



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).

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AND NOW, on this ____ day of _____, _____, 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

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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

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 _____, 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. _____ OF THE COMMISSION (dated _____, 2022)

SIGNATURE OF CHAIRPERSON:

Sha S. Brown

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