP adjudicators or the Review Committee
16 because PBP does not have a body worn camera program
17 or possess interview or assessment from surveillance
18 equipment.

19 The Review Committee noted that the video
20 footage of this use of force incident could have
21 provided a visual record of the encounter between
22 the agents and the citizen, further assisting PBP's
23 adjudicatory assessment of the agent's conduct under
24 a totality of the circumstances standard.

25 The Review Committee also noted that during

1 previous reviews it proposed and the Commission
2 approved the same recommendation to both PSP and
3 DCNR. Commissioner Sonenshine, I'll turn it over to
4 you for comment or deliberation in support of
5 Recommendation 2, Finding 2.

6 SONENSHINE: Yes. This is as the Chairman
7 just said, the same recommendation made to all the
8 other covered agencies. And the response from them
9 has been positive. Of course, there's a money issue
10 which may be clearly it's beyond our control and may
11 to some extent be beyond the Agency's control since
12 they don't necessarily create the budget. But we
13 want to -- but I think there was general agreement
14 among the Agency this was a good idea and so this
15 our recommendation, we hope it helps.

16 BROWN: Commissioner Pennington?

17 PENNINGTON: Yes. I just wanted to add on
18 the funding piece. You know, PCCD administers the
19 justice funding for body worn cameras and other
20 justice programs. And I just wanted to add that,
21 you know, all the law enforcement agencies, you
22 know, are required to work with the Bureau of
23 Justice assistance. They have a training and
24 technical assistance provider and you are required
25 to work with them as part of a policy development

1 process and prior to the release of funds for
2 implementation. So all law enforcement agencies
3 must demonstrate appropriate policy development and
4 internal law enforcement adoption prior to full
5 funding being released.

6 And addition, Act 22 of 2017 also requires
7 that we, PCCD, condition funding grants related to
8 the implementation, use, and maintenance or storage
9 if body worn cameras or recordings. So, you know,
10 their funds are conditioned on proper protocols,
11 guidelines, and written policies. And, you know, I
12 can tell you from a funding perspective, it's very
13 competitive, so we have a certain amount of dollars
14 to provide and it is a competitive for law
15 enforcement agencies, so just wanted to add some
16 additional context there.

17 SONENSHINE: Thank you, Michael.

18 BROWN: Thank you, sir.

19 PENNINGTON: You're welcome.

20 BROWN: Any other comments from any
21 Commissioners in deliberation on Finding 2,
22 Recommendation #2?

23 (No response.)

24 BROWN: Any public comment regarding
25 Finding 2, Recommendation #2?

1 (No response.)

2 BROWN: Chairman Sonenshine, do we have a
3 motion to approve Resolution #2 -- or 3, I'm sorry,
4 the adoption of Findings, Conclusions,
5 Recommendations contained in the preliminary report
6 for Case #21005P?

7 SONENSHINE: I so move.

8 BROWN: Do we have a second?

9 UNKNOWN SPEAKER: I'll second.

10 BROWN: Do we have any objections?

11 (No response.)

12 BROWN: Hearing none, seeing none, 21005P
13 has been approved by unanimous consent.

14 UNKNOWN SPEAKER: [inaudible].

15 (Laughter.)

16 BROWN: During our last Commission meeting
17 on February 28, 2022, our Commission adopted 14
18 recommendations at our sub recommendations for
19 criminal justice reform designed to promote the core
20 principals of transparency, fairness, and
21 accountability within state law enforcement
22 agencies.

23 In issuing these recommendations, the
24 Commission was focused on providing our covered
25 agencies with an evidence-based and best practice

1 informed blueprint to address perceived deficiencies
2 that may prove to diminish those core principals.

3 Additionally, based on the root cause
4 analysis of the incident under review, the
5 Commission was able to provide recommendations to
6 improve policy and/or training practices best served
7 to reduce the risk of force deployment or that a
8 citizen perceives bias during an encounter with law
9 enforcement. The goal of these recommendations is
10 to prevent similar incidents from occurring in the
11 future and provide our covered agencies a path to
12 perform.

13 However, reform cannot occur without the
14 participation and cooperation of our covered
15 agencies. To that end, our Commission has received
16 updates from the Pennsylvania Department of
17 Conservation and Natural Resources and the
18 Pennsylvania State Police regarding implementation
19 of our recommendations issued on February 28.

20 It is my pleasure to report the Department
21 is actively developing a corrective action plan.
22 DCNR has updated their use of force policy regarding
23 de-escalation and has drafted policy to define
24 reasonable force more clearly.

25 Additionally, DCNR is actively seeking

1 funding and evaluating requirements for providing
2 body worn cameras for all rangers. PSP is currently
3 evaluating the various law enforcement initiated
4 diversion and treatment programs to determine if any
5 are appropriate for implementation.

6 In the case of all statewide law
7 enforcement -- as is the case of all statewide law
8 enforcement agencies, implementation is multifaceted
9 and complex. PSP operates in all 67 counties and
10 any adoption of a diversion or treatment program
11 would have to be done in partnership with county's
12 mental health treatment programs, district
13 attorneys, and courts all across the Commonwealth.

14 Notwithstanding the challenges, on behalf
15 of our Commission and its citizens, representatives,
16 thank you to our covered agencies for the steps
17 taken to award full implementation of the
18 Commission's recommendations. We look forward to
19 your written response in the coming weeks.

20 This Commission has proven that law
21 enforcement reforms can support both the law
22 enforcement officers and the citizens of the
23 Commonwealth they serve and to be a tool to identify
24 systematic deficiencies and provide a path for
25 corrective actions that reduce the risk of harm to

1 our citizens during encounters with law enforcement.
2 We have proven that our citizens can be an active
3 participant in shaping how they are policed.

4 We thank your volunteer citizens led
5 Commissioners, our support staff, our covered
6 agencies, and the citizens who have supported us for
7 their work now and into the future. Thank you to
8 all.

9 And specifically on the record, thank you
10 to Tiffany and Jess. I know you put a lot of work
11 into getting us into Philadelphia and putting this
12 whole thing together where we're going to be and
13 everything, so thank you both for your help to the
14 Commission.

15 (Applause.)

16 UNKNOWN SPEAKER: You're muted.

17 BROWN: You're muted, sir. So I think
18 we -- do we have a motion to adjourn?

19 SONENSHINE: Sha, before you adjourn, may I
20 make one comment?

21 BROWN: Yes, sir, go right ahead.

22 SONENSHINE: I just want to thank you for
23 putting together that panel today. You got some of
24 the top people anywhere to come together on fairly
25 short notice for a lot of incredibly valuable

1 information. So thank you for being able to pull
2 that together. You did a great job. Thank you.

3 BROWN: Yes, sir, my pleasure --

4 SONENSHINE: And now I'll move to adjourn.
5 Now I move to adjourn.

6 UNKNOWN SPEAKER: I think we're adjourned.

7 BROWN: Yeah. Do we have a motion to
8 adjourn real quick?

9 SONENSHINE: I just --

10 BROWN: Second?

11 UNKNOWN SPEAKER: Second.

12 BROWN: We are adjourned. Thank you, all.

13

14



RESOLUTION NO. 1

Title: Adoption and Ratification of Proposed Amendments to Various Sections of the Bylaws and Other Proposed Administrative Practices and Procedures Presented by the Rules Subcommittee of the Pennsylvania State Law Enforcement Citizen Advisory Commission

Meeting Date: Regular (Quarterly) Meeting, May 13, 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 (Commission) will consider, deliberate, and take action(s) following a presentation by the Commission's Rules Sub-committee¹ concerning proposed amendments to the Commission's Bylaws (see attached).²

Originating Request Submitted By: **Elizabeth C. Pittinger,**
Chairperson of the Rules Sub-committee

¹ The Commission's Rules Sub-committee was duly formed during the Commission's Regular Meeting held on December 10, 2021 and made pursuant to Article 8 (Review Process), Section 8.2 (Sub-committees and Review Committees).

² These Bylaws were duly adopted by the Commission *via* Resolution No. 1 (dated May 20, 2021).

RESOLUTION NO. 1

Title: Adoption and Ratification of Proposed Amendments to Various Sections of the Bylaws and Other Proposed Administrative Practices and Procedures Presented by the Rules Subcommittee of the Pennsylvania State Law Enforcement Citizen Advisory Commission

AND NOW, on this 13th day of MAY, 2022, it is hereby certified that:

WHEREAS, in accordance with Section 10 (Procedures), Subsection (a) of Executive Order 2020-04, as amended, the Pennsylvania State Law Enforcement Citizen Advisory Commission (Commission) may establish subcommittees, rules, and procedures necessary to effectively implement its authority and responsibilities included in this Executive Order; and

WHEREAS, the Rules Sub-committee was duly formed and established by the Commission at its Regular (Quarterly) Meeting held on December 10, 2021 in accordance with Article 8 (Review Process), Section 8.2 (Commission Sub-Committees and Review Committees) of the Commission's Bylaws;¹ and

WHEREAS, the Rules Sub-committee considered, discussed, deliberated, and took action(s) concerning proposed amendments to the Commission's Bylaws to include: (a) creating protocols related to engagement with governmental stakeholders and other non-governmental constituents regarding proposed legislative and other actions based, in part, on previous recommendations adopted by the Commission; (b) establishing general and special public comment periods during all public meetings along with discretion for invitations to guest speakers; (c) setting timeframe for receipt of a Covered Agency's response for additional information requested by a Review Committee between five to 10 business days to be determined at the discretion of the Commission's Chairperson; and (d) allowing for electronic signatures for all preliminary reports issued by Review Committees and final reports adopted by the Commission at its Special Meeting held on March 25, 2022; and

WHEREAS, such proposed amendments to the Commission's Bylaws effect **Articles Nos. 4** (Appointment of Commission Members, Duties of Commission Officers, Terms of Service, Compensation, Attendance, Vacancies, Removal and Recusal), **Section 4.2** (Duties of Commission Officers, **Subsection (a)(2)** (Commission Chairperson); **6** (Commission Meetings, Purpose and Rules of Commission Meetings, Quorum and Voting, Meeting Recording and Meeting Minutes), **Section 6.2** (Purpose and Rules of Commission Meetings); and **8** (Review Process), **Sections 8.2** (Commission Sub-committee and Review Committees), **8.4** (Presentation of Preliminary Report to Commission) and **8.5** (Implementation of Recommendations); and

¹ These Bylaws were duly adopted by the Commission *via* Resolution No. 1 (dated May 20, 2021).

WHEREAS, following the Robert's Rules of Order, the Commission's Chairperson having attested to recognizing motions from the Commission membership, said motions having been seconded and recording the votes of Commission membership as indicated in the Vote Tabulation Form, the Commission hereby adopts and ratifies proposed amendments to various sections of the Commission's Bylaws and other proposed administrative practices and procedures presented by the Commission's Rules Sub-committee; and

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 Regular (Quarterly) Meeting of the Commission 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 Commission present; and

BE IT FURTHER RESOLVED, that the Commission hereby authorizes the drafting, presentation, adoption, release and posting of such amendments to the Commission's Bylaws along with such other proposed administrative practices and procedures for Voting Members as required.

AS DULY ADOPTED AND RATIFIED BY THE PENNSYLVANIA STATE LAW ENFORCEMENT CITIZEN ADVISORY COMMISSION (DATED MAY 13, 2022)

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



(Electronic Signature Authorized)

PRINT: Sha S. Brown

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



(Electronic Signature Authorized)

PRINT: Jaimie L. Hicks

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

ARTICLE 1: NAME

1.1 Pursuant to Executive Order 2020-04, as amended April 30, 2021, 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, as amended, 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, where applicable.

2.2 Deputy State Inspector General for Law Enforcement Oversight

Executive Order 2020-04 (as amended) established the Commission within the Pennsylvania Office of State Inspector General (OSIG) and provided that a Deputy Inspector General (or designee appointed by the State Inspector General) serve as the Commission's Chairperson. To support the intent of Executive Order 2020-04 (as amended), 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, as amended.

3.2 Duties of the Commission

The Commission is authorized to:

- (a) Perform reviews of completed internal investigative findings by Covered Agencies (as defined by Section 3(d) of Executive Order 2020-04, as amended) related to allegations and incidents concerning 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 (as defined by Section 3(c) of Executive Order 2020-04, as amended) involving Covered Agencies' law enforcement personnel;
 - (ii) A representative, random sampling (as defined by Section 3(f) of Executive Order 2020-04, as amended) 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-based policing during interactions with Covered Agencies' law enforcement personnel.
- (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;
 - (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 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.

No voting member of the Commission may be a party to, or represent any party in, litigation involving any of the Covered Agencies.

(b) Non-Voting Members

There shall be six (6) ex-officio or non-voting members of the Commission which shall be comprised of the:

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

(c) Chairperson

The Deputy Inspector General of BLEO or designee appointed by the State Inspector General will chair the Commission.

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 (including the selection and invitation of guest speakers and other invited guests) 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 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;
- (5) Establishing Commission Review Committees (as described by Article 8, Section 2) to conduct the completed internal investigative findings review functions of the Commission authorized by Executive Order 2020-04, as amended;

- (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;
- (8) Effectuating all other administrative tasks to support the purpose and mission of the Commission; and
- (9) Representing, and acting on behalf of, the Commission in external matters involving Commission business.

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 regular, 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 two (2) years, and ten (10) inaugural voting members shall be appointed for an initial term of three (3) years, the initial terms to be served beginning from the effective date of Executive Order 2020-04, as amended. Thereafter, all terms shall be four (4) years.

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 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, or Review Committee (as described in Article 8, Section 2 herein) or BLEO unless specifically authorized to do so by the Commission's Chairperson. Outside of statements required by Pennsylvania's Sunshine Act, the Commission meetings, and required reports, no member of the Commission shall make any individual public statements regarding any deliberations, discussions, debate, or review of any of the completed internal investigative findings or recommendations of the Commission, at no time shall any Commission member discuss, release, disclose or disseminate (whether orally or in writing) any confidential information obtained as a result of their Commission service and must protect the security of all information along with other Commission, Commission Sub-committee, or Commission Review 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, or Commission Review 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, or Review 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.

Commission voting members 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 and limited background investigation by the OSIG for purposes

of having access to Commonwealth systems and completed internal investigative 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 four times each year, unless otherwise determined by the Chairperson and fix a date, time, and place (if applicable) of all such meetings. A schedule of all regular 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 regular 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 regular 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 voting members 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 regular or special meetings for cause. For all special or rescheduled regular 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 regular, 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 regular, 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 regular, 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 regular, 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 and Review Committees (as described in Article 8, Section 2 herein) to which he or she is assigned and may attend all regular, special, and rescheduled Commission meetings or Commission Sub-committee or Review 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 or Review 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 or Review 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 regular, special, and rescheduled meetings in accordance with 65 Pa.C.S. § 709(b). At a minimum, the agenda of all regular, 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 Sub-committees or Review Committees (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 regular, 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.

As duly adopted by the Commission's Rules Sub-committee (and as duly authorized and prescribed by Article 8, Section 8.2 herein), and ratified by the Commission, all Commission meetings shall include accommodations for both a general comment period (on any matter that falls under the Commission's jurisdiction and/or concerns the Commission's mission and purpose) and a specific comment period (on any matter currently under consideration). For general and specific comment periods, the Commission's Chairperson may, when deemed appropriate and necessary, designate a spokesperson(s) for any entity or constituent for the purpose of offering public comment during a public meeting on a single topic(s) or subject(s). All speakers during general and specific comment periods shall be limited to three (3) minutes per speaker.

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 6).

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 regular, 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 regular, 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, Sub-committee, and Review Committee (as duly authorized and prescribed by Article 8, Section 2 herein) meetings will be recorded 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' completed internal investigative findings reviewed or discussed at a particular Commission meeting;
- (e) The recommendations (if any) of each Commission Review Committee (as described in Article 8, Section 2 herein) related to each of the reviews of the Covered Agency's completed internal 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 and Administrative 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 BLEO

BLEO will create and monitor a hotline to receive complaints alleging any misconduct by 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.

The Deputy State Inspector General of BLEO will also submit a request to each Covered Agency every quarter which seeks a detailed listing of all completed internal investigations under the jurisdiction of the Commission. BLEO will maintain this information securely in Commonwealth systems and provide access to Commission members assigned to each of the applicable Commission Review Committees (as described in Article 8, Section 2).

8.2 Commission Sub-committees and Review Committees

Pursuant to Section 10(a) of Executive Order 2020-04, as amended, and upon a majority vote of voting members, the Commission may, from time to time, establish Sub-committees to research and propose for adoption such rules, procedures and guidelines deemed necessary to effectively implement the Commission's authority and responsibilities thereunder, including those matters related to parliamentary procedures, public engagement and presence, and official participation of Commission members in community and other events. Sub-committees shall be chaired by a voting member and may only consist of voting and non-voting members of the Commission.

As duly adopted by the Commission's Rules Sub-committee (and as duly authorized and prescribed by Article 8, Section 8.2 herein), and ratified by the Commission, no voting member shall offer or submit any public statement or comment (either on- or off-the-record) to members of the media concerning any Commission matters under consideration including, but not limited to, proposed action(s), preliminary findings or conclusions and related recommendation(s) not yet voted on, adopted, and ratified by the full Commission without the express written consent of the Commission's Chairperson.

As duly adopted by the Commission's Rules Sub-committee (and as duly authorized and prescribed by Article 8, Section 8.2 herein), and ratified by the Commission, all voting members shall submit, for preapproval to the Commission's Chairperson, all requests for participation (in their official capacity as Commission members) in any event.

Pursuant to Section 9(b) of Executive Order 2020-04, as amended, the Commission's Chairperson will establish Commission Review Committees (which shall include a minimum of one (1) voting member and one (1) non-voting member (not associated with the subject matter or Covered Agency)) to oversee all completed internal investigative findings reviews and name Chairs and Vice-Chairs (from among voting members) to oversee each such Review Committee. With the approval of the Commission's Chairperson, Commission Review Committees will select (upon a majority vote of voting members assigned thereto) at least one, but no more than two new 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 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 selected a completed internal investigative findings matter for review. Following this notification and as 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, facts as determined by investigators and relevant dates of all actions, including all criminal and/or administrative adjudications (excluding, and as those terms are defined in Executive Order 2020-04, as amended, all Personal

Identifiable Information (PII), information protected by the Criminal History Record Information Act (CHRIA) or information obtained or derived from a Criminal Justice Information Services (CJIS) system or other information restricted by State or Federal law). Prior to the date of the scheduled oral presentation meeting, the Commission's Chairperson 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 such information directly related to the completed internal investigative findings under review (excluding all PII, CHRIA, and CJIS information or other information restricted by State or Federal law). The Commission's Chairperson shall request a response (within five 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's Review Committee findings review, the Review Committee will prepare a Preliminary Investigative Review Report (Preliminary Report) that will include Findings and Conclusions of the Review, any Additional Factors for Consideration and Recommendations for Corrective Actions, if applicable. As duly adopted by the Commission's Rules Sub-committee (and as duly authorized and prescribed by Article 8, Section 8.2 herein), and ratified by the Commission, 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.

8.3 Covered Agency's Opportunity to Respond to Preliminary Report

A Covered Agency may request a meeting with a Review Committee of the Commission to discuss the preliminary findings and recommendations contained in the Preliminary Report within five (5) business days upon its issuance. Additionally, 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 Chairperson and a majority vote of voting members assigned thereto, for inclusion in the Preliminary Report.

8.4 Presentation of Preliminary Report to Commission

The Commission's Chairperson and/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, 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. As duly adopted by the Commission's Rules Sub-committee (and as duly authorized and prescribed by Article 8, Section 8.2 herein), and ratified by the Commission, the Commission shall allow for electronic signatures of all applicable Commission officers for all Final Reports duly adopted and ratified by the Commission.

8.5 Implementation of Recommendations and Other Recommendation-Related Engagements

Covered Agencies will review recommendations, if applicable, contained in Final Reports and provide the Commission with a written response including, what, if any, recommendations it may implement. If a recommendation cannot or will not be implemented, the Covered Agency shall provide an explanation as required by Section 3(b)(4) of Executive Order 2020-04, as amended.

As duly adopted by the Commission's Rules Sub-committee (and as duly authorized and prescribed by Article 8, Section 2 herein) and ratified by the Commission, the Commission's Chairperson, along with his or her designee and/or Chairperson(s) of Review Committees and any other voting member as deemed appropriate, may from time to time engage with governmental stakeholders and other non-governmental constituents concerning proposed legislative and other actions based, in part, on previous recommendations adopted and ratified by the Commission for the purpose of explaining the background, context and character of such recommendations. However, neither the Commission, the Commission's Chairperson nor any voting member in their official capacity, shall endorse any proposed legislative action based, in part, on any recommendations adopted and ratified by the Commission.

8.6 Issuance and Publication of Final Reports

Once adopted and ratified by the Commission, copies of all Final Reports (including written responses of Covered Agencies) will be posted publicly on the Commission's webpage.

ARTICLE 9: ANNUAL REPORT

9.1 In the interests of transparency and accountability, and in conformity with Executive Order 2020-04, as amended, the Commission shall issue an annual, public report that includes, but is not limited to, summary information and statistical data regarding the number of completed internal investigative findings reported and 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: AMENDMENT OF BYLAWS

10.1 These Bylaws shall be duly adopted by the Commission and may be amended at any regular, special, 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 2020-04, as amended, any statute of the Commonwealth, or the Pennsylvania and United States Constitutions.

ORIGINALLY ADOPTED BY RESOLUTION NO. 1 OF THE COMMISSION (dated May 20, 2021)

AS HEREIN REVISED AND ADOPTED BY RESOLUTION NO. 1 OF THE COMMISSION (dated February 28, 2022)

AS HEREIN REVISED AND ADOPTED BY RESOLUTION NO. 1 OF THE COMMISSION (dated May 13, 2022)

SIGNATURE OF CHAIRPERSON:

A handwritten signature in black ink, appearing to be 'S. S. Brown', written over a horizontal line.

Sha S. Brown



Vote Tabulation Form

Type of Commission Meeting: Quarterly Special Rescheduled
Date and Time of Commission Meeting: May 13, 2022 10:00am

Resolution # 1

Pursuant to Article 6, Sections 2, 3 and 5 of the Pennsylvania State Law Enforcement Citizen Advisory Commission's (Commission) Bylaws, and following the Robert's Rules of Order, I hereby attest to recognizing motions from Commission membership, said motions having been seconded, and recording the votes of Commission membership for matters under the Commission's review as indicated below:

ACTION ITEM:

Resolution # 1 - ADOPTION + RATIFICATION OF PROPOSED BY-LAW AMENDMENT

Summary Tabulation of All Votes: 13 YAY 0 NAY 13 PRESENT 0 ABSTAIN

Seat Name	Name of Commission Member	Individual Votes			
		YAY	NAY	PRESENT	ABSTAIN
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**



RESOLUTION NO. 2

Title: Consideration, Discussion, Deliberation, and Action(s) Concerning Preliminary Investigative Review Report for Internal Case No. 21-0008-P presented by the Bias-Based Policing Review Committee in anticipation of the issuance of a Final Report for Internal Case No. 21-0008-P by the Pennsylvania State Law Enforcement Citizen Advisory Commission

Meeting Date: Regular (Quarterly) Meeting, May 13, 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 (Commission) will consider, deliberate and take action(s) following presentation of the Commission's Bias-Based Policing Review Committee's Preliminary Investigative Review Report for **Internal Case No. 21-0008-P** (an internal investigation by the Pennsylvania State Police (PSP) involving a bias-based policing complaint concerning incident on February 23, 2018) in anticipation of the issuance and ratification of a Final Report for **Internal Case No. 21-0008-P**.¹

Originating Request Submitted By: **Marvin Boyer,**
Chairperson of the Bias-Based Policing Review
Committee

¹ These actions are authorized by, and made pursuant to, Article 8 (Review Process), Section 8.4 (Presentation of Preliminary Report to Commission) of the Commission's Bylaws.

RESOLUTION NO. 2

Title: Consideration, Discussion, Deliberation, and Action(s) Concerning Preliminary Investigative Review Report for Internal Case No. 21-0008-P presented by the Bias-Based Policing Review Committee in anticipation of the issuance of a Final Report for Internal Case No. 21-0008-P by the Pennsylvania State Law Enforcement Citizen Advisory Commission

AND NOW, on this 13th day of MAY, 2022, it is hereby certified that:

WHEREAS, the Bias-Based Policing 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;¹ and

WHEREAS, in accordance with Executive Order 2020-04, as amended, the Bias-Based Policing Review Committee completed its review of **Internal Case No. 21-0008-P**; and

WHEREAS, the Bias-Based Policing Review Committee authorized the preliminary drafting and internal production of a Preliminary Investigative Review Report for **Internal Case No. 21-0008-P** at its Special Meeting held on March 15, 2022; and

WHEREAS, a draft of the Bias-Based Policing Review Committee's Preliminary Investigative Review Report for **Internal Case No. 21-0008-P** was completed and distributed to the Agency Head, Agency's Chief Counsel, and all Commission members for review on April 20, 2022;² and

WHEREAS, the Bias-Based Policing Review Committee considered, discussed, deliberated, and took action(s) concerning comments offered by the Covered Agency and/or other Commission members, if any, during its Special Meeting held on May 2, 2022 regarding the Bias-Based Policing Review Committee's preliminary Findings and Conclusions, Additional Factor(s) for Consideration and Recommendation(s) for Corrective Action(s) contained in the draft of the Preliminary Investigative Review Report for **Internal Case No. 21-0008-P**;³ and

WHEREAS, following consideration and deliberation of comments offered by the Covered Agency and/or other Commission members, if any, and amendment of its draft report, the Bias-Based Policing Review Committee adopted and ratified its Findings and Conclusions, Additional Factor(s) for Consideration and Recommendation(s) for Corrective Action(s) during its Special Meeting held on May 2, 2022 for presentation to, and further consideration by, the Commission; and

¹ This action is authorized by, and made pursuant to, Article 8 (Review Process), Section 8.2 (Commission Sub-Committees and Review Committees) of the Commission's Bylaws.

² This action is authorized by, and made pursuant to, Article 8 (Review Process), Section 8.2 (Commission Sub-committees and Review Committees) of the Commission's Bylaws.

³ This action is 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.

WHEREAS, the Bias-Based Policing Review Committee presented its Findings and Conclusions, Additional Factor(s) for Consideration and Recommendation(s) for Corrective Action(s) contained in its Preliminary Investigative Review Report for **Internal Case No. 21-0008-P** to the Commission at its Regular (Quarterly) Meeting held on May 13, 2022;⁴ and

WHEREAS, following the Robert's Rules of Order, the Commission's Chairperson having attested to recognizing motions from the Commission's voting membership, said motions having been seconded and recording the votes of the Commission's voting membership as indicated in the Vote Tabulation Form, the Commission hereby adopts and ratifies the contents of the Bias-Based Policing Review Committee's Preliminary Investigative Review Report for **Internal Case No. 21-0008-P**.⁵

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 Regular (Quarterly) Meeting of the Commission 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 Commission present.

BE IT FURTHER RESOLVED, that the Commission authorizes the release of, and presents its Final Report for **Internal Case No. 21-0008-P** and any accompanying addenda to the Covered Agency for further action.⁶

BE IT FURTHER RESOLVED, that the Commission directs its Chairperson to publicly post a copy of the Final Report for **Internal Case No. 21-0008-P** and any accompanying addenda on the Commission's webpage.⁷

AS DULY ADOPTED BY THE PENNSYLVANIA STATE LAW ENFORCEMENT CITIZEN ADVISORY COMMISSION (DATED MAY 13, 2022)

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



(Electronic Signature Authorized)

PRINT: Sha S. Brown

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



(Electronic Signature Authorized)

PRINT: Jaimie L. Hicks

⁴ 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.

⁵ 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.

⁶ This action is authorized by, and made pursuant to, Article 8 (Review Process), Section 8.5 (Implementation of Recommendations) of the Commission's Bylaws.

⁷ This action is authorized by, and made pursuant to, Article 8 (Review Process), Section 8.6 (Issuance and Publication of Final Reports) of the Commission's Bylaws.



pennsylvania

OFFICE OF STATE
INSPECTOR GENERAL

Vote Tabulation Form

Type of Commission Meeting: Quarterly Special Rescheduled

Date and Time of Commission Meeting: May 13, 2022 10:00 AM

Pursuant to Article 6, Sections 2, 3 and 5 of the Pennsylvania State Law Enforcement Citizen Advisory Commission's (Commission) Bylaws, and following the Robert's Rules of Order, I hereby attest to recognizing motions from Commission membership, said motions having been seconded, and recording the votes of Commission membership for matters under the Commission's review as indicated below:

ACTION ITEM:

Resolution # 2 - Preliminary Investigative Review Report 21-0008 P
Summary Tabulation of All Votes: 13 YAY 0 NAY 13 PRESENT 0 ABSTAIN

Seat Name	Name of Commission Member	Individual Votes			
		YAY	NAY	PRESENT	ABSTAIN
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**



RESOLUTION NO. 3

Title: Consideration, Discussion, Deliberation, and Action(s) Concerning Preliminary Investigative Review Report for Internal Case No. 21-0005-P presented by the Use of Force Review Committee in anticipation of the issuance of a Final Report for Internal Case No. 21-0005-P by the Pennsylvania State Law Enforcement Citizen Advisory Commission

Meeting Date: Regular (Quarterly) Meeting, May 13, 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 (Commission) will consider, deliberate and take action(s) following presentation of the Commission’s Use of Force Review Committee’s Preliminary Investigative Review Report for **Internal Case No. 21-0005-P** (an internal investigation concerning a lower-level use of force incident (taser deployment) involving agents of the Pennsylvania Board of Probation and Parole within the Department of Corrections that occurred on July 21, 2016)) in anticipation of the issuance and ratification of a Final Report for **Internal Case No. 21-0005-P**.¹

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

¹ These actions are authorized by, and made pursuant to, Article 8 (Review Process), Section 8.4 (Presentation of Preliminary Report to Commission) of the Commission’s Bylaws.

RESOLUTION NO. 3

Title: Consideration, Discussion, Deliberation, and Action(s) Concerning Preliminary Investigative Review Report for Internal Case No. 21-0005-P presented by the Use of Force Review Committee in anticipation of the issuance of a Final Report for Internal Case No. 21-0005-P by the Pennsylvania State Law Enforcement Citizen Advisory Commission

AND NOW, on this 13th day of MAY, 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;¹ and

WHEREAS, in accordance with Executive Order 2020-04, as amended, the Use of Force Review Committee completed its review of **Internal Case No. 21-0005-P**; and

WHEREAS, the Use of Force Review Committee authorized the preliminary drafting and internal production of a Preliminary Investigative Review Report for **Internal Case No. 21-0005-P** at its Special Meeting held on March 23, 2022; and

WHEREAS, a draft of the Use of Force Review Committee's Preliminary Investigative Review Report for **Internal Case No. 21-0005-P** was completed and distributed to the Agency Head, Agency's Chief Counsel, and all Commission members for review on March 25, 2022;² and

WHEREAS, the Use of Force Review Committee considered, discussed, deliberated, and took action(s) concerning comments offered by the Covered Agency and/or other Commission members, if any, during its Special Meeting held on April 1, 2022 regarding the Use of Force Review Committee's preliminary Findings and Conclusions, Additional Factor(s) for Consideration and Recommendation(s) for Corrective Action(s) contained in the draft of the Preliminary Investigative Review Report for **Internal Case No. 21-0005-P**;³ and

WHEREAS, following consideration and deliberation of the Covered Agency's comments contained in, and amendment of its draft report, the Use of Force Review Committee adopted and ratified its Findings and Conclusions, Additional Factor(s) for Consideration and Recommendation(s) for Corrective Action(s) during its Special Meeting held on April 1, 2022 for presentation to, and further consideration by, the Commission; and

WHEREAS, the Use of Force Review Committee presented its Findings and Conclusions, Additional Factor(s) for Consideration and Recommendation(s) for Corrective Action(s) contained

¹ This action is authorized by, and made pursuant to, Article 8 (Review Process), Section 8.2 (Commission Sub-Committees and Review Committees) of the Commission's Bylaws.

² This action is authorized by, and made pursuant to, Article 8 (Review Process), Section 8.2 (Commission Sub-committees and Review Committees) of the Commission's Bylaws.

³ This action is 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.

in its Preliminary Investigative Review Report for **Internal Case No. 21-0005-P** to the Commission at its Regular (Quarterly) Meeting held on May 13, 2022;⁴ and

WHEREAS, following the Robert's Rules of Order, the Commission's Chairperson having attested to recognizing motions from the Commission's voting membership, said motions having been seconded and recording the votes of the Commission's voting membership as indicated in the Vote Tabulation Form, the Commission hereby adopts and ratifies the contents of the Use of Force Review Committee's Preliminary Investigative Review Report for **Internal Case No. 21-0005-P**.⁵

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 Regular (Quarterly) Meeting of the Commission 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 Commission present.

BE IT FURTHER RESOLVED, that the Commission authorizes the release of, and presents its Final Report for **Internal Case No. 21-0005-P** and any accompanying addenda to the Covered Agency for further action.⁶

BE IT FURTHER RESOLVED, that the Commission directs its Chairperson to publicly post a copy of the Final Report for **Internal Case No. 21-0005-P** and any accompanying addenda on the Commission's webpage.⁷

AS DULY ADOPTED BY THE PENNSYLVANIA STATE LAW ENFORCEMENT CITIZEN ADVISORY COMMISSION (DATED MAY 13, 2022)

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



(Electronic Signature Authorized)

PRINT: Sha S. Brown

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



(Electronic Signature Authorized)

PRINT: Jaimie L. Hicks

⁴ 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.

⁵ 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.

⁶ This action is authorized by, and made pursuant to, Article 8 (Review Process), Section 8.5 (Implementation of Recommendations) of the Commission's Bylaws.

⁷ This action is authorized by, and made pursuant to, Article 8 (Review Process), Section 8.6 (Issuance and Publication of Final Reports) of the Commission's Bylaws.



Vote Tabulation Form

Type of Commission Meeting: Quarterly Special Rescheduled

Date and Time of Commission Meeting: MAY 13, 2022 10:00am

Resolution # 3 - Preliminary Investigative Review Report 21-0005-P

Pursuant to Article 6, Sections 2, 3 and 5 of the Pennsylvania State Law Enforcement Citizen Advisory Commission's (Commission) Bylaws, and following the Robert's Rules of Order, I hereby attest to recognizing motions from Commission membership, said motions having been seconded, and recording the votes of Commission membership for matters under the Commission's review as indicated below:

ACTION ITEM: Resolution # 3 - Preliminary Investigative Review Report 21-0005-P

Summary Tabulation of All Votes: 12 YAY 0 NAY 12 PRESENT 0 ABSTAIN

Seat Name	Name of Commission Member	Individual Votes			
		YAY	NAY	PRESENT	ABSTAIN
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**