

PENNSYLVANIA STATE LAW ENFORCEMENT CITIZEN ADVISORY COMMISSION

DRAFT of Regular Meeting Minutes

Friday, August 5, 2022 at 10:00 a.m.

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

At 10:29 a.m. Regular Public Meeting Started and Recording Began

At 10:29 a.m. Call to Order and Roll Call

Chairperson Brown called the Regular (Quarterly) Public Meeting of the Pennsylvania State Law Enforcement Citizen Advisory Commission (Commission) to order, announced that the meeting was being recorded and participation in the meeting conferred consent to being recorded. Chairperson Brown thanked attendees for their participation and 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 10:33 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 10:34 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 August 5, 2022, as adopted, is attached hereto, and made a part hereof **[see ATTACHMENT 2]**.

At 10:35 a.m. Motion to Approve Adoption of the Draft of the Commission's May 13, 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 (Quarterly) Meeting held on May 13, 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 May 13, 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 May 13, 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 10:35 a.m. Administrative Matters and Special Remarks

Chairperson Brown reported a leave of absence by Commissioner Kelley B. Hodge, Esq., and her resignation from serving on the Commission's Critical Incident Review Committee, following Commissioner Hodge's nomination to the federal bench. Chairperson Brown thanked Commissioner Hodge for serving with distinction and as the Chairperson of the Critical Incident Review Committee since its inception. Chairperson Brown named Commissioner Dr. Spero Lappas, Esq., Ph.D. to serve as the committee's new Chairperson. As a valued member of the committee, Critical Incident Review Committee Chairperson Lappas was named in *The Best Lawyers in America* in 1983 and recognized in *Who's Who in America* and other distinguished publications. Critical Incident Review Committee Chairperson Lappas is a published author and prize winning artist and served as lead counsel in many of Central Pennsylvania's most important criminal and civil trials and taught trial practice, criminal justice, and political theory at the university level. Chairperson Brown thanked him for his willingness to serve and relinquished the floor to Critical Incident Review Committee Chairperson Lappas for any remarks. Newly appointed Critical Incident Review Committee Chairperson Lappas congratulated Commissioner Hodge for her appointment and hoped to serve with as much grace as the former chair.

Chairperson Brown asked if there were any other administrative matters to discuss and relinquished the floor to Vice-President Chairperson Pittinger for further comment. Vice-Chairperson Pittinger offered action on a procedural matter concerning the Critical Incident Review Committee's **Preliminary Investigative Review Report for Internal Case No. 21-0018-P**. Vice-Chairperson Pittinger understood the Covered Agency wished to offer additional information that may be of assistance to Commissioners concerning its review of the Covered Agency's completed internal investigation of the underlying incident. To allow for this consideration, Vice-Chairperson Pittinger offered a motion to remove **Resolution No. 3** [Adoption and Ratification of Findings, Conclusions and Recommendations, if any, Contained in Preliminary Investigative Review Report for Internal Case No. 21-0018-P Presented by the Critical Incident Review Committee in Anticipation of the Issuance of a Final Report by the Pennsylvania State Law Enforcement Citizen Advisory Commission] from the Commission's Meeting Agenda and remand **Preliminary Investigative Review Report for Internal Case No. 21-0018-P** back to the committee for further consideration. **The motion was offered and seconded with no noted objection. Chairperson Brown recognized the action of the Commission and remanded Preliminary Investigative Review Report for Internal Case No. 21-0018-P to the Critical Incident Review Committee for further consideration.**

There were no other administrative matters before the Commission.

10:39 a.m. Remarks by the Commission's Chairperson and Vice-Chairperson

Chairperson Brown deferred his comments and relinquished the floor to Vice-Chairperson Pittinger for remarks. Vice-Chairperson Pittinger welcomed Commissioners to Pittsburgh and reported that the Commission's committees adhered to a rigorous meeting schedule since the Commission's last Regular (Quarterly) Meeting on May 10, 2022. While the Commission's Rules Committee did not meet during this quarter, Vice-Chairperson Pittinger announced that the Commission's Bias-based Policing Review Committee [chaired by Commissioner Marvin Boyer] met four times; its Critical Incident Review Committee [formerly chaired by Commissioner Hodge and now chaired by Commissioner Lappas] met three times; and its Use of Force Review Committee [Chaired by Commission David A. Sonenshein, Esq.]

also convened on four occasions. Between committee meetings, Vice-Chairperson Pittinger remarked that Commissioners devoted countless hours evaluating material related to the matters under review and that the Commission will consider their findings, recommendations, and observations. Vice-Chairperson Pittinger remarked further that the exchange of information between the covered agencies and committees, for the most part, was cooperative and instructive to Commissioners reviewing procedural matters which underlie their completed internal investigations. Vice-Chairperson Pittinger noted statutory restrictions, or interpretations thereof, unfortunately continued to hamper the exchange of material that was consequential to the Commission's work.

Vice-Chairperson Pittinger thought it notable it was the first time that formally organized citizen oversight entities in the Commonwealth were together in one location. While jurisdictions and authority are certainly different, Vice-Chairperson Pittinger stated many of the challenges are the same and citizen oversight is often mischaracterized as adverse to law enforcement which is simply not true. As the oversight process evolves, Vice-Chairperson Pittinger added the oversight entity must establish a record of fairness, reasonableness, impartiality, and objectivity. In turn, Vice-Chairperson Pittinger stated law enforcement leadership has a duty to enable the will of their community and not obstruct or deny a process of mutual accountability. Vice-Chairperson Pittinger recognized we have all witnessed incidents of inhumanity committed under the color of law by those serving as a law enforcement officers. Oversight must absorb and analyze these aberrations in context. Citizen oversight is the manifestation of a community's desire to improve the relationship between citizens and their police through communication, mutual respect, and trust. Under the guidance of Executive Order 2020-04 as amended, Vice-Chairperson believed Chairperson Brown and the Commission's resolute professional staff structured the process adopted by the Commission built on these values and guide the Commission's review of internal investigations conducted by covered state law enforcement agencies. Vice-Chairperson Pittinger opined that the Commission continued to discharge its duties carefully and diligently in service to both the Commonwealth's citizens and law enforcement officers which concluded her remarks.

10:42 a.m. General Public Comment Before Deliberations

At this time, Chairperson Brown opened the floor to general public comment and recognized Dr. Daniel Navarre. After providing a summary of his background, Dr. Navarre asked for assistance concerning a public fraud corruption involving the Insurance Section within the Commonwealth's Office of Attorney General, UPMC and Highmark, and Governor Ron DeSantis. After Chairperson Brown explained the Commission's lack of jurisdiction, Dr. Navaree gave Chairperson Brown papers that represented evidence of alleged corruption.

*[For a complete written transcript of Dr. Navarre's public comments regarding alleged public corruption, generally see pages 13 through 19 in the Meeting Transcript which is attached hereto and made a part hereof **[see ATTACHMENT 5]**.*

Chairperson opened the floor to any other comment either in person or via online, and no further comment was offered.

10:53 a.m. Presentation, Consideration, Discussion, Deliberation, Action(s) and Public Comment Concerning Preliminary Investigative Review Report for Internal Case No. 21-0009-P (bias-based policing complaint involving the Pennsylvania State Police concerning incident on October 25, 2018)

Chairperson Brown proceeded to the next item for business which involved presentation of the Preliminary Investigative Review Report for **Internal Case No. 21-0009-P** by the Bias-Based Policing Review Committee (BBP Review Committee) concerning its review of a complaint alleging bias-based policing that occurred on October 25, 2018 involving the Pennsylvania State Police (PSP). [The BBP Review Committee is chaired by Commissioner Marvin Boyer and includes Commissioners Dr. Suresh Canagarajah, Ph.D., Denise Ashe, Keir Bradford-Grey, Esq., and Brenda Tate.] Chairperson Brown summarized the BBP Review Committee's case review of **Internal Case No. 21-0009-P** as follows:

Summary of Facts

On October 25, 2018, two Pennsylvania State Police (PSP) Troopers observed a vehicle with a missing rear bumper at an intersection. As they followed the vehicle, Troopers ran a query and the query indicated that one of the vehicle's registered owners had a suspended license and an active arrest warrant. The query further returned a photograph of the subject. Troopers stopped the vehicle for an equipment violation and to determine whether the vehicle's driver was the subject of an active arrest warrant.

After they initiated the traffic stop, the Troopers determined the vehicle's driver possessed a valid driver's license and was not the subject in the photograph. Troopers advised the vehicle's driver of the mistaken identification, showed the driver the subject's photograph, and ended the encounter. Records indicated the Troopers acted professionally during and explained the reason for the traffic stop and apologized several times for the inconvenience. The driver adamantly disputed he resembled the subject in the photograph and filed this complaint.

Scope of Methodology

Under Executive Order 2020-04, as amended, the Pennsylvania State Law Enforcement Citizen Advisory Commission's Bias-Based Policing Review Committee is required to review an Agency's completed internal investigations concerning allegations of racial or ethnic discrimination and other bias-based policing complaints during interactions with law enforcement personnel to determine:

1. Whether the completed internal investigation was:
 - prompt;
 - fair;
 - impartial;
 - complete; and
 - performed in a manner consistent with applicable policies.
2. Whether the internal adjudicatory findings and discipline (if any) were reasonable under standard law enforcement protocol; and
3. Whether there is a perceived policy or training deficiency.

In accordance with Article 8 (Review Process) of the Commission's Bylaws, the Review Committee completed a comprehensive review of **Internal Case No. 21-0009-P** and preliminarily found the following:

PSP's completed internal investigation was prompt, fair, complete, and the internal adjudicatory findings were reasonable under standard law enforcement protocol. These determinations were corroborated by examining PSP's investigative and adjudication reports, relevant interviews, and information provided by PSP during its Oral Presentation.

Regarding impartiality, the Review Committee expressed concern that it was unable to determine if any conflict of interest exists among the parties with the limited information provided by PSP. Specifically, the Review Committee did not have access to the names of any party because this information is protected as Personally Identifiable Information (PII) under Executive Order 2020-04, as amended. Without the names of the parties involved, the Review Committee was not able to perform any independent research using open sources. Notwithstanding this limitation, PSP's completed internal investigation was considered impartial based on the limited information legally available to it.

PSP's completed internal investigation was also found to be consistent with PSP internal policy, the relevant collective bargaining agreement, and guidelines established by the US DOJ's published standards concerning internal affairs investigations.

PSP did provide the Review Committee with documentation to form a sufficient understanding of the underlying facts concerning the

incident to identify potential policy or training deficiencies and potential root cause(s). Based on its review, PSP's completed internal investigation was performed in a manner consistent with applicable internal policy and law enforcement protocol and no policy and/or training deficiencies were identified.

The Commission's Bias-Based Policing Review Committee preliminarily does not propose any new recommendations based on its review of **Internal Case No. 21-0009-P** and pursuant to Executive Order 2020-04, as amended, the Pennsylvania State Police is not required to respond.

At this time, Chairperson Brown opened the floor to deliberations concerning the BBP Review Committee's preliminary report and recognized Commission Keir Bradford-Grey, Esq. offering comment on behalf of the committee's Chairperson.

Commissioner Bradford-Grey thanked Chairperson Brown for the summary and recognized that PSP's Troopers acted professionally and reasonably under the circumstances and that this was the type of interaction between citizens and law enforcement all would like to see. Commissioner Bradford-Grey recounted that a Trooper initiated a traffic stop based on reasonable suspicion and or probable cause, but once Troopers investigated and found information to be inaccurate, quickly apologized and released the citizens. Commissioner Bradford-Grey added that this was the type of interaction the Commission hoped to see during non-threatening situations.

At this time, Chairperson Brown opened the floor to comment specifically concerning the BBP Review Committee's **Preliminary Investigative Review Report for Internal Case No. 21-0009-P** and no comment was offered. Chairperson then asked if any Commissioner wished to offer any comment and no comment was offered.

Critical Incident Review Committee (CI Review Committee) Chairperson Lappas asked a point of clarification regarding page 3 of the proposed preliminary report and wished to confirm if the BBP Review Committee received redacted copies of PSP's general investigative and adjudication reports and if the reports were valuable to the committee's review. Commissioner Bradford-Grey confirmed the reports were valuable to understanding a Covered Agency's internal investigative and administrative processes and policies. Commissioner Bradford-Grey added that though the committee wished to receive unredacted copies of such reports, the information provided was critical but wished further clarification about the Commission's review process and roles of the Covered Agencies.

At this time, Chairperson Brown sought a motion to approve **Resolution No. 1** [Adoption and Ratification of Findings, Conclusions and Recommendations, if any, Contained in Preliminary Investigative Review Report for Internal Case No. 21-0009-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] by unanimous consent, and the motion was offered and seconded with no noted objection after a Roll Call of all Voting Members **[see Vote Tabulation Form within ATTACHMENT 3]**. Chairperson Brown recognized the Commission's adoption of **Resolution No. 1** [Adoption and Ratification of Findings, Conclusions and Recommendations, if any, Contained in Preliminary Investigative Review Report for Internal Case No. 21-0009-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] by unanimous consent **[see**

ATTACHMENT 3).

11:03 a.m. Presentation, Consideration, Discussion, Deliberation, Action(s) and Public Comment Concerning Preliminary Investigative Review Report for Internal Case No. 21-0003-P (lower-level use of force (physical restraint) involving the Pennsylvania State Police on February 23, 2019)

Chairperson Brown proceeded to the last item for business which involved presentation of the Preliminary Investigative Review Report for **Internal Case No. 21-0003-P** by the Use of Force Review Committee concerning its review of a low-level use of force incident that occurred by February 23, 2019 involving PSP Troopers. [The Commission's Use of Force Review Committee is chaired by Commissioner David Sonenshein, Esq. and includes Commissioner Joshua Maines and Vice-Chairperson Pittinger.]

Chairperson Brown read portions of the Use of Force Review Committee's Preliminary Investigative Review Report for **Internal Case No. 21-0003-P** into the record as follows:

Summary of Facts

On February 23, 2019, a Trooper responded to a report of the unauthorized use of a motor vehicle. The unauthorized user was described as a woman. When the Trooper arrived at the scene, he observed a woman leaving the front porch of the victim's residence. The woman initially attempted to conceal her identity and gave a false name to the Trooper, but the Trooper later identified the woman and found she had unrelated active arrest warrants. The woman began to flee, and the Trooper chased, tackled, and placed the woman under arrest. The woman complained of shoulder pain and was taken to a hospital for treatment.

Scope of Methodology

Under Executive Order 2020-04, as amended, the Pennsylvania State Law Enforcement Citizen Advisory Commission (Commission)'s Use of Force Review Committee is required to review an Agency's completed internal investigations concerning lower-level uses of force during interactions with law enforcement personnel to determine:

4. Whether the completed internal investigation was:
 - prompt;
 - fair;
 - impartial;
 - complete; and
 - performed in a manner consistent with applicable policies.
5. Whether the internal adjudicatory findings and discipline (if any) were reasonable under standard law enforcement protocol; and
6. Whether there is a perceived policy or training deficiency.

In accordance with Article 8 (Review Process) of the Commission's Bylaws, the Use of Force Review Committee completed a comprehensive review of **Internal Case No. 21-0003-P** and preliminarily found the following:

PSP's completed internal investigation was prompt, fair, impartial, complete, and its internal adjudicatory findings were reasonable under standard law enforcement protocol. These determinations were corroborated by examining PSP's investigative and adjudication reports, relevant interviews, and information provided by PSP during its Oral Presentation. PSP's completed internal investigation was also consistent with guidelines established by the US DOJ's published standards and principles concerning internal affairs investigations along with PSP's internal policies and the relevant collective bargaining agreement.

PSP also provided the Review Committee with documentation to form a sufficient understanding of the underlying facts concerning **Internal Case No. 21-0003-P** to identify potential policy or training deficiencies. Based on its review, the Review Committee preliminarily found the following:

Finding No. 1 –

Police-Citizen Encounters (Fourth Amendment Considerations)

Courts acknowledge that the Fourth Amendment of the United States Constitution recognizes three broad categories of warrantless interactions between private citizens and law enforcement, namely "mere encounters," "investigative detentions," and "custodial detentions."

Courts describe each category in more detail as follows:

- a) a “mere encounter” is not supported by any level of suspicion, and does not require a citizen to stop or respond to an officer;
- b) an “investigative detention,” or *Terry* stop, must be supported by reasonable suspicion, and does compel a citizen to stop and be subject to a period of brief detention, but does not involve such coercive conditions as to constitute the functional equivalent of an arrest; and
- c) an arrest or “custodial detention” must be supported by probable cause.

Examples of when a “mere encounter” may ripen into a seizure for Fourth Amendment purposes, even where the person did not attempt to leave, would be the threatening presence of several officers, the display of the officer’s weapon, some physical touching of the citizen, or *the use of language or tone of voice indicating that compliance with the officer’s request might be compelled*.

Here, the Trooper responded to a report of the unauthorized use of a motor vehicle where a suspect was known to the victim, and the victim provided the suspect’s name. The Trooper confirmed the suspect had multiple unrelated open arrest warrants from several jurisdictions and received dispatch information that the suspect planned to return to the victim’s residence. However, the Trooper did not have a photograph of the suspect and only possessed general demographic information, i.e., race, height, and weight. Upon arrival at the victim’s residence, the Trooper observed a woman leaving the porch of the victim’s residence using her hooded shirt in an apparent attempt to conceal her identity. While still in his vehicle, the Trooper approached the woman and began the interaction.

The Review Committee mapped the chronology of events and compared these events to each of the three constitutionally recognized Fourth Amendment categories of citizen interactions and preliminarily found the following:

Mere Encounter – The Trooper generally engaged in a “mere encounter” when initially stopping and questioning the citizen. During this “mere encounter,” the citizen denied visiting the victim’s home although the Trooper observed the citizen leaving the victim’s porch. The Trooper advised the citizen that he saw her leaving the house and that the person residing in the home reported his car stolen. At this point of the interaction, the *only* information linking the citizen to the alleged criminal conduct was that she matched the gender of the alleged suspect and was seen walking away from the victim’s residence. Arguably, the citizen was free to leave and had no obligation to respond further to the Trooper. However, the Trooper told the citizen, “[s]o, I’m going to need to get an interview from you.” The Review Committee discussed whether stopping the citizen in this fashion, as she walked away, amounted to an “investigative detention,” and questioned why the Trooper did not immediately ask the citizen for her name and identification instead. After the Trooper asked the citizen her name, the citizen initially provided a name which did not produce a record when ran through law enforcement databases.

Investigative Detention – After the initial name provided by the citizen did not produce a record in law enforcement databases, reasonable suspicion of the citizen’s actual identity became apparent. When the citizen was informed that she would not be able to leave until an interview was conducted first, such action firmly established an “investigative detention.”

Custodial Detention or Arrest – The Trooper conducted a field interview of the citizen, and the citizen provided a date of birth that matched the birthdate of the alleged suspect with several open arrest warrants. When the citizen observed this information from the Trooper’s in-car computer, the citizen fled on foot. The Trooper gave chase, announced several commands to stop, but the citizen ignored those commands. These actions collectively established probable cause for a “custodial detention” or arrest.

Here, the Review Committee expressed concerns about whether the citizen felt compelled to stop and respond when the Trooper stated “[s]o, I’m going to need to get an interview from you.” At that point during the “mere encounter,” the Trooper only observed a woman walking away from the alleged victim’s home which may or may not have amounted to the reasonable suspicion necessary to justify an “investigative detention.”

Accordingly, the Review Committee preliminarily found that such nuances and related guidance and training must be clear to reduce the risk of jeopardizing otherwise lawful arrests. The Review Committee also preliminarily found it is important to ensure that law enforcement interactions do not unnecessarily compromise an individual’s civil liberty and it is equally important not to compromise the appropriateness of an ensuing arrest and/or application of force.

Proposed Recommendation No. 1 – Police Citizen Encounters (Fourth Amendment Considerations)

The Pennsylvania State Law Enforcement Citizen Advisory Commission’s Use of Force Review Committee preliminarily recommends that the Pennsylvania State Police ensure all Troopers receive annual in-service training including Fourth Amendment case law updates that specifically includes instruction addressing the distinctions between “mere encounters,” “investigative detentions,” and “custodial arrest.”

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

[UOF Review Committee Chairperson Sonenshein, attending online, offered comment but could not be heard]

Chairperson Brown then recognized and relinquished the floor to Commissioner Maines for comment.

Commissioner Maines remarked Commissioners generally believed the Troopers handled the interaction well, but Commissioners asked themselves at what point does a “mere encounter” turn into an “investigative detention.” Commissioner Maines added that officers are generally required to exercise all options during the “mere encounter” before moving to “investigative detention” and in his experience such scenarios appear to largely hinge on whether the citizen felt free to leave. For example, Commissioner Maines recounted that when the involved Trooper here proclaimed he had to interview the female citizen first, then arguably the female citizen was not free to leave, forcing the encounter to escalate to a detention.

Chairperson Brown reported that after presenting its initial recommendation to PSP in accordance with the Commission’s Bylaws, PSP informed the UOF Review Committee that it did offer annual training on these matters throughout the year. Additionally, Chairperson Brown reported that PSP also circulates information to members intermittently depending on courts, and as necessary. Consequently, Chairperson Brown asked for a motion to **remove Recommendation No. 1** from the UOF Review Committee’s draft **Preliminary Investigative Review Report for Internal Case No. 21-0003-P** since PSP already provided the training as requested.

Vice-Chairperson Pittinger concurred with the proposed action and believed PSP not only recognized the nuances and distinctions between the three different stages but was also cognizant of the importance to stay abreast of legal developments in those areas.

At this time, Chairperson Brown opened the floor to public comment and no comment was offered. Chairperson Brown then asked for a motion to rescind and or **remove Recommendation No. 1 from the UOF Review Committee’s draft report and the motion offered and seconded with no noted objections**. Chairperson Brown then recognized CI Review Committee Chairperson Lappas who did not wish to comment specifically on the proposed action to remove the recommendation but had a general comment. CI Review Committee Chairperson Lappas wished to confirm that the UOF Review Committee requested, received, and reviewed redacted copies of PSP’s general investigative and adjudication reports during its review as indicated on page 3 of its draft preliminary report and whether the information was necessary to complete its review.

Commissioner Maines responded the UOF Review Committee received redacted copies of PSP’s reports and found each valuable. CI Review Committee Chairperson Lappas asked further if whether the Commissioners’ initial concerns regarding the appropriateness of the involved Trooper’s conduct was mitigated by its access to and review of PSP’s records.

[UOF Review Committee Chairperson Sonenshein (who still had difficulty with sound) nodded his head affirmatively]

CI Review Committee Chairperson Lappas had one more question and asked whether the female citizen (who was the subject of the encounter) had an active arrest warrant and Commissioner Maines replied “[y]es.” CI Review Committee Chairperson Lappas had no other questions or comments.

With no other comment, discussion, or deliberation, Chairperson Brown asked for a motion to adopt and ratify **Resolution No. 2 concerning the Findings, Conclusions, and related Recommendation(s) contained in the Preliminary Investigative Review Report for Internal Case No. 21-0003-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 with unanimous consent of all Voting Members in attendance. Chairperson Brown then read a copy of **Resolution No. 2** into the record **[see ATTACHMENT 4]**.

Chairperson Brown then asked for a motion to recess the Commission's Regular (Quarterly) Meeting until 11:45 a.m. when the Commission (at that time) will convene for a panel discussion covering the *State of Police Reform in Pennsylvania*.

11:50 a.m. Recess Ended

11:50 a.m. Panel Discussion – State of Police Reform in Pennsylvania

Chairperson Brown began the discussion by acknowledging local, state, and national efforts to improve law enforcement's relationships within the communities they serve and strengthen the accountability of law enforcement personnel by recognizing citizen engagement and participation as being essential to public safety. As a result, Chairperson Brown stated the field of civilian oversight of law enforcement grew significantly as a tool to identify system level police reforms that promote transparency, fairness, and accountability. Nationally, more than 160 law enforcement agencies have some form of oversight established through enabling legislation. Here in Pennsylvania, Chairperson Brown commented that Commissioners engaged with leaders of the Commonwealth's law enforcement agencies, civilian-led oversight and advisory groups, legislators, community organizations, police reform experts, and other stakeholders to collaborate on best practices and share ideas for common solutions to improve relations and strengthen accountability.

[The panel discussion included leaders from state law enforcement agencies, representatives from Pennsylvania law enforcement oversight entities, police reform experts, and other stakeholders engaging in discussions concerning the purpose, benefits, role and responsibilities of civilian law enforcement oversight, types of Pennsylvania police reforms and recommendations to date, and the future of civilian collaboration, engagement, and oversight of law enforcement.]

With honor, Chairperson Brown then welcomed panelists, including: (1) Professor David Harris, Sally Ann Semenko Endowed Chair and Professor of Law at University of Pittsburgh School of Law; (2) Jam Hammond, Director, Pittsburgh Commission on Human Relations; (3) Tim Stevens, CEO of Black Political Empowerment Movement, and Former Member of the Pittsburgh Task Force on Police Reform; (4) Anthony Erace, Executive Director, Philadelphia Citizen Police Advisory Commission; (5) Christian Stephens, Deputy Secretary, and John Manning, Deputy Chief Counsel, both of the Pennsylvania Department of Corrections / Board of Probation and Parole; (6) Dr. Emma Lucas Darby, Chair, Pittsburgh Citizen Police Review Board; and (7) Sgt. Tiffany Kline Costa, Pittsburgh Bureau of Police. Chairperson

Brown thanked each panelist for their participation.

Moderation of Panel Discussion Summary:

Chairperson Brown remarked there are three models of civilian-led oversight and advisory groups described as: (1) the review focused model; (2) the investigation focused model; and (3) the auditor monitor focused model. However, Chairperson Brown added that most entities use a hybrid or combination of these different models to customize to the needs of the jurisdiction and comply with individual laws, regulations, and policies. Chairperson Brown recounted that the authority provided to citizen-led advisory groups can include:

- a. the opportunity to review the quality of misconduct complaint investigations performed by a covered agency;
- b. receive civilian complaints and forward them for investigation;
- c. remand cases back to the covered agency's Internal Affairs Unit for further investigation;
- d. oversee and hear appeals from complainants or subject officers;
- e. recommend case dispositions;
- f. determine or affirm discipline of subject officers or revise departmental policies or procedures; and
- g. hold public forums.

To begin the Commission's discussion, Chairperson Brown introduced panelist Tim Stevens who is a former member of the Pittsburgh Task Force on Police Reform and asked Mr. Stevens what are community expectations regarding police reform and how can communities benefit from collaborative engagement with law enforcement.

*[For a complete written transcript of Mr. Stevens' public comments, generally see pages 44 through 61 in the Meeting Transcript which is attached hereto and made a part hereof **[see ATTACHMENT 5]**.*

Chairperson Brown offered that the Commission is primarily responsible for conducting reviews of completed internal investigations of law enforcement use of force involving a death or injury to a citizen; and completed internal investigations of complaints of bias-based policing. Chairperson Brown explained that a completed investigation is the final administrative determination by the Covered Agency after a case was fully investigated and adjudicated (both criminally, when warranted, and administratively through and including any arbitration proceedings), and where no civil litigation commenced and applicable statute of limitations elapsed, or all civil or civil rights litigation concluded. Chairperson Brown added the Commission's jurisdiction is limited to Commonwealth law enforcement agencies under the Governor's jurisdiction, and not municipal police departments. Chairperson Brown also added that the Commission's authority is limited to: (1) reviewing completed internal investigations and providing quality assessments in the form of determinations of whether such investigations were prompt, fair, impartial, complete, and if investigative and adjudicatory findings and discipline were reasonable; and (2) using a root cause analysis to identify any potential policy or training deficiencies and related recommendations that may reduce the likelihood of similar incidents in the future.

Chairperson then introduced and asked Anthony Erace, Executive Director of the Philadelphia

Police Advisory Commission, to explain the role(s) and responsibility(ies) of his oversight agency. Compared with the Commission and Philadelphia's oversight entity, Chairperson Brown asked Dr. Emma Lucas-Darby (who serves as the Chair of the Pittsburgh Citizen Police Review Board (CPRB)), how her civilian-led oversight body compared with the Commission and Philadelphia's oversight agency.

*[For a complete written transcript of Mr. Erace's and Dr. Lucas-Darby's public comments, generally see pages 62 through 74 in the Meeting Transcript which is attached hereto and made a part hereof **[see ATTACHMENT 5]**.*

Chairperson Brown stated independence is a key component to ensuring credibility and accountability of a civilian-led agency and welcomed Jam Hammond (Director of Pittsburgh's Independent Commission on Human Relations) representing one of the nation's oldest independent commissions. Chairperson Brown asked Director Hammond if he could explain why government relationships with independent and quasi-independent agencies are important. Chairperson Brown then returned to Dr. Lucas-Darby and asked more about the CPRB's work with the community's concerns with policing.

*[For a complete written transcript of Director Hammond's and Dr. Lucas-Darby's public comments, generally see pages 75 through 78 in the Meeting Transcript which is attached hereto and made a part hereof **[see ATTACHMENT 5]**.*

Chairperson Brown recognized the Commission's success working with Covered Agencies to improve policing practices and welcomed John Manning, Deputy Chief Counsel for the Pennsylvania Department of Correction (DOC) [the Commission's largest Covered Agency]. Chairperson Brown asked Deputy Chief Manning how his agency worked collaboratively with the Commission to improve policing policies and practices within DOC's law enforcement sub-units. Additionally, Chairperson Brown welcomed Christian Stephens who serves as the Deputy Secretary of DOC and asked how DOC's and the Commission's collaboration benefited the agency, its probation and parole agents, and the citizens it serves.

*[For a complete written transcript of Deputy Chief Counsel Manning and Deputy Secretary Stephens' public comments, generally see pages 79 through 86 in the Meeting Transcript which is attached hereto and made a part hereof **[see ATTACHMENT 5]**.*

Within the last nine months, Chairperson Brown reported the Commission completed and issued nine Final Reports and made 50 recommendations and or sub-recommendations to improve policing practices in Pennsylvania. In total, Chairperson Brown also reported that 70% of the Commission's recommendations are fully implemented or are being implemented. Chairperson Brown acknowledged the Covered Agency's work to date, and are actively doing, to implement recommendations and recognized the improvements possible when law enforcement and citizens' work collaboratively to reform and define public safety.

At this time, Chairperson Brown opened the floor to questions and comments for panelists from

Commissioners and recognized Commissioner Bradford-Grey. Commissioner Bradford-Grey thanked all panelists and asked about Pittsburgh's police advisory board's ability to influence law enforcement training. In response, Dr. Emma Lucas-Darby [Chair of the CPRB] spoke of the development of its relationships with Chiefs of Police over time.

Ex-Officio Commissioner Member Michael Pennington [Executive Director, Pennsylvania Commission on Crime and Delinquency (PCCD)] also thanked panelists for their testimony and informed attendees of PCCD's \$135 million dollar funding of a law enforcement grant program which supports many of the concerns identified including co-responder models, body worn cameras, crisis intervention specialists, and evidence-based practices.

Critical Incident Review Committee Chairperson Lappas thanked and recognized Deputy Secretary Stephens [DOC and a Covered Agency of the Commission] for his agency's partnership with the Commission.

Commissioner Ashe thanked all in attendance for the excellent discussions and spoke of a gun violence prevention program and community event along with the importance of groups learning from each other and being committed to change over time.

Vice-Chairperson Pittinger spoke of the recruitment and retention of law enforcement, associated training and the challenges associated with attaining state law enforcement accreditation.

Commissioner Lawful-Sanders commented of her decades of work with law enforcement, her son's encounter with law enforcement at 15 years old and the importance of working together.

[For a complete written transcript of Commissioners' and Other Public Comment, generally see pages 86 through 123 in the Meeting Transcript which is attached hereto and made a part hereof [see ATTACHMENT 5].

Following this discussion, Chairperson Brown thanked all the panelists and Commissioners for the robust discussions and their service to the Commonwealth.

At 1:45 p.m. Final Remarks by the Commission's Chairperson

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

In closing, Chairperson Brown stated the Commission's work proved that law enforcement reforms can support both law enforcement officers along with the very citizens they serve and can 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 that citizens can also be active participants in shaping how the public is policed and thanked panelists, volunteer Commissioners, support staff, Covered Agencies, and citizens who have supported the Commission for their work now and into the future.

As a reminder, Chairperson Brown reported that the Commission's next and final Regular (Quarterly) Meeting for the calendar year was scheduled for October 28, 2022 in Harrisburg.

At 1:46 p.m. Announcements

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 1:47 p.m. Regular (Quarterly) Public Meeting of the Commission Adjourned

DRAFT



Roll Call and Attendance Form

Type of Commission Meeting: Quarterly Special Rescheduled

Date and Time of Commission Meeting:

August 5, 2022

Commission Regular Quarterly Meeting - Pittsburgh

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 Allegheny County to be held **in person at Pittsburgh's City-County Building located on 414 Grant Street, City Council Chambers, 5th Floor, Pittsburgh, PA 15219** and virtually *via* the City of Pittsburgh's information technology platform (Zoom) on **Friday, August 5, 2022 at 10:00am (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) Call to Order and Roll Call [*expected to begin at approximately 10:00am*];
- (2) Acceptance of Meeting Agenda;
- (3) Approval and adoption of previous Meeting Minutes from May 13, 2022;
- (4) Approval of administrative and/or other procedural matters;
- (5) Report by the Chairperson of the Pennsylvania State Law Enforcement Citizen Advisory Commission;
- (6) Report by the Vice-Chairperson of the Pennsylvania State Law Enforcement Citizen Advisory Commission;
- (7) Opportunity for general public comment;
- (8) Presentation of Preliminary Investigative Review Report for **Internal Case No. 21-0009-P** (bias-based policing complaint involving the Pennsylvania State Police concerning incident on October 25, 2018) by the Chairperson of the Bias-Based Policing Review Committee;
- (9) Opportunity for specific public comment concerning **Internal Case No. 21-0009-P**;
- (10) Consideration, discussion, deliberation, and action(s) concerning the Bias-Based Policing Review Committee's Preliminary Investigative Report for **Internal Case No. 21-0009-P via Resolution No. 1 [Adoption and Ratification of Findings, Conclusions and Recommendations, if any, Contained in Preliminary Investigative Review Report for Internal Case No. 21-0009-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]**;
- (11) Presentation of Preliminary Investigative Review Report for **Internal Case No. 21-0003-P** (lower-level use of force (physical restraint) involving the Pennsylvania State Police on February 23, 2019) by the Chairperson of the Use of Force Review Committee;
- (12) Opportunity for specific public comment concerning **Internal Case No. 21-0003-P**;
- (13) Consideration, discussion, deliberation, and action(s) concerning the Use of Force Review Committee's Preliminary Investigative Report for **Internal Case No. 21-0003-P via Resolution No. 2 [Adoption and Ratification of Findings, Conclusions and Recommendations, if any, Contained in Preliminary Investigative Review Report for Internal Case No. 21-0003-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]**;

Pennsylvania State Law Enforcement Citizen Advisory Commission

Commission's Webpage:
www.osig.pa.gov/pslecac

Tel: 717-772-4935
 555 Walnut Street, 8th Floor, Forum Place | Harrisburg, PA 17101



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- (14) Presentation of Preliminary Investigative Review Report for **Internal Case No. 21-0018-P** (police-involved shooting (lethal use of force) involving the Pennsylvania State Police concerning incident on November 15, 2016) by the Chairperson of the Critical Incident Review Committee;
- (15) Opportunity for specific public comment concerning **Internal Case No. 21-0018-P**;
- (16) Consideration, discussion, deliberation, and action(s) concerning the Critical Incident Review Committee's Preliminary Investigative Report for **Internal Case No. 21-0018-P via Resolution No. 3 [Adoption and Ratification of Findings, Conclusions and Recommendations, if any, Contained in Preliminary Investigative Review Report for Internal Case No. 21-0018-P Presented by the Critical Incident Review Committee in Anticipation of the Issuance of a Final Report by the Pennsylvania State Law Enforcement Citizen Advisory Commission]**;
- (17) Opportunity for general public comment;
- (18) Recess [*expected to begin at approximately 12:00pm*];
- (19) **Panel Discussion [*The State of Police Reform in Pennsylvania*]** – Leaders from state law enforcement agencies, representatives from Pennsylvania law enforcement oversight entities, police reform experts, and other stakeholders will engage in discussions concerning the purpose, benefits, role and responsibilities of civilian law enforcement oversight, types of Pennsylvania police reforms and recommendations to date, and the future of civilian collaboration, engagement and oversight of law enforcement. Panel members include: (1) Professor David Harris, Sally Ann Semenko Endowed Chair and Professor of Law at University of Pittsburgh School of Law; (2) Jam Hammond, Director, Pittsburgh Commission on Human Relations; (3) Tim Stevens, CEO of Black Political Empowerment Movement, and Former Member of the Pittsburgh Task Force on Police Reform; (4) Anthony Erace, Executive Director, Philadelphia Citizen Police Advisory Commission; (5) Christian Stephens, Deputy Secretary, and John Manning, Deputy Chief Counsel, both of the Pennsylvania Department of Corrections / Board of Probation and Parole; (6) Dr. Emma Lucas Darby, Chair, Pittsburgh Citizen Police Review Board; and (7) Sgt. Tiffany Kline Costa, Pittsburgh Bureau of Police.
- (20) Opportunity for general public comment;
- (21) Final Remarks by Voting and Non-Voting members of the Pennsylvania State Law Enforcement Citizen Advisory Commission and its Chairpersons; and
- (22) Final Remarks by Chairperson of the Pennsylvania State Law Enforcement Citizen Advisory Commission.

Individuals having questions regarding this Commission meeting, 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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Tel: 717-772-4935
 555 Walnut Street, 8th Floor, Forum Place | Harrisburg, PA 17101





RESOLUTION NO. 1

Title: Consideration, Discussion, Deliberation, and Action(s) Concerning Preliminary Investigative Review Report for Internal Case No. 21-0009-P presented by the Bias-Based Policing Review Committee in anticipation of the issuance of a Final Report for Internal Case No. 21-0009-P by the Pennsylvania State Law Enforcement Citizen Advisory Commission

Meeting Date: Regular (Quarterly) Meeting, Friday, August 5, 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. 21-0009-P** (an internal investigation by the Pennsylvania State Police (PSP) involving a bias-based policing complaint concerning incident on October 25, 2018) in anticipation of the issuance and ratification of a Final Report for **Internal Case No. 21-0009-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. 1

Title: Consideration, Discussion, Deliberation, and Action(s) Concerning Preliminary Investigative Review Report for Internal Case No. 21-0009-P presented by the Bias-Based Policing Review Committee in anticipation of the issuance of a Final Report for Internal Case No. 21-0009-P by the Pennsylvania State Law Enforcement Citizen Advisory Commission

AND NOW, on this 5th day of August, 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. 21-0009-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. 21-0009-P** at its Special Meeting held on June 22, 2022; and

WHEREAS, a draft of the Bias-Based Policing Review Committee's Preliminary Investigative Review Report for **Internal Case No. 21-0009-P** was completed and distributed to the Agency Head, Agency's Chief Counsel, and all Commission members for review on July 5, 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 July 26, 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. 21-0009-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 July 26, 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. 21-0009-P** to the Commission at its Regular (Quarterly) Meeting held on August 5, 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. 21-0009-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. 21-0009-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. 21-0009-P** and any accompanying addenda on the Commission's webpage.⁷

AS DULY ADOPTED BY THE PENNSYLVANIA STATE LAW ENFORCEMENT CITIZEN ADVISORY COMMISSION (DATED AUGUST 5, 2022)

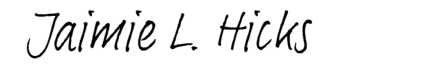
SIGNATURE OF THE PENNSYLVANIA STATE LAW ENFORCEMENT ADVISORY COMMISSION'S CHAIRPERSON:



(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.



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INSPECTOR GENERAL

Vote Tabulation Form

Type of Commission Meeting: Quarterly Special Rescheduled

Date and Time of Commission Meeting: August 5, 2022 10:00am

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 Case No. 21-0009-P (Final Report)

Summary Tabulation of All Votes: 13 YAY 0 NAY 13 PRESENT 6 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. 21-0003-P presented by the Use of Force Review Committee in anticipation of the issuance of a Final Report for Internal Case No. 21-0003-P by the Pennsylvania State Law Enforcement Citizen Advisory Commission

Meeting Date: Regular (Quarterly) Meeting, Friday, August 5, 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. 21-0003-P** (an internal investigation concerning a lower-level use of force incident (physical restraint) involving the Pennsylvania State Police that occurred on February 23, 2019) in anticipation of the issuance and ratification of a Final Report for **Internal Case No. 21-0003-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. 2

Title: Consideration, Discussion, Deliberation, and Action(s) Concerning Preliminary Investigative Review Report for Internal Case No. 21-0003-P presented by the Use of Force Review Committee in anticipation of the issuance of a Final Report for Internal Case No. 21-0003-P by the Pennsylvania State Law Enforcement Citizen Advisory Commission

AND NOW, on this 5TH day of August, 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. 21-0003-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. 21-0003-P** at its Special Meeting held on June 17, 2022; and

WHEREAS, a draft of the Use of Force Review Committee's Preliminary Investigative Review Report for **Internal Case No. 21-0003-P** was completed and distributed to the Agency Head, Agency's Chief Counsel, and all Commission members for review on June 30, 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 July 25, 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. 21-0003-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 July 25, 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. 21-0003-P** to the Commission at its Regular (Quarterly) Meeting held on August 5, 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. 21-0003-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. 21-0003-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. 21-0003-P** and any accompanying addenda on the Commission's webpage.⁷

AS DULY ADOPTED BY THE PENNSYLVANIA STATE LAW ENFORCEMENT CITIZEN ADVISORY COMMISSION (DATED AUGUST 5, 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.



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OFFICE OF STATE
INSPECTOR GENERAL

Vote Tabulation Form

Type of Commission Meeting: Quarterly Special Rescheduled
Date and Time of Commission Meeting: August 5, 2022 10:00am

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 CASE NO 21-0003-P (FINTEC REPORT)

Summary Tabulation of All Votes: 13 YAY 0 NAY 13 PRESENT 6 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

PENNSYLVANIA STATE LAW ENFORCEMENT

CITIZEN ADVISORY COMMISSION

Quarterly Meeting

August 5, 2022

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5 CHAIRMAN SHA S. BROWN: Good morning. My
6 name is Sha Brown, and 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.

13 The first order of business is to conduct a
14 roll call. Our Commission Secretary, Jaimie Hicks,
15 will conduct a role call. Commissioners, please
16 respond when called. Madam Secretary, you have the
17 floor.

18 COMMISSION SECRETARY JAIMIE HICKS:

19 [Inaudible].

20 BROWN: Commissioner Sonenshine?

21 COMMISSIONER DAVID A. SONENSHINE:

22 (No response.)

23 BROWN: He's here. Muted. Ma'am?

24 HICKS: [Inaudible].

25 UNKNOWN SPEAKER: Yes.

1 BROWN: Present.

2 HICKS: [Inaudible]

3 UNKNOWN SPEAKER: Hello?

4 HICKS: [Inaudible]

5 UNKNOWN SPEAKER: I'm here. Thank you.

6 COMMISSIONER BRENDA TATE: Commissioner

7 Tate is here.

8 HICKS: [Inaudible].

9 UNKNOWN SPEAKER: Present. Good morning.

10 HICKS: Commissioner [Inaudible].

11 UNKNOWN SPEAKER: Present.

12 HICKS: [Inaudible].

13 UNKNOWN SPEAKER: Present.

14 HICKS: [Inaudible].

15 UNKNOWN SPEAKER: Present.

16 HICKS: [Inaudible].

17 TATE: Commissioner Tate present.

18 HICKS: Good morning.

19 BROWN: Good morning, Commissioner Tate.

20 HICKS: [Inaudible].

21 BROWN: Mr. Lappas is here.

22 COMMISSIONER SPERO T. LAPPAS: I'm here,

23 but I cannot hear Ms. Hicks' calling of the role.

24 UNKNOWN SPEAKER: Neither can I.

25 UNKNOWN SPEAKER: Same here.

1 UNKNOWN SPEAKER: Neither can I.

2 HICKS: [Inaudible]. Can you hear me now?

3 LAPPAS: I can hear you a little bit now,
4 yes.

5 HICKS: Commissioner Lawful-Sanders?

6 UNKNOWN SPEAKER: Better. Thank you.

7 COMMISSIONER ANDREA A. LAWFUL-SANDERS: I
8 am present. Thank you.

9 HICKS: [Inaudible]. Commissioner Boyer?

10 COMMISSIONER MARVIN BOYER:
11 (No response.)

12 HICKS: Commissioner Brown?

13 COMMISSIONER MARILYN M. BROWN:
14 (No response.)

15 HICKS: Commissioner Walker?

16 COMMISSIONER REV. SHAWN M. WALKER:
17 (No response.)

18 HICKS: Commissioner Somers?

19 COMMISSIONER KRISTA SOMERS:
20 (No response.)

21 HICKS: And we would like to welcome Ex
22 Officio Deputy Secretary Norbeck, from DCNR is with
23 us today as well. That's everyone.

24 COMMISSIONER DENISE ASHE: Commissioner
25 Ashe is here. I didn't hear my name earlier.

1 BROWN: Yes. Commissioner Ashe, we
2 recognize you. Yes, ma'am. And we also have two
3 additional Ex Officio members in attendance, Captain
4 Christopher King, from the Pennsylvania State
5 Police, and also, we have Executive Director Michael
6 Pennington, from PCCB as well. Good morning to you
7 both.

8 EXECUTIVE DIRECTOR MICHAEL PENNINGTON:
9 Good morning. Thank you.

10 UNKNOWN SPEAKER: Good morning, everyone.

11 BROWN: Good morning, all.

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

20 Citizens may also ask to be recognized and
21 heard regarding items under consideration of the
22 Commissioner during today's public comment period.
23 The opportunity for public comment will be made
24 available after the presentation of each
25 recommendation and before each of the deliberations

1 by our Commissioners. I will limit public comment
2 to three minutes per speaker to ensure every citizen
3 wishing to be recognized has the opportunity to do
4 so.

5 Our next item of business is acceptance of
6 the meeting agenda. The agenda of record has been
7 distributed to all Commissioners and is available to
8 the public.

9 Our agenda today are we will have
10 presentations from our Bias-Based Police and Review
11 Committee and our Use of Force Review Committee
12 regarding an independent review of two completed
13 internal investigations of police use of force and
14 bias-based policing for consideration, discussion,
15 deliberation, and action regarding resolutions to
16 adopt and ratify the associated final reports.

17 Opportunity for public comment will be made
18 available following each presentation. Following
19 the Review Committee presentations, the Commission
20 will host a panel of discussion on the state of
21 police reform in Pennsylvania.

22 Our panelists and special guests include
23 subject matter experts, law enforcement, and
24 representatives from each of Pennsylvania Citizen
25 Led Law Enforcement Oversight and Advisory Groups.

1 I'm looking forward to that important discussion a
2 little later this morning.

3 At this time, is there a motion to approve
4 the meeting agenda?

5 UNKNOWN SPEAKER: So moved.

6 UNKNOWN SPEAKER: Second.

7 BROWN: Do we have any objections to the
8 meeting agenda?

9 (No response.)

10 BROWN: Hearing none, seeing none, the
11 meeting agenda is approved by unanimous consent.

12 Our next item of business is adoption of
13 the Commissioner's meeting minutes from May 13,
14 2022. A draft of the meeting minutes has been
15 distributed to all Commissioners and is available to
16 the public. At this time, is there a motion to
17 adopt the meeting minutes from May 13, 2022?

18 UNKNOWN SPEAKER: Motion to adopt the
19 meeting minutes from 2022.

20 BROWN: Do we have a second?

21 UNKNOWN SPEAKER: Second the motion.

22 UNKNOWN SPEAKER: Second.

23 BROWN: Any objections?

24 (No response.)

25 BROWN: Hearing none, seeing none, the

1 meeting minutes from May 13, 2022 are adopted by
2 unanimous consent.

3 Next, we do have a few procedural matters
4 regarding our Critical Incident Committee. As many
5 of you know, our friend and colleague, Kelley Hodge,
6 has been nominated by President Biden to serve as
7 Judge in the United States District Court for the
8 Eastern District of Pennsylvania.

9 Commissioner Hodge has served the citizens
10 of the Commonwealth and this Commission with
11 distinction and grace. We are all so proud of
12 Kelley and wish her the best of luck with the
13 confirmation process in the United States Senate.

14 Understandably, during this process,
15 Commissioner Hodge will be on leave of absence from
16 the Commission and will -- and from her duties as
17 Critical Incident Committee Chair.

18 As a result, as Chair of this Commission, I
19 am appointing Dr. Spero T. Lappas as the new Chair
20 of the Critical Incident Review Committee. Dr.
21 Lappas has been a valued member of the Critical
22 Incident Review Committee since it was created and
23 has the support of the members of that Committee.
24 Dr. Lappas has contributed many ideas that have
25 evolved into recommendations for improvements to

1 policing practices here in the Commonwealth.

2 Professionally, Dr. Lappas was one of the
3 first attorneys named as the Best Lawyers in America
4 in 1983; has been recognized in Who's Who in
5 America, and other distinguished publications. Dr.
6 Lappas has been lead counsel in many of Central
7 Pennsylvania's most important criminal and civil
8 trials. He has taught trial practice, criminal
9 justice, and political theory at the university
10 level. He is a published author, a prize-winning
11 artist, and formerly a national -- nationally
12 competitive three-weapon fencer.

13 Dr. Lappas, congratulations, and thank you
14 for your willingness to serve on our Commission.
15 Dr. Lappas, you have the floor for any comments,
16 sir.

17 LAPPAS: Thank you, Mr. Chairman. My only
18 comment is that I hope to serve this Committee and
19 this Commission with the same grace, and that's an
20 excellent word and that suits Judge Hodge to a tee,
21 with the same grace that she exercised during her
22 distinguished service. So, thank you, and let's get
23 on with the business of today.

24 BROWN: Thank you, sir. Do we have any
25 other administrative matters to consider at this

1 time? Yes, Madam Vice Chair?

2 COMMISSIONER ELIZABETH PITTINGER:

3 [Inaudible]. Thank you. I'm sorry. My apologies.
4 Thank you, Mr. Chair. I do have a procedural matter
5 to bring to the Commission's attention.

6 We've learned that there is additional
7 information from the covered agency in
8 Case #21-0018-P, that may be of assistance to the
9 Critical Incident Review Committee, and so I move
10 that Case #21-0018-P is the subject of Resolution 3
11 that is -- appears on our agenda today, but I am
12 moving that we remand it to the Critical Incident
13 Review Committee for further consideration.

14 BROWN: Do you have a second to Madam Vice
15 Chair's motion?

16 UNKNOWN SPEAKER: I second that motion.

17 BROWN: Do you have any objections?

18 (No response.)

19 BROWN: Hearing none, seeing none,
20 21-0018-P has been returned to the Critical Incident
21 Review Committee for further consideration.

22 PITTINGER: Thank you.

23 BROWN: Thank you, ma'am.

24 PITTINGER: Thank you.

25 BROWN: Do we have any other administrative

1 matters to consider?

2 (No response.)

3 BROWN: Right now, on our agenda is a
4 report by the Chairperson, me, regarding our
5 Commission, but what I'm going to do is I will yield
6 my time to our Vice Chair, Elizabeth Pittinger, and
7 defer my comments regarding the state of our
8 Commission until our panel discussion later this
9 morning.

10 So, Madam Vice Chair, you have the floor.

11 PITTINGER: Thank you, Mr. Chairman. Good
12 morning, Commissioners, and welcome to Pittsburgh.
13 It's wonderful to have you all here, and I extend
14 our appreciation to Dr. Emma Lucas-Darby, who serves
15 as the Chair of the Independent Citizen Police
16 Review Board in the City of Pittsburgh for
17 sponsoring us or hosting us today.

18 Since our last quarterly meeting on May 13th
19 in Philadelphia, Commission Review Committees have
20 adhered to a rigorous schedule. The Rules Committee
21 did not meet in this quarter; however, the Bias-
22 Based Policing Subcommittee, chaired by Commissioner
23 Boyer, met four times. The Critical Incident Review
24 Committee, chaired by Commissioner Hodge, and as we
25 heard, succeeded by Commissioner Lappas, met three

1 times, and Commissioner Sonenshine conveyed the Use
2 of Force Committee on four occasions.

3 Between those Committee meetings,
4 Commissioners have devoted countless hours reviewing
5 material related to the matters under review. Today
6 the Commission will consider their findings,
7 recommendations, and observations. The exchange of
8 information between the covered agencies, and the
9 Review Committee, for the most part, has been
10 cooperative and instructive to the Committee members
11 reviewing procedural matters that underlie the
12 covered agency's internal investigations.

13 Unfortunately, statutory restrictions, or
14 interpretations thereof, continue to hamper the
15 provision of materials that is consequential to the
16 Committee's work.

17 Today, we have representatives of the
18 formerly organized citizen oversight entities here
19 in the Commonwealth of Pennsylvania. While
20 jurisdictions and authorities are certainly
21 different, many of the challenges are the same.
22 Citizen oversight is often mischaracterized as
23 adverse to law enforcement. That is simply not
24 true.

25 As an oversight process evolves, the

1 oversight entity must establish a record of
2 fairness, reasonableness, impartiality, and
3 objectivity. In turn, law enforcement leadership
4 has a duty to enable the will of their community and
5 not obstruct or deny a process of mutual
6 accountability.

7 We all have witnessed incidents of
8 inhumanity committed under the color of law by those
9 unworthy of serving as law enforcement officers.
10 Oversight must absorb and analyze these aberrations
11 in context. Citizen oversight is the manifestation
12 of a community's desire to improve the relationship
13 between citizens and their police through
14 communication, mutual respect, and trust.

15 Under the guidance of Executive Order 2020-
16 04, as amended, the Chair and our resolute
17 professional staff, the structured process adopted
18 by the Commission is built on these values, guiding
19 the Commissioner's review of internal investigations
20 conducted by covered State law enforcement agencies.

21 The Commission continues to discharge its
22 duties carefully and diligently in service to the
23 Commonwealth's citizens and law enforcement
24 officers.

25 That concludes my report, Mr. Chairman.

1 Thank you.

2 BROWN: Thank you, Madam Vice Chair. At
3 this time, I will open the floor for any general
4 public comment. I know I've been informed that we
5 do have at least one speaker that would like to give
6 some general public comment, Dr. Daniel Nevarre.

7 Dr. Nevarre, are you available, sir?

8 DR. DANIEL NEVARRE: I'm here, sir.

9 BROWN: Yes, sir. If you could step up to
10 the podium. Thank you, sir. You have the floor.

11 NEVARRE: I have the floor?

12 BROWN: Yes, sir.

13 NEVARRE: Everybody can hear me? Thank you
14 all for allowing me to be here.

15 I am Daniel Raymond Nevarre, M.D., and I'm
16 here to ask for your help to remedy public
17 corruption, evolving fraud, and those acting outside
18 the law.

19 I went to West Point [inaudible].
20 Everything I say, I'd like to give you documents
21 that -- I'd like to provide you with the core
22 documents that you can look at either now or later,
23 so that you can see that I'm not here to do any --
24 to frame things in a light other than they are, to
25 give you undeniable proof of what I say. So I have

1 five copies that I will give --

2 BROWN: Provide them for us there and we'll
3 circulate them for you.

4 NEVARRE: And I'll just mention the
5 exhibits as I go and I state the facts. Curiously,
6 just yesterday, Governor DeSantis, of Florida,
7 suspended a public attorney, Attorney Warren -- I
8 guess he's like a District Attorney, for acting
9 outside the law, interpreting the law as he sought
10 fit, and ignoring the laws as passed by the
11 Legislature, as written.

12 From what you said at your beautiful
13 introduction, no one is above the law; no one is
14 allowed to misstate the law. Unfortunately, I have
15 an analogous situation to the DeSantis situation.
16 It exists for me and it's against the State's two
17 wealthiest corporations, Highmark, Incorporated, and
18 UPMC Insurances Divisions, as well as their fully-
19 funded Attorney General Insurance Section.

20 Simply, they misstated the requirements for
21 two Medicare laws to fabricate all probable cause;
22 fabricate all damage; falsely levy charges; and they
23 fraudulently gave standing to the insurance
24 companies, which I legally had full settlements
25 with, and then they denied me due process at

1 multiple levels, as written in the laws; also as
2 written in the Supreme Court and written in the
3 Constitution.

4 Just a little bit of background, and I'll
5 get through this real quickly afterwards, but I want
6 you to know who I am. I'm a Harvard-trained
7 plastic and reconstructive surgeon. I did all
8 reconstruction. I'm an examiner for our Boards and
9 I'm a reviewer for a main journal. My senior
10 instructor at Harvard was the only plastic surgeon
11 ever to win the Nobel Prize. It was for kidney
12 transplantation. I chose, I chose, to provide care
13 in a poor city in my State. That's where I'm from.
14 Over half the people are below the poverty level and
15 we have the highest drug overdose rate, outside the
16 City of Philadelphia, and we also -- unfortunately,
17 we have the highest obesity rate as well.

18 Over half of my surgical facility services
19 knowingly went unreimbursed by the insurance
20 companies. I provided care to the poor people in my
21 town because this is the right thing to do.

22 Prior to medicine, I chose the life of
23 service early on and went to the West Point Military
24 Academy and then served in the military as a Combat
25 Special Operations Ranger and Green Beret A-Team

1 Leader. I was actually called out of medical school
2 to go back in to serve as a team leader during
3 Desert Storm.

4 Three little background points so you
5 understand how things work. As a private doctor,
6 I'm required to go through or to the insurers for
7 all my payments. Curiously, I also compete directly
8 with those same insurers to provide the same
9 services and have the same facilities even directly
10 across the street from me and down the road. I have
11 to go to my competitors for all my payments.

12 A very important point is --

13 BROWN: Dr. Nevarre, apologies for
14 interrupting. We're going to have to offer some
15 time to the other public as well, so I'm going to
16 have to limit your comments to just the three
17 minutes.

18 NEVARRE: I can [inaudible].

19 BROWN: Yes, sir. Thank you.

20 NEVARRE: Per Pennsylvania statute, the
21 insurers are -- they 100% fund the Attorney General
22 Insurance Section for all policing, investigation,
23 and prosecution. They employ the Attorney General
24 Section. There's one set of Medicare rules, and I
25 provided those rules that are applicable here in the

1 handouts.

2 The charges made against me were two. The
3 first charge says that I used the Medicare procedure
4 for less than a quarter of the eyelid. When you go
5 to the Medicare law, it says that that procedure is
6 defined when you use less than a quarter of the
7 eyelid. I followed the rules and I was charged
8 criminally for following the rules. The Attorney
9 General and the insurers misstated the rules to make
10 it look like I was performing a crime.

11 The second charge against me says that I
12 did not wait for pathology results before finding --
13 before assigning my billing codes. The Medicare law
14 states that when a lesion is excised, the correct
15 code is based on the manner in which it was excised,
16 rather than a final pathologic diagnosis. Again,
17 the Attorney General insurance companies misstated
18 the laws to make following the laws appear like a
19 crime.

20 Those official misstatements of laws in
21 Court, in the newspapers, on the internet, and in
22 the probable cause are provided to you as C, D, E,
23 and F exhibits.

24 BROWN: Thank you, Dr. Nevarre, for
25 providing that information for us in written form so

1 we could have an opportunity to digest some of this.

2 As a general matter, the items that you're
3 speaking of today, the Commission does not have
4 jurisdiction over those items. So -- but we do
5 appreciate the fact that you came in and spoke with
6 us. We do appreciate the fact that you brought it
7 in written form so we can have an opportunity to
8 digest any information that --

9 NEVARRE: You say you do not have
10 [inaudible].

11 BROWN: That's correct. This Commission is
12 set up to review internal investigations of either
13 bias-based policing or use of force covered
14 agencies, and the items you spoke of do not fall
15 under the Commission's jurisdiction and what our
16 authority is. But that's where we're at at this
17 moment, but I appreciate you coming in. I would
18 like to have an opportunity for some of our other
19 guests to speak. So, thank you, sir.

20 NEVARRE: [Inaudible]. I was hoping that
21 you deal with public corruption, which this is
22 definitely public corruption and that the -- you
23 have an ear to the Governor and the Governor has
24 powers, at his expense, to address the public
25 corruption, corruption either by making me whole or

1 starting the investigation.

2 BROWN: We can certainly talk to you a
3 little bit after if you're willing to hang out a
4 little bit after our meeting here and we can discuss
5 --

6 NEVARRE: Absolutely.

7 BROWN: -- and I can make sure you have a
8 copy of the Executive Order and you can kind of see
9 what the framework of our power is as far as this
10 Commission is concerned, so. But thank you very
11 much for that, sir.

12 NEVARRE: Thank you.

13 BROWN: Yes, sir. Do you have any other
14 public comment?

15 (No response.)

16 BROWN: All right. Do we some public --
17 someone wished to make a comment online? Maybe we
18 have a hand raised? And I'll remind our public
19 commenters, I will limit it to three minutes to make
20 sure everyone has an opportunity to talk, so. Do we
21 have anyone?

22 (No response.)

23 BROWN: Okay. Thank you very much. So the
24 next item of business is the presentation from the
25 Bias-Based Policing Review Committee concerning the

1 review and report of Internal Case #21-009-P.

2 A brief summary of facts. On October 25th,
3 2018, two Pennsylvania State Police Troopers
4 observed a vehicle with a missing rear bumper at an
5 intersection. As they followed the vehicle,
6 troopers ran a query and the query indicated that
7 one of the vehicle's registered owner had a
8 suspended license and an active arrest warrant. The
9 query further returned a photograph of the subject.
10 Troopers stopped the vehicle for an equipment
11 violation and to determine whether the vehicle's
12 driver was the subject with the active arrest
13 warrant.

14 After they initiated the traffic stop, the
15 troopers determined the vehicle's driver possessed a
16 valid driver's license and was not the subject in
17 the photograph. Troopers advised the vehicle's
18 driver of the mistaken identification, showed the
19 driver the subject's photograph, and ended the
20 encounter.

21 Records indicate the troopers acted
22 professionally during and explained the reason for
23 the traffic stop and apologized several times for
24 the inconvenience. The driver adamantly disputed he
25 resembled the subject in the photograph and filed

1 this complaint.

2 Under the Commission's scope of methodology
3 used for this review, under Executive Order 2020-04,
4 the Pennsylvania State Law Enforcement Citizens
5 Advisory Commission Bias-Based Policing Review
6 Committee is required to review an agency's
7 completed internal investigations concerning
8 allegations of racial or ethnic discrimination and
9 other bias-based policing.

10 Complaints during interactions with law
11 enforcement personnel is to determine, 1) whether
12 the completed internal investigation was prompt,
13 fair, impartial, complete, and performed in a manner
14 consistent with applicable policies; 2) whether the
15 internal adjudicatory findings and discipline, if
16 any, were reasonable under standard law enforcement
17 protocol; and 3) whether there is a perceived policy
18 or training deficiency.

19 In accordance with Article 8 review process
20 of the Commission's bylaws, the Review Committee
21 completed a comprehensive review of Internal Case
22 #21-009-P and preliminarily found the following.
23 PSP's complete and internal investigation was
24 prompt, fair, complete, and internal adjudicatory
25 findings were reasonable under standard law

1 enforcement protocol. These determinations were
2 corroborated by examining PSP's investigative and
3 adjudicatory reports, relevant interviews, and
4 information provided by PSP during its oral
5 presentation.

6 Regarding impartiality, the Review
7 Committee expressed concern that it was unable to
8 determine if any conflict of interest exists among
9 the parties with the limited information provided.
10 Specifically, the Review Committee did not have
11 access to names of any parties because this
12 information is protected as personally identifiable
13 information under Executive Order 2020-04, as
14 amended.

15 Without the names of the parties involved,
16 the Review Committee was not able to perform any
17 independent research using open sources.
18 Notwithstanding this limitation, PSP's complete
19 internal investigation was considered impartial
20 based on the information legally available to it.

21 PSP's completed internal investigation was
22 also found to be consistent with PSP's internal
23 policy and relevant Collective Bargaining Agreements
24 and guidelines established by the U.S. DOJ published
25 standards concerning internal affairs

1 investigations.

2 PSP did provide the Review Committee with
3 documentation to form a sufficient understanding of
4 the underlying facts concerning this incident to
5 identify potential policy or training deficiencies
6 and potential root causes.

7 Based on its review, PSP's completed
8 internal investigation was performed in a manner
9 consistent with applicable internal policy and law
10 enforcement protocol and no policy and/or training
11 deficiencies was identified.

12 The Commission's Bias-Based Policing Review
13 Committee preliminarily does not propose any new
14 recommendations based on this review of Internal
15 Case #21-009-P and, pursuant to Executive Order
16 2020-04, as amended, the Pennsylvania State Police
17 is not required to file a written response.

18 At this time, I will open the floor for any
19 additional comment regarding this review from the
20 Bias-Based Policing Review Committee, providing
21 comment on behalf of the Review Committee Chair,
22 Marvin Boyer, is Committee member Keir Bradford-
23 Grey. Commissioner Bradford-Grey, you have the
24 floor, ma'am.

25 COMMISSION KEIR BRADFORD-GREY: Thank you

1 so much, and good morning, everyone. Chairman
2 Brown, what you stated is accurate. We believe that
3 the officers' conduct in this situation was both
4 professional and reasonable. I think these are the
5 types of interactions that we would like to see when
6 we're thinking about how interactions with citizens
7 should go. If you have a reasonable belief that
8 something is going on or criminal activity is afoot
9 or a traffic violation is afoot, you can reasonably
10 pull someone over. If there are suspicions that you
11 have based on information in your purview, you're
12 allowed to investigate that. And once the officer
13 investigated such suspicions and found that it was
14 not accurate, the officer, I think properly,
15 addressed the situation, apologized for the
16 inconvenience, and then let the person on their way.

17 Those are pretty much the quintessential
18 types of interactions we would like to see and one
19 would think of when police officers and citizens are
20 interacting for situations that are non-life
21 threatening, and so this -- for this situation right
22 here, we believe that there's nothing else that
23 needs to be done and we do appreciate the
24 opportunity to review it.

25 BROWN: Thank you, ma'am. At this time, I

1 will open the floor for any specific public comment
2 regarding this review, 21-009-P. Do we have any
3 public comment regarding this review?

4 (No response.)

5 BROWN: At this time, would any
6 Commissioner like to be heard in deliberation
7 regarding this particular review?

8 (No response.)

9 BROWN: Do you have a motion to approve
10 Resolution #1 --

11 LAPPAS: Excuse me. Excuse me. I don't
12 know where the -- raise hand. I have a question for
13 the Committee.

14 BROWN: Yes. Yes, sir. Commissioner
15 Lappas, you have the floor, sir.

16 LAPPAS: Commissioner Bradford, I see at
17 page 3 of the Review Committee's preliminary
18 findings and conclusions that it's noted that the
19 Review Committee corroborated your determinations by
20 examining PSP's investigative and adjudication
21 reports, as well as interviews and information,
22 other information, provided by PSP.

23 So, do I understand -- should I understand
24 from this that the actual investigation and
25 adjudicative reports were -- and interview reports

1 were made available to your Committee?

2 BRADFORD-GREY: Yes. We had some of the
3 information that the -- well, we had the report that
4 the adjudicator had prepared, so that's what we were
5 able to look at in terms of who was interviewed, who
6 was investigated, and then the findings.

7 LAPPAS: It seems to me, from reading your
8 Committee report, that having this information
9 available; the reports, the interviews, the
10 investigation report, that this was valuable to the
11 work of your Committee in reaching findings. Am I
12 correct about that; that you've -- that having this
13 material available to you was valuable?

14 BRADFORD-GREY: Absolutely. I think this
15 is not the first time or the first opportunity we've
16 had to review the report from the adjudicator, and I
17 found that extremely valuable to put context to what
18 the adjudicator was actually looking to discover.
19 We had this in another situation that really did
20 help us understand in that particular situation;
21 that there wasn't a reasonable opportunity to
22 investigate, but -- or reasonable investigation
23 done. But these are really critical. They're
24 redacted so that we cannot see the identity of the
25 people so as to hide their -- you know, to keep

1 confidentialities. But the information in it was
2 extremely helpful for us to actually review what
3 went into the investigation and then why the
4 determination was made the way it was made by the
5 adjudicator.

6 So you're absolutely right, Commissioner
7 Lappas. More information about how the process
8 worked is always going to be better for us to make
9 determinations here.

10 LAPPAS: Thank you. Thank you very much,
11 Commissioner. That concludes my questions. Thank
12 you, Chairman Brown.

13 BROWN: Yes, sir. Do you have any other
14 Commission that would like to be heard in
15 deliberation regarding this review?

16 (No response.)

17 BROWN: All right. Do we have a motion to
18 approve Resolution #1 regarding the preliminary
19 investigation review report for Internal Case #21-
20 009-P?

21 UNKNOWN SPEAKER: I so move.

22 BROWN: Do you have a second?

23 UNKNOWN SPEAKER: Second.

24 BROWN: Is there any objections?

25 (No response).

1 BROWN: Hearing none, seeing none, the
2 Resolution #1 for investigation review of Internal
3 Case #21-009-P has been approved by unanimous
4 consent.

5 Our next item up is the Use of Force Review
6 Committee presentation of the preliminary
7 investigation review report for Internal Case #21-
8 003-P, as in Paul.

9 Brief summary of facts. On February 23rd,
10 2019, a trooper responded to a report of the
11 unauthorized use of a motor vehicle. The
12 unauthorized user was described as a woman. When
13 the trooper arrived at the scene, he observed a
14 woman leaving the front porch of the victim's
15 resident. The woman initially attempted to conceal
16 her identity and gave a false name to the trooper.
17 But the trooper identified the woman and found she
18 had unrelated active arrest warrants. The woman
19 began to flee and the trooper chased, tackled, and
20 placed the woman under arrest. The woman complained
21 of a shoulder pain and was taken to the hospital for
22 treatment.

23 Under Executive Order 2020-04, as amended,
24 Pennsylvania State Law Enforcement Citizens Advisory
25 Commission Use of Force Review Committee is required

1 to review the agency's completed internal
2 investigations concerning lower level uses of force
3 during interactions with law enforcement personnel
4 to determine whether or not the complete internal
5 investigation was prompt, fair, impartial, complete,
6 or performed in a manner consistent with applicable
7 policies; whether the internal adjudicatory findings
8 and discipline, if any, were reasonable, understand
9 the law enforcement protocol, and whether there is a
10 perceived policy or training deficiency.

11 In accordance with Article 8 of the review
12 process of the Commission's bylaws, the Use of Force
13 Review Committee completed a comprehensive review of
14 Internal Case #21-003-P and preliminarily found the
15 following.

16 PSP's completed internal investigation was
17 prompt, fair, impartial, complete, and its
18 adjudicatory findings were reasonable under standard
19 law enforcement protocol. These determinations were
20 corroborated by examining PSP's investigative and
21 adjudication reports, relevant interviews, and
22 information provided by PSP during its oral
23 presentation.

24 PSP's completed internal investigation was
25 also consistent with guidelines established by the

1 U.S. DOJ, published standards and principles
2 concerning Internal Affairs investigations, along
3 with PSP's internal policies and relative Collective
4 Bargaining Agreements.

5 PSP also provided the Review Committee with
6 documentation to form a sufficient understanding of
7 the underlying facts concerning Internal Case #21-
8 003-P to identify potential policy or training
9 deficiencies.

10 Based on its review, the Review Committee
11 preliminarily found the following. Finding number
12 one, police citizen encounters, 4th Amendment
13 considerations. Courts acknowledged that 4th
14 Amendments under the United States Constitution
15 recognizes three barred categories of warrantless
16 interactions between private citizens and law
17 enforcement; namely, mere encounters, investigative
18 detentions, and custodial detentions.

19 Courts describe each category in more
20 detail as follows. A mere encounter is not
21 supported by any level of suspicion and does not
22 require a citizen to stop or respond to an officer.

23 An investigative detention, or a Terry
24 stop, must be supported by reasonable suspicion and
25 does compel a citizen to stop and be subject to a

1 period of brief detention but does not involve such
2 coercive conditions as to constitute the functional
3 equivalent of an arrest.

4 And three, custodial detention, or an
5 arrest, must be supported by probable cause.

6 Examples of when a mere encounter may ripen
7 into a seizure for 4th Amendment purposes, even where
8 the person did not attempt to leave, would be the
9 threatening presence of several officers, the display
10 of the officer's weapon, some physical touching of
11 the citizen, or the use of language or tone of the
12 voice indicating that compliance with the officer's
13 request might be compelled.

14 Here, the trooper responded to a report of
15 the unauthorized use of a motor vehicle where a
16 suspect was known to the victim and the victim
17 provided the suspect's name. The trooper confirmed
18 the suspect had multiple unrelated open arrest
19 warrants in several jurisdictions and received
20 dispatch information that the suspect planned to
21 return to the victim's residence. However, the
22 trooper did not have a photograph of the suspect and
23 only possessed general demographic information;
24 i.e., race, height, and weight.

25 Upon arrival at the victim's residence, the

1 trooper observed a woman leaving the porch of the
2 victim's residence using her hooded shirt in an
3 apparent attempt to conceal her identity. While
4 still in this vehicle, the trooper approached the
5 woman and began the interaction.

6 The Review Committee mapped the chronology
7 of events and compared these events to each of the
8 three constitutionally-recognized 4th Amendment
9 categories of citizen interactions and preliminarily
10 found the following.

11 Under mere encounter, the trooper generally
12 engaged in a mere encounter when initially stopping
13 and questioning the citizen. During this mere
14 encounter, the citizen denied visiting the victim's
15 home, although the trooper observed the citizen
16 leaving the victim's porch.

17 The trooper advised the citizen that he saw
18 her leaving the house and that the persons residing
19 in the home reported his car stolen.

20 At this point of the interaction, the only
21 information linking the citizen to the alleged
22 criminal conduct was that she matched the gender of
23 the alleged suspect and was seen walking away from
24 the victim's residence.

25 Arguably, the citizen was free to leave and

1 had no obligation to respond further to the trooper.
2 However, the trooper told the citizen, so I'm going
3 to -- "So I'm going to need to get an interview from
4 you."

5 The Review Committee discussed whether
6 stopping the citizen in this fashion, as she walked
7 away, amounted to an investigative detention and
8 questioned why the trooper did not immediately ask
9 the citizen for a name and identification instead.

10 After the trooper asked the citizen her
11 name, the citizen initially provided a name which
12 did not produce a record when run through law
13 enforcement databases.

14 Under investigative detention, after the
15 initial name provided by the citizen did not produce
16 a record in law enforcement databases, reasonable
17 suspicion of the citizen's actual identity became
18 apparent. When the citizen was informed that she
19 would not be able to leave until an interview was
20 conducted first, such action firmly established an
21 investigative detention.

22 The custodial detention or arrest. The
23 trooper conducted a field interview of the citizen
24 and the citizen provided a date of birth that
25 matched the birthdate of the alleged suspect with

1 several open arrest warrants. When the citizen
2 observed this information from the trooper's in-car
3 computer, the citizen fled on foot. The trooper
4 gave chase, announced several commands to stop, but
5 the citizen ignored those commands. The actions,
6 collectively, established probable cause for a
7 custodial detention or arrest.

8 Here, the Review Committee expressed
9 concerns about whether the citizen felt compelled to
10 stop and respond when the trooper stated, "So I'm
11 going to need to get an interview from you." At
12 that point, during the mere encounter, the trooper
13 only observed a woman walking away from the alleged
14 victim's home, which may or may not have amounted to
15 the reasonable suspicion necessary to justify an
16 investigative detention.

17 Accordingly, the Review Committee
18 preliminarily found that such nuances in relative
19 guidance -- and related guidance and training must
20 be clear to reduce the risk of jeopardizing
21 otherwise lawful arrests.

22 The Review Committee also preliminarily
23 found it is important to ensure that law enforcement
24 interactions do not unnecessarily compromise an
25 individual's civil liberty and it's equally

1 important not to compromise the appropriateness of
2 an ensuing arrest and/or application of force.

3 As a result of this review, the Review
4 Committee proposed one recommendation under police
5 citizen encounters. The Pennsylvania State Law
6 Enforcement Citizens Advisory Commission Use of
7 Force Review Committee preliminarily recommended
8 that the Pennsylvania State Police ensure all
9 troopers receive annual in-service training,
10 including 4th Amendment case law updates and
11 specifically includes instruction addressing the
12 distinctions between mere encounters, investigative
13 detentions, and custodial arrests.

14 At this time, I will open the floor for any
15 additional comment regarding this review from the
16 Use of Force Review Committee Chair, David
17 Sonenshine. Commissioner Sonenshine, you have the
18 floor, sir. We're unable to hear you, sir.

19 SONENSHINE: [No audible response].

20 BROWN: Okay. If we can't get Commissioner
21 Sonenshine, is it okay if I turn this over to one of
22 your other members from your Committee, Commissioner
23 Maines? Josh, would you like to say anything
24 regarding this review?

25 COMMISSIONER JOSHUA S. MAINES: Real

1 quickly, and I'm sure it will not be as eloquent and
2 complete as it would be from Professor Sonenshine,
3 but yeah, this matter I believe was handled
4 generally very, very well by the police officer.

5 Our only concern, as discussed, was, you
6 know, at what point does the mere encounter turn
7 into an investigative detention and, you know, did
8 the police officer I guess exercise all of his
9 options within a mere encounter to get the
10 information that he needed to -- before detention.
11 And here, you know, just, in practice, to me and my
12 experiences, it was questionable, at best, as
13 whether -- you know, when he -- at the point that
14 the officer or the trooper had indicated look, you
15 have to stop or I need to interview you; I have to
16 interview you; would a reasonable person feel free
17 to leave at that point and, you know, I think that's
18 very, very questionable.

19 So the question becomes then did the
20 officer, at that point, possess enough information
21 to -- you know, to support an investigative
22 detention. Again, I've seen Courts go both ways on
23 similar situations.

24 So our recommendation originally was to --
25 you know, to provide -- just ensure that troopers

1 are being provided updates, at least annually, for
2 case law and well-trained on police interactions
3 with the community as far as -- in terms of mere
4 encounters, investigative detentions, and custodial
5 arrests.

6 Now, after making this recommendation, we
7 did receive response from the agency and indicated
8 to us the level of training that they do have in
9 place. They do train troopers annually on these
10 matters particularly, and I believe that they -- as
11 case law becomes available throughout the year, if
12 it's something that is crucial to these items,
13 further training is done, information is circulated.

14 So with that, I don't know that we need to
15 continue. I would move that we would rescind the
16 recommendation that we've made, simply because, you
17 know, they're already doing what we're asking them
18 to do in this recommendation and I don't know if we
19 can ask for more than that at this point.

20 BROWN: Do you have anything to add, Madam
21 Vice Chair regarding this recommendation and
22 rescinding?

23 PITTINGER: Thank you. I think
24 Commissioner Maines adequately explained where our
25 concerns were as we looked at this case, and then we

1 have been satisfied that the covered agency does
2 take those nuanced engagements with the civilians
3 and the troopers very seriously and that the
4 training is adequate. So, I would second your
5 motion, Mr. Maines.

6 BROWN: Okay. Do we have any public
7 comment regarding this review before considering the
8 motion?

9 (No response.)

10 BROWN: Is there any online public comment
11 hands?

12 (No response.)

13 BROWN: All right. So we have a motion and
14 a second to rescind Proposed Recommendation #1. Do
15 we have any objections to rescinding Proposed
16 Recommendation #1?

17 (No response.)

18 BROWN: No objections, Proposed
19 Recommendation #1 has been removed from the
20 preliminary investigation review report.

21 Regarding our -- do we have any general
22 public comment regarding 21-003-P before we move to
23 adopt the Resolution?

24 (No response.)

25 BROWN: Hearing none, seeing none, as

1 amended, the amendment being that removal of
2 Recommendation No. 1 -- yes, Commissioner Lappas?
3 Your hand is raised. Go ahead, sir.

4 LAPPAS: I have no comment on the motion to
5 rescind, but I had a question about the report, as
6 submitted. Is this the appropriate time to ask that
7 -- my question?

8 BROWN: Yes. This is the time for general
9 comment on that report, so.

10 LAPPAS: Okay. Thank you. The report
11 indicates, page 3, under the section called Review
12 Committee's Preliminary Findings and Conclusions,
13 that the Review Committee was able to, reading now,
14 "corroborate those determinations by examining PSP's
15 investigative and adjudication report, relevant
16 interviews, and information provided by PSP."

17 Commissioner Maines and Commissioner
18 Pittinger, is -- I take this to mean that you had
19 available to you; your Committee had available to
20 it, the general investigation report and the
21 adjudication reports and the interview reports, all
22 of which I'm sure had been redacted appropriately,
23 but you had -- you had those materials available to
24 you and I'm sure that they were valuable as you were
25 reaching your conclusions. Am I correct on both of

1 those counts?

2 MAINES: Yes, you're correct.

3 LAPPAS: Okay. And, in fact, you indicated
4 that when you had initial concerns; I think
5 Commissioner Maines indicated this; when you had
6 initial concerns about whether or not the trooper
7 had acted appropriately, those concerns were largely
8 mitigated by reviewing information that the State
9 Police made available to you; is that accurate? I
10 see Professor Sonenshine nodding his head vigorously
11 and I'm sure --

12 SONENSHINE: Yes. Yes.

13 LAPPAS: -- he speaks for his colleagues on
14 the Committee. And one final question. I guess
15 this is probably implicit in this, but the woman
16 that had -- the woman that was the subject of this
17 encounter, was she, in fact, the same person who had
18 the active criminal arrest warrants out there for
19 her? In other words, she -- the officer that
20 believed that he was approaching a woman who had
21 active warrants was proven correct? She did have
22 active warrants; right?

23 MAINES: That is correct.

24 LAPPAS: Okay. Thank you. Those are the
25 only questions I have. Thank you, Mr. Chairman.

1 BROWN: Thank you, sir. Do any other --
2 would any other Commissioner like to be heard in
3 deliberation regarding this review?

4 (No response.)

5 BROWN: Do we have a motion to approve
6 Resolution No. 2, as amended, regarding preliminary
7 investigation review report for Internal Case #21-
8 003-P, as amended? I see Commissioner Sonenshine
9 with his hand up. Do we have a second?

10 UNKNOWN SPEAKER: Second.

11 BROWN: Do you have any objections?

12 (No response.)

13 BROWN: Hearing none, seeing none,
14 Resolution No. 2 regarding the preliminary
15 investigation review report has been approved by
16 unanimous consent.

17 Thank you to the Use of Force Review
18 Committee for their presentation.

19 At this time on our agenda, we will take a
20 recess. What time is it now? How about we come
21 back at 11 -- quarter till 12? Come back at quarter
22 till 12 and start our panel discussion. Thank you
23 all. We'll be in recess.

24 (Recess.)

25 BROWN: Welcome back, everyone. Thank you

1 for returning and joining us. Next on our agenda is
2 a panel discussion on the state of police reform in
3 Pennsylvania, due, in large part, to local, state,
4 and national efforts. To improve law enforcement
5 relations with the community and to strengthen the
6 accountability of law enforcement personnel,
7 jurisdictions have recognized citizen engagement and
8 participation as being essential to public safety.
9 As a result, the field of civilian oversight of law
10 enforcement has grown significantly as a tool to
11 identify system level police reforms that promote
12 transparency, fairness, and accountability.

13 Nationally, more than 160 jurisdictions
14 have some form of oversight established through
15 enabling legislation. Here in Pennsylvania, our
16 Commissioners have engaged with leaders from the
17 Commonwealth's law enforcement agencies, civilian-
18 led oversight and advisory groups, legislators,
19 community organizations, police reform experts, and
20 other stakeholders to collaborate on best practices
21 and share ideas for common solutions to improve
22 relations and strengthen accountability.

23 Today, it is my pleasure to introduce this
24 incredible panel of experts dedicated to improving
25 outcomes for our citizens, while still supporting

1 public safety through these important initiatives.
2 Please join me in welcoming Tim Stevens, Chief
3 Executive Officer of Black Political Empowerment
4 Movement and former member of the Pittsburgh Task
5 Force and Police Reform; Mr. Anthony Erace,
6 Executive Director of the Philadelphia Citizen
7 Police Advisory Commission; Dr. Emma Lucas-Darby,
8 Chair of the Pittsburgh Citizen Police Review Board;
9 Jam Hammond, Director, Chief -- I'm sorry, Director,
10 Pittsburgh Commission on Human Relations; and John
11 Manning, Deputy Chief Counsel for the Pennsylvania
12 Department of Corrections; and Christian Stephens,
13 Deputy Secretary for the Pennsylvania Department of
14 Corrections, Board of Probation and Parole.

15 Thank you all, panelists, for joining us
16 today and engage in this important conversation.

17 Generally, there are three models being
18 used by civilian-led oversight and advisory groups,
19 described as, one, the review focus model; two, the
20 investigation focus model; and three, the
21 auditor/monitor focus model.

22 Most entities use hybrid of the different
23 models to customize to the needs of their
24 jurisdiction and comply with its individual laws,
25 regulations, and policies. The authority provided

1 to citizen-led groups can include opportunity review
2 to quality and misconduct complaint investigations
3 performed by a covered agency; two, receive civilian
4 complaints and forward them to the Department for
5 investigation; three, remand cases back to an
6 internal investigative unit for further
7 investigation; four, hear appeals for complaints on
8 subject officers; five, recommend case dispositions;
9 six, discipline or revise departmental policies or
10 procedures and here, like we're doing now, is hold
11 public forums.

12 First, I think I will turn the discussion
13 to Tim Stevens. He's a former member of the
14 Pittsburgh Task Force and Police Reform.

15 Mr. Stevens, what are community
16 expectations regarding police reform and how can
17 communities benefit from collaborative engagement
18 with law enforcement?

19 TIMOTHY STEVENS: I would never say I speak
20 on behalf of every citizen of Pittsburgh or of all
21 African-Americans, but, hopefully when I speak, a
22 reasonable percentage thereof agree, because I agree
23 with what I said and I mean what I said.

24 Years ago, when I was President of the
25 NACP, Pittsburgh Branch, I was in our headquarters

1 up in the Hill District, minutes away from where we
2 are now, talking to a man who sat in this Chamber
3 for many years, Bill Robinson. He was a Councilman.
4 He became a State Legislator, and later, a County
5 Council Member and we were talking, just the two of
6 us years ago, several years ago, and he said of all
7 the things I've dealt with in my political
8 positions, the issue of policing seemed to have
9 always been at the top in conversations with black
10 people; it never goes away. And, obviously, the
11 George Floyd situation brought that to the front of
12 America at a level we had not seen in some time.

13 This morning, I sent a follow-up letter to
14 our Safety Director in Pittsburgh, Lee Schmidt, and
15 our Acting Police Chief Stangrecki, and some of our
16 community partners and other leaders of the
17 Pittsburgh Bureau of Police, following up on a June
18 5th meeting, I think it was -- July 5th meeting and a
19 June meeting, two different meetings.

20 One was on a follow-up of meetings we've
21 had approximately every five weeks or so with the
22 Police Chief, the Safety Director, several members
23 of the police force, and community partners on
24 recommendations that we had made from the Black
25 Political Empowerment Project, PBEP, going back to a

1 meeting on February 24th, 2020, a meeting with the
2 former Mayor for two hours, on July 8th, 2020, and
3 the meetings that have followed since.

4 We made 24 recommendations for police
5 reform in Pittsburgh. The Mayor sent back a letter
6 October 9th of 2020, committing to a number of
7 recommendations, almost all of them, and we've been
8 following up.

9 The email I sent today was a request to
10 complete the cycle and actually share with the
11 public in Pittsburgh the recommendations not only
12 have been received by the former Administration, but
13 those that have been implemented, begun to be
14 implemented, about to be implemented, and the
15 recommendations from the Mayor's Task Force, of
16 which I was a member; sat on three Sub-Committees,
17 chaired one.

18 The reason why we've asked for that public
19 disclosure, that they've apparently agreed to, is
20 the public needs to know, Chairman, that there is
21 progress, because there's a lot of frustration
22 around police issues, particularly from the black
23 and brown communities and marginal life communities.

24 It's important when changes are actually
25 being not only proposed or recommended, but being

1 implemented. So that email went out today.

2 Also, we had the Black Political
3 Empowerment Project on the day that George Floyd's
4 -- the verdict came in about his death. We had a
5 5:30 p.m. news conference in the Hill District to
6 propose the ending of a number of the traffic stop
7 approaches in Pittsburgh by the Pittsburgh Police.
8 Took a while, but Councilman Burgess, who sits at
9 this table, did create a Bill, responding to that
10 and we've had meetings and we will have further
11 meetings to move toward implementation. But there
12 have been actions taken on the Pittsburgh Police --
13 on the part of the Pittsburgh Police Bureau to begin
14 to pull back from some of these stop-and-frisks --
15 I'm sorry. Stop-and-frisk is the next step. But
16 some of these traffic stops.

17 Why is that important? If any of that -- I
18 watch cable news too much. I need medication. But
19 if we've been watching cable news in the last few
20 years, how many times have we seen the stop of
21 police of an African-American or Hispanic person,
22 which is supposed to be a traffic stop end in
23 beatings, shootings, taserings, and/or death? A
24 traffic stop should not be a death penalty.

25 So what we recommended were numerous

1 traffic stops to cease to be ended, or at least
2 reviewed. Fortunately, that process is beginning to
3 take place in Pittsburgh.

4 Reverend Burgess also put into legislation
5 some stop-and-frisk legislation because, again, when
6 people are stopped on the street, Pittsburgh only
7 has about 23%, I believe, of black people, yet the
8 stops were over 70% black. You can only conclude
9 something is wrong and we can only conclude that
10 race is in the middle of it. So the stop-and-frisk
11 legislation, we met down the hall on July 5th and we
12 are scheduled to meet again Tuesday, this coming
13 Tuesday, at 2:00.

14 There was significant agreement on changes
15 to increase the strength of Reverend Burgess'
16 legislation. We had three -- two Councilmen in the
17 house and the staff member of the third. The
18 legislation was about to be passed several weeks ago
19 and I came to this Chamber, along with Dr. Ralph
20 Banks, renown researcher from the University of
21 Pittsburgh, now retired, along with some of our
22 white partners and we convinced Council to delay the
23 vote and to go back and research and strengthen, and
24 they've agreed to do that. So there is some
25 progress.

1 Some of the things that -- and before I
2 forget this, Beth Pittinger is in the house and we
3 have discussed this and partnered with this
4 conversation on many occasions the last few years, I
5 believe. We call it the Due Process Act. This is
6 something that the Black Political Empowerment
7 Project proposed many years ago. What does that
8 mean?

9 It means when a death occurs at the hands
10 of police, that the local DA should not handle that
11 case. Why? Because we view it as a conflict of
12 interest. The same DA who depends on the police
13 today, depends on the police tomorrow, depends on
14 the police next week and next year, when it comes to
15 potentially prosecuting those same officers, how can
16 they be objective? How can they be objective?

17 Members of my BPEP Planning Council, we
18 call each other BPEPPERS. If one of my BPEPPERS
19 were on trial and I was on the jury, and I have jury
20 duty possibly this Wednesday or Thursday, how can I
21 be objective? Let's be honest. So we think when
22 there's a death at the hands of police or law
23 officers, law enforcement officers, that should be
24 removed from the local DA, given to the Attorney
25 General's Office, or some independent -- not that

1 they're going to be totally objective because they
2 too have histories of working with police officers,
3 but at least they're not working with those police
4 officers in that city, in that township. So we're
5 strongly continuing to recommend that and I think
6 some of the national cases that we've seen across
7 this country reinforce the importance of that, some
8 degree of objectivity. And, again, the citizens of
9 our city, our nation, need to feel that the justice
10 system is literally just.

11 Unfortunately, across this country and in
12 Allegheny County, when a black person walks into the
13 Court, often the jury is all white; often the Judge
14 is all -- is white and the prosecutor often is
15 white. That's a lot of white. And, let's be
16 honest; if we reverse that, if white people walked
17 into a situation where everybody was black, I think
18 they'd begin to understand why black folks feel a
19 little uncomfortable sometimes.

20 So one of the things we've advocated is
21 diversity on the Courts. We advocated review of
22 those processes. We helped to get a Judge removed
23 because of his racist statements, partnering with
24 others across the State of Pennsylvania, the
25 Commonwealth of Pennsylvania. All of this is

1 important.

2 We're talking about recommending, in our
3 multiple recommendations going back to 2020, that
4 there be citizens on the police panel, the oral
5 panel. The oral panel is one of the last steps when
6 a person is coming to be considered as a new police
7 officer or as a cadet and, historically, the panels
8 in our city, going back some time, were all white
9 and often all males and if someone on that panel or
10 if the -- or if the whole panel had an issue about
11 having black and brown and women on the police
12 force, guess what. They may have been stopped in
13 their tracks through the oral panel. So we've
14 requested that the oral panel now consists of
15 citizens. So we have some citizen involvement, as
16 well as people of color. It also, hopefully, will
17 give more confidence in the citizens of Pittsburgh
18 that the police who are coming into their
19 communities are being chosen in an appropriate way.

20 We're looking at increased commitment to
21 reviewing the histories of people. Some people
22 disgrace the uniform. Everyone does not need to be
23 in a blue uniform because some don't have the
24 psychological approach that's appropriate to
25 interacting with all kinds of people, literally all

1 kinds of people. The psychiatric tests, maybe they
2 should be re-examined or strengthen background
3 checks. And one of the things that we had advocated
4 some time ago that's beginning to take place is
5 looking at the histories of officers coming from
6 other police departments and that, fortunately, has
7 been agreed upon that those histories must follow.

8 We had a young man die, Antwon Michael
9 Rose, II. He should never have died. Shot in the
10 back by an officer who was formerly at the
11 University of Pittsburgh, and apparently his history
12 did not follow him. He may never have been
13 employed.

14 We're advocating for a full-time recruiter
15 to really look at expanding recruitment and, in
16 Pittsburgh -- I'll speak of Pittsburgh. For a
17 while, the classes were beginning to reflect the
18 population, only for a short while. But we've had
19 what I call a re-whitening of the Pittsburgh Police
20 Force. A high figure in the Pittsburgh Police
21 Bureau told me over a year ago if all the black
22 people on the Force who could retire retired, we'd
23 be down to about 6% of black people on the police
24 force. So the recruitment issue is extremely
25 important. They've had no classes for a good while.

1 But we're saying when the recruitment begins, there
2 has to be a breakthrough in how folks are recruited
3 because what happens now when there is an incident
4 in a black community, or predominately black
5 community, it's almost like a white invasion force
6 going into a black community. I don't mean to be
7 crass, but I ask white people to reverse that.

8 If in Fox Chapel, Fox Chapel; I don't know
9 if you're from out of town, is a very white
10 community. Mount Lebanon is a very white community.
11 If every time you had an incident almost all the
12 officers who come in that community are black, I
13 think folks would say well, where are the white
14 people. We feel the same way as black people. We
15 want to see an integrated Force, because we're not
16 talking about who's selling a new shirt in a store.
17 We're talking about people who have the power to
18 arrest you, tase you, beat you, shoot you,
19 potentially kill you. We want a diverse workforce
20 that has the complexity in their mind of being able
21 to deal with a wide range of people and be sensitive
22 to a wide range of people.

23 Community engagement. First of all, I want
24 to thank you all for having me here, representing
25 the Black Political Empowerment Project, the Greater

1 Pittsburgh Coalition Against Violence, and all of
2 those who are here today to address an issue that
3 never goes away, as I said. Community engagement, I
4 think the Bureau here has been attempting to move in
5 that direction, and certainly, Tiffany Kline-Costa
6 has been a shining example of how police can
7 interact with citizens of all races and all
8 backgrounds. That approach needs to be expanded and
9 they began to look at how to do that in Pittsburgh
10 on our Task Force.

11 I was told recently by a staff member of Ed
12 Gainey's office that a good percentage of the
13 recommendations that have been made by that Task
14 Force are beginning to be implement, and that's
15 important. That's another reason why I think the
16 City needs to share with the public publicly that
17 these changes are, in fact, not only being
18 recommended, but a good percentage of them are
19 becoming policy and procedure for the City of
20 Pittsburgh.

21 Reviewing tests for bias and the background
22 checks I referred to earlier are extremely,
23 extremely important.

24 We had quite a bit, so I wasn't trying to
25 go through everything, but we have something unique

1 here in Pittsburgh that some of you from out of town
2 may be interested to hear. I think it was November
3 2018, Beth Pittinger was with me, along with the
4 President of the NHB at the time, Rich Stewart; I
5 think previous President of the Urban League was
6 present, Esther L. Bush, and some other
7 representatives. We met with Chief Schubert at the
8 time. We also met with the -- Mr. McCullough (sic)
9 Coleman, who was head of the Allegheny County
10 Police. He sat to my right. I remember where
11 people sit. But we had an agreement that was
12 unusual and I asked the Chief a number of months
13 ago, who's now retired from Pittsburgh, working for
14 the FBI, when he went to visit and speak with other
15 officers across the country, police chiefs across
16 the country, he said Pittsburgh may have been the
17 only one or the first to do this. We asked to have
18 every police officer on an annual basis be required
19 to read the You and the Police brochure that we
20 created out of the death of Johnny Gammage October
21 12th, 1995, and we've revised it several times. Beth
22 Pittinger has been my partner, and I've been her
23 partner, in reviewing this with top leadership and
24 it is a document, a brochure. It was six panels,
25 and on November 18th, Chief Schubert said why don't

1 we expand it to more information on street contacts,
2 which I, as a civil rights activist, appreciated a
3 Chief-of-Police saying let's expand something.
4 Right?

5 So the commitment we got from the Chief
6 that day and from Coleman from the police --
7 Superintendent of Police for the County, was that
8 every officer would have to review that brochure,
9 which we're getting the community to do and the kids
10 to look at, and to take a quiz that verifies that
11 they have read it, and the Police Bureau created the
12 quiz. Beth Pittinger and I met for an hour and a
13 half with the key trainer of the police. Eric
14 Holmes, who at the time was Commander and Chief-of-
15 Staff for Chief Schubert at the time came in a
16 couple -- a few times. She then met another hour
17 and a half with the trainer and another officer and
18 then she and I met for -- I think for an hour to
19 review and we published again the You and the Police
20 brochure.

21 But something as simple as that, we stood
22 at a press conference twice with the President of
23 the PFT in Pittsburgh, Nina Esposito-Viscitis. Our
24 Chief was present. Representation from the Port
25 Authority, who agreed to do it as well, was present.

1 Sheriff Mullen, at the time, was present. Chief of
2 the Pittsburgh School Board Police was present.

3 Nina Esposito-Viscitis said something as
4 simple as this brochure could help prevent negative
5 interaction between the police and our kids; prevent
6 a beating; prevent a tasing; prevent a shooting;
7 maybe prevent a death. Tuesday, two weeks ago, we
8 met with the current Superintendent of Police -- I'm
9 sorry, Superintendent of Pittsburgh Public Schools,
10 who's now the Superintendent. He was Acting at the
11 time.

12 One of the things we asked was finding a
13 way to put that in the system so that every term,
14 each student is taught that very simple two-sided
15 eight-panel brochure, what to do when stopped by the
16 police, You and the Police, such as if it's dark,
17 turn the dome light on so they know you're not
18 hiding. I suggested we put it in the new brochure,
19 Beth; turn the keys off. Turn the motor off, so you
20 -- they know you're not going anywhere. Put your
21 hands on the wheels. Put your hands on the side of
22 the car. Be respectful, even if the officer is not
23 respectful, because we have in the brochure you can
24 report that officer either to the Citizen Police
25 Review Board later; Office of Municipal

1 Investigation, but they live through that occasion
2 and they go through it with not being arrested. If
3 you have a witness, if the officer interacted
4 inappropriately, have that information while it's
5 fresh in their minds recorded. These are things
6 that impact the psyche of our community and impact
7 the relationship between the community and the
8 police. As we build these opportunities and they
9 become part of the culture, hopefully there's more
10 trust created between the community and the police.

11 Let's be honest. Most people, even if they
12 have no criminal background, if they see a flashing
13 light behind them of any color, but particularly if
14 you're of color, from the stories we've seen across
15 the country, and let alone it be a young black man
16 that has criminal history, they're probably freaking
17 out a little bit. So how we train our police is
18 extremely important.

19 One of the Committees that I chaired was on
20 training and recruitment. The training is huge.
21 It's not the only thing, but it's huge, how our
22 police are trained, how they become more
23 professional and how they interact, how they
24 de-escalate versus escalate. You can escalate a
25 situation just by using your voice, by hollering and

1 screaming and you already have the authority and if
2 you're hollering and screaming and people are
3 already nervous because you're the police and --
4 they're the police and you're not, you're probably a
5 little nervous and you're probably responding very
6 negatively for someone with the authority to tase
7 you, beat you, shoot you, arrest you, and they're
8 acting not only with that authority, but with that
9 abusive language; you probably have a problem on
10 your hands. So the training, sensitivity training,
11 not only to race and ethnicity and qualities, issues
12 of LGBTQI community, all of these things cannot be
13 minimized. They must be maximized, if anything.

14 So we look forward to -- there is progress
15 in Pittsburgh. I'm very glad to say that. I've
16 been dealing with Pittsburgh police issues for over
17 50 years, even though I'm only 57. Thank you very
18 much. But, in honesty, there has been a commitment
19 under the Padoodle (ph) Administration to begin to
20 move things ahead and to the police leadership and
21 to the current Mayor and his Administration, and we
22 look forward to the meetings that we're going to
23 have very soon, on Tuesday, following up on the
24 stop-and-frisk legislation and, hopefully,
25 finalizing that. And also the meetings that we've

1 had for the last probably year and a half on the
2 BPEP recommendations that were supported by our
3 community partners, such as the NAACP and the
4 League, Urban League, and APA, Alliance for Police
5 Accountability. We've partnered with them on some
6 of these meetings as well. So there was progress in
7 the air. Is there progress yet to be made?
8 Absolutely. We can never stop. The progress has
9 begun, but the progress must continue and the
10 progress must expand.

11 BROWN: Thank you, Mr. Stevens. I really
12 appreciate you really laying out sort of the history
13 of everything, particularly here in Pittsburgh, and
14 also really hitting on the key point, which is there
15 is progress being made along the way.

16 One of the things that I was really
17 interested in was sort of, as we go through the
18 process of identifying what some of our problems are
19 and then coming up with solutions collectively, one
20 of the things I was really interested in is sort of,
21 as a -- talking to our legislators and our leaders
22 and these sorts of things and different community
23 groups and community becomes involved with having a
24 voice in setting policy for deciding what training
25 should be done and basically deciding exactly --

1 just having a voice and how they are policed. So I
2 think that's very important and one of the tools
3 that, you know, I looked at specifically was what's
4 going on at the State level, but specifically with
5 our Commission, and what's going on at the local
6 levels with the two oversight groups that we have
7 both in Pittsburgh and in Philadelphia. There's
8 another oversight group also in State College that's
9 just been developed and the idea of citizens being
10 involved in that process. So very excited about
11 that.

12 Really want to switch gears and really go
13 specifically to what those tools are. So when we're
14 talking about -- if we're talking about specifically
15 our Commission, you know, we have the tool to be
16 able to conduct reviews of the completed internal
17 investigations by the agencies and really looking at
18 specifically use of force involving death.

19 STEVENS: That's a big deal.

20 BROWN: Or life-threatening injuries.

21 STEVENS: Big deal.

22 BROWN: And then also looking at complaints
23 of bias-based policing; how the agencies handle
24 those complaints. So those are really -- there
25 really can't be anything higher than looking at

1 making sure that, if there's a death that had to
2 occur, that, in fact, everything that -- the
3 procedures going into that were followed properly
4 and it was truly something that had to occur; that
5 there was no other option other than to take that
6 life.

7 STEVENS: Absolutely. Absolutely.

8 BROWN: So that's something that we take a
9 close look at, obviously. We look at there are --
10 other jurisdictions in the Commonwealth, and I
11 brought up sort of what these other areas are doing,
12 including Pittsburgh and Philadelphia. Some of the
13 things that we have sort of been able to have
14 progress with, but also recognize that there's work
15 to be done, is just sort of what our authority is
16 limited to as an entity. So our authority really is
17 two parts. One, we can review the completed
18 internal investigations and provide our assessment
19 to the agency of the quality of that internal
20 investigation in the form of our determinations.
21 So, looking at the basic stuff. Was it prompt,
22 fair, impartial; was it complete; was the
23 adjudication and discipline reasonable, all of those
24 things. Then also, while reviewing that, having the
25 ability to make recommendations and training

1 recommendations specifically. You brought up how
2 important the training piece of this was and that's
3 something that the Governor has allowed our, and
4 provided that ability for our Commission to do is to
5 make those training recommendations along with those
6 recommendations to policy.

7 Now, really what that -- it sounds sort of,
8 you know -- it sounds like it's a lot of verbiage,
9 but the importance for that is those policy changes
10 and those training changes actually have impact on
11 outcomes out there in -- with our citizens that the
12 law enforcement serves. So very much important that
13 we do that work and very much that we do that in
14 collaboration with law enforcement because,
15 ultimately, we can make recommendations. We can do
16 all the research and give best practice, but,
17 ultimately, it's the law enforcement that has to
18 take those recommendations and then implement them.

19 So that is really where our focus is and,
20 to that end, I really want to have a question for
21 one of our other panelists, Anthony Erace. He's the
22 Executive Director of the Philadelphia Police
23 Advisory Commission. Mr. Erace, I really want to
24 get some feedback on what is the role and
25 responsibility of your Commission there in

1 Philadelphia?

2 ANTHONY ERACE: Good afternoon, everyone.
3 My name is Anthony Erace, from Philadelphia. So the
4 roles and responsibilities of CPPAC are fairly
5 unique in the country because we exist by ordinance,
6 which is [inaudible]. So our roles and
7 responsibilities are actually multi-prompt, right?
8 So there's the Community Outreach Constituent
9 Services role and responsibility, which is where we
10 educate the public as to what different things are,
11 like [inaudible] in-service and traffic stops.
12 Their responsibilities are in traffic stops.
13 [Inaudible] responsibilities during traffic stops.
14 We also do constituent services, which is a function
15 of solving problems, because everything is not a
16 complaint. A lot of times residents believe that --
17 they want to call to complain, but what they really
18 have is a problem they need solved and so we engage
19 them and the police department and we try to find a
20 way to solve their problem.
21 We've also -- CPPAC also had investigative
22 powers. Now, these are -- this is revolutionary in
23 Philadelphia, at least, where it's very, very broad
24 investigative power. It's the ability to
25 investigate individual instances of misconduct,

1 shootings, really [inaudible] instances of conduct.
2 That's all. I mean we're not doing that
3 immediately. It's -- we have a phased in several
4 year build out. We just came into existence in
5 April and we're the successor agency of the Police
6 Advisory Commission.

7 So we have investigations on the -- we have
8 that power, which is revolutionary and we're looking
9 forward to also doing the NTSB style investigations
10 as well, which is issue investigations, which
11 basically breaks down an incident. When you have
12 something that we always call awful, but lawful,
13 where it goes bad, but nobody really did anything
14 wrong, but a change in policy can rectify a
15 situation where a change in internal culture can
16 help avoid certain situations. That is actually an
17 incredibly crucial responsibility because that
18 allows you to change how they do things.

19 We also have auditing and monitoring, which
20 is for Internal Affairs and to audit departmental
21 incidents. We examine every case that comes into
22 Internal Affairs, the case file for best practices,
23 outcomes, investigative quality, in the hopes of
24 improving the legitimacy of outcomes. The
25 monitoring that we do is done selectively. Like if

1 a complainant is nervous about going to Internal
2 Affairs to be interviewed, we can escort you. We
3 can guide you through the entire process. We can
4 tell you how it works. You know what to expect. We
5 can tell you what outcomes are reasonable, but
6 normal, and what they should be looking for when
7 they review the investigative files at the end,
8 which a resident of Philadelphia can do at the end
9 of an investigation.

10 The other most -- the other thing is after
11 actual reviews. We're going to have the capacity to
12 change the policy in a couple of different ways.
13 One, after actual review is where we review
14 incidents to try to find a path forward. But our
15 policy work is also a huge part of what we do, which
16 is the examination of all the aspects of policing
17 and the ability to monitor and sort of investigate
18 and change things with recommendations in real time.
19 Now, that's a huge thing. This is where we partner
20 with the police department and also do things
21 independently to try to make everything work better,
22 like the previous speaker was talking about
23 recruiting. There's no [inaudible] of well-educated
24 rights of African-American males who have absolutely
25 no interest in being police officers. That's a

1 culture issue. It doesn't matter if you knock on
2 someone's door and say hey, would you like to be a
3 police officer. They have to have a good reason why
4 it's a good idea, which is, you know, cultural in
5 nature, outreach in nature, and trying to make the
6 police department, one, that's attractive unto
7 itself. It's not just recruiting. It's internal
8 culture. It has to be -- I mean anybody that goes
9 to work for any company has to want to work for that
10 company and when it's a police department, it has to
11 be an honorable, decent place to work and the goal
12 is to change that.

13 Really, our responsibilities are sort of
14 all over the place and we have a whole lot of work
15 to do, but the legislation that was written and
16 enacted in Philadelphia, frankly, is transformative
17 and it's going to make what I think is going to make
18 the Philadelphia Assistance Police Oversight
19 Commission an actual model once we do our buildout.

20 BROWN: Thank you, Mr. Erace. I think it's
21 really interesting how the different entities have
22 somewhat completely different authority, so, at this
23 time, I'll turn it over to Dr. Emma Lucas-Darby,
24 who's the Chair of the Pittsburgh Citizen Police
25 Review Board.

1 Dr. Darby, compared to our Commission and
2 Philadelphia CPPAC, what is the role and
3 responsibilities of the CPRB here in Pittsburgh?

4 LUCAS-DARBY: Thank you very much, and I
5 also thank you for this opportunity to be here
6 today.

7 The Citizens Police Review Board, since
8 1997, has tried to respond to exactly what its
9 intent was, and that is to respond to citizens'
10 concerns about police relationships. I will say
11 that the task hasn't been easy, but we've been
12 determined and, under the capable leadership of Ms.
13 Pittinger, that has continued for all of these
14 years.

15 One of the things that I think has
16 galvanized some of the contemporary concerns are the
17 situations that African-Americans have had to face
18 with what they consider to be injustices in this
19 democracy that all of us should be able to enjoy
20 some rights and freedoms only because of the color
21 of our skin we have not been able to. But the
22 Citizens Police Review Board is an entity that can
23 respond to some of those concerns from a micro
24 level, deal with policies, and hopefully respond on
25 a micro level to some of those concerns.

1 So we have a process in place where anyone
2 who has a complaint against the police can file that
3 complaint with us. It is investigated. Ms.
4 Pittinger reviews it to determine what the next
5 steps should be in it. The Board then reviews it
6 and makes a determination also of their position,
7 based on the recommendation that comes from the
8 investigators.

9 One of the things that we try to make sure
10 the public understands is that we take the complaint
11 seriously. We have certain rights, because we are
12 an independent Board, and we can take it to another
13 level, which I think is critically important that we
14 have that status built into what we actually can do
15 in terms of taking a citizen's complaint forward.

16 So we can subpoena, you know, officers to
17 come before us if we feel that it's justified that
18 we have a public hearing. It has not always been
19 easy to get those officers to testify, but we
20 encourage them to participate with us because we're
21 responding to the -- what the public has a concern
22 about and it's important for the public to
23 understand why the actions were taken the way they
24 were taken.

25 We can come up with a recommendation,

1 present it to the Bureau, and they have 30 days to
2 respond to us. Sometimes it's not what we want.
3 But the important thing is that citizens know there
4 is an entity that hears them and will respond to
5 them.

6 I think we have been very good in terms of
7 being partners with community organizations that Mr.
8 Stevens talked about the partnership we have with
9 BPEP, but there are so many other organizations that
10 we work with to make sure that we're being
11 responsive to the public.

12 A couple of the others actions that we've
13 taken; for example, when a young woman was in a
14 domestic violence situation, she called the police.
15 The police came. The perpetrator came to the door.
16 He responded. The police never asked about the
17 individual who had made the call and the Citizen's
18 Police Review Board made recommendations to the
19 Bureau. They considered those and put in place some
20 actions around awareness of situations that, when
21 you come to respond to a call, you just can't go to
22 the residence and say that you were there without
23 really exploring what may have happened and
24 especially without speaking to the individual who
25 may have been the one who made the call and the one

1 who, in fact, has been abused and violated.

2 I think that the mere fact that the Board
3 has taken positions on certain issues has shown that
4 we care about helping the police to function better
5 because there are situations where we see that we
6 may be able to make a difference with the actions
7 that they take. I am a firm believer, and I'm going
8 to deviate just a little bit, but I hope you can
9 understand why I'm doing it. We are a firm believer
10 that there are some actions you need to take
11 proactively, build in the pipeline so changes can
12 occur in terms of police behavior.

13 I'm an educator. I believe that one of the
14 ways that we can make some changes as we move
15 forward is to educate individuals at a level where
16 they understand what policing is all about, what
17 they can do in terms of policy issues, how things
18 can change.

19 I'm proudly associated with the University
20 of Pittsburgh School of Social Work and we developed
21 programs in the last three years where we are
22 educating social workers to work with police
23 departments so that it's not all about enforcing the
24 law, because so many of these situations involve
25 mental health issues, trauma, experiences that

1 people are reacting to and what happens is you
2 automatically call the police because you know the
3 police are the people who can kind of control the
4 situation. That's law enforcement. I'm talking
5 about responding to social issues, social concerns.
6 Police don't always have that ability. I admire
7 what they do, but we can't expect for them to be
8 giants, to cover everything that happens in society.

9 So we've got to look at not trying to fix
10 them, but provide them other services that can help
11 them to function better. The educational system is
12 the perfect system to do that and, you know, I can
13 talk hours and hours about starting with little
14 children and just, you know, having police officers
15 being friendly to them, but I'm going to stick to my
16 graduate level where I'm trying to make a difference
17 and we have to have individuals trained who can, you
18 know, interact with the police and show them this
19 isn't law enforcement. You got that call because
20 that person was concerned with the situation, but
21 all they need is someone to talk to. All they need
22 is someone to listen to them.

23 So -- and social work programs across the
24 country, police departments across the country are
25 now hiring social workers to actually be a part of

1 their departments, and I think that's the solution
2 so police can focus on, you know, the enforcement of
3 laws, but they're the other individuals there who
4 can take care of all of these other issues and
5 that'll make the work of all of these supervisory
6 and agencies that are trying to get at what is
7 happening in society a little bit easier because
8 they don't have to try to do it all. There are
9 components that can be handled by different
10 individuals if they are trained to do that and one
11 of the programs that we initiated at the University
12 of Pittsburgh was with Wilkinsburg Police Department
13 and Chief Coleman. We had students placed there.
14 Those students were able to go out with the
15 policemen and the policemen were very good about
16 being concerned about the safety of the individuals.
17 But they could go out with the policemen and so many
18 times it wasn't a matter of an arrest. It was a
19 matter of listening and referral to a social service
20 agency because that's what the individual wanted.

21 The police were getting calls. I need a
22 job. That's not law enforcement. I'm hungry. I
23 don't have food. That's not law enforcement. So
24 there are areas, and we have to not retrofit, but
25 begin to train and expand and fit into the puzzle so

1 that we can take care of some of the dynamics, and I
2 do believe that some of the actions that cause
3 police to respond is because there's so many other
4 underlying situations that people are dealing with
5 and the only way they know how to express themselves
6 is in a manner that would cause them to have some
7 contact with the police.

8 So, I really feel that, as opposed to
9 changing every person, every policy, let's also
10 advocate for that level, but let's focus too on how
11 we can help the police to function better and, in
12 order to do that, there's a place for social work
13 counselor, professional counselors, whatever the
14 case may be, but there is a place for them in this
15 whole policing effort and I'm glad to see that the
16 move is taking place in the United States across the
17 country today.

18 I feel very strongly and we advocate for
19 our students to be policy advocates at the macro
20 level and they do that, but then we've got to also
21 prepare them to deal with the situations that are
22 more acute, that are more immediate, and that can
23 keep individuals from feeling fearful of police, out
24 of jail, and then, you know, a criminal record down
25 the line.

1 So I'll talk about children and how we can
2 deal with that to help with the policies at another
3 hearing that you may have.

4 BROWN: Thank you, ma'am. I appreciate it
5 so much. I'm going to turn to Jam Hammond at this
6 time. I think one of the real important items for
7 everything we do is the idea of the product that we
8 produce having some level of independence, being
9 able to ensure the credibility of the product that
10 we will produce and also the accountability of what
11 we're suggesting in our reports. Jam Hammond is the
12 Director of the Pittsburgh Independent Commission on
13 Human Relations, one of the nation's oldest
14 independent Commissions.

15 Director Hammond, can you tell us why
16 government relationships, specifically with
17 independent and quasi-independent agencies are
18 important?

19 JAM HAMMOND: Thank you. So [inaudible].
20 There are a lot of points that have been brought up,
21 specifically something that Tim Stevens brought up.
22 It was independence and the first thought was the
23 question you just asked me.

24 For people who don't know the City of
25 Pittsburgh's exact, you know, structure, there are

1 three agencies here at the City that can take
2 complaints against the police department or the
3 Bureau of Police, and one of those that Tim
4 mentioned briefly is OMI. So nothing that I am
5 going to say is meant to say anything negative about
6 OMI. The people at OMI do hard work and they do
7 important work.

8 For me, independence is something that's
9 key. That's something that's different between CPRB
10 and OMI and my agency and OMI. For me, independence
11 is something that's key because it is really the
12 only way that we can build trust with citizens. If
13 you don't have independence, there's no guarantee of
14 impartiality. There's no even hope for true
15 transparency and then where is accountability
16 without the independence of our agencies.

17 So the very first point that I would make
18 is that independence is absolutely key to reviewing
19 any kind of police misconduct issue and, though our
20 agencies may be funded in part by the City, it is
21 important to remember that we have citizens on our
22 Board, CPRB and the Commission on Human Relations,
23 that have no particular interest invested in one way
24 or another making a decision and that makes all the
25 difference in coming to determinations and

1 recommendations that are impartial that the public
2 can put their trust in. So independence is
3 absolutely key and it's something that we can't lose
4 at any time if we're going to make real progress and
5 building trust with citizens towards police reform
6 and towards examining police issues.

7 But the other part of the question, why is
8 it important for government, the main government,
9 the administration, to work with its independent
10 agencies, agencies that don't have to answer to
11 them, but do examine them, and it's important
12 because even though at times it may not seem that
13 way, we have the exact same goals.

14 Our entire function is to protect the
15 citizens and whether it's the Bureau of Police and
16 doing law enforcement or it's CPRB in reviewing the
17 actions or it's the Commission on Human Relations in
18 ensuring that all the actions taken by the City are
19 free of discrimination, our goal is the same. Our
20 goal is to protect citizens and if we don't work
21 together, if we're not on the same page, we're not
22 going to get anywhere.

23 You know, Tim brought up so many examples
24 of why it's important to have collaboration with
25 citizens and with independent Boards. It's because

1 you simply cannot do everything on your own. You
2 can't sit in a room if you're in administration or a
3 city and just listen to an echo chamber of your own
4 thoughts and then come up with the accurate
5 solutions for the communities that you are meant to
6 protect. It's not possible. You have to have
7 outside input. You have to have people who are
8 independently thinking from yourself in order to
9 really create powerful solutions towards change. So
10 it is important that, even though we are
11 independent, even though we are not relying upon the
12 administration and we're not a part of the
13 administration, that the administration takes
14 seriously that we have the same goal. We want to
15 work together and only by working together can we
16 really create those powerful solutions to the goals
17 that we share.

18 BROWN: I really like the fact that you
19 touched on those common goals because, obviously,
20 that is really important and really what we're
21 striving to do is be all on the same page as far as
22 what we're trying to achieve and it's all really in
23 our mutual best interest, as both the community and
24 its law enforcement.

25 Our Citizen Commission has had success

1 working with our covered agencies to improve
2 policing practices.

3 John Manning is the Deputy Chief Counsel
4 for the Pennsylvania Department of Corrections,
5 who's one of our covered agencies, our Commission's
6 largest covered agency. Deputy Chief Manning, how
7 has the Department of Corrections work
8 collaboratively with our Commission to improve
9 policing policies and practices within DOC's law
10 enforcement subunits.

11 MANNING: Thank you, Chairman Brown, and as
12 well as the whole Pennsylvania State Law Enforcement
13 Citizens Advisory Commission.

14 With respect to Chairman Brown's question,
15 I would say that working collaboratively, at least
16 in this process, has been an excellent experience
17 for the Department, in my opinion, and it goes to
18 show, not only the qualifications of the
19 Commissioners and the members working, you know,
20 with the Use of Force Committee, as well as the
21 value of those Commissioners in their work.

22 During these meetings, as well as in the
23 findings, we found that, you know, the questions and
24 -- have been robust, well-thought out, in depth, and
25 making common sense recommendations.

1 By no means do I believe that what's being
2 done is a perfunctory exercise. It has included in
3 depth recommendations, such as -- and common sense
4 ones, like such as the objectively reasonable
5 standard under Graham v. Connor. You know, that's
6 something that we've been training for many, many
7 years, but it makes sense to make sure that that's
8 codified in policy as well, and we are working on
9 and implementing those policy recommendations as we
10 speak.

11 There are some recommendations, such as
12 body cameras we applaud and we're in favor of. I
13 think that there may need to be legislation,
14 specifically amending the Wiretap Act. There is
15 pending legislation, House Bill 2344, that can
16 address that. So that may be something to look at
17 as well.

18 I also want to mention that, you know, I
19 think it's been an easy transition, to some extent,
20 for the Department, and when it was the predecessor
21 as the Board, because we've had the -- the field
22 supervision staff has had worked with what we call
23 Citizens Advisory Committees. That's been around
24 since the mid-1980s and it's been part of our
25 regulations and it's also been codified again as

1 part of Act 59 of 2021, which was passed last year,
2 that the Department is to use the Citizens Advisory
3 Committees. It's under 37 Pennsylvania Code 77.1,
4 77.2. It directs that the District Directors
5 appoint persons, a seven-member committee, made up
6 of residents of each county and that they be part of
7 ethnic minorities as well specifically in those
8 regulations and the Department has been using these
9 for many, many years and I know Deputy Secretary
10 Stephens can talk about that as well.

11 The last thing I will say, and I think the
12 last panelist had talked about an echo chamber, and
13 I think, you know, when we talk about policies and
14 internally have policies and some -- and, believe it
15 or not, there are sometimes disputes, but, you know,
16 sometimes you get into the echo chambers of this is
17 the right way to go and this is the right way to do
18 things. When you have an external Commission, such
19 as the Citizens Advisory Commission here, I think it
20 allows an imprimatur, that ratification, of these
21 types of findings, these common sense findings, such
22 as we've seen that the Commission has brought
23 through that can really help push to have those good
24 common sense policies made and ratified by agencies.

25 So, again, I think we would look forward

1 to, again, working with the Commission in the future
2 very much so because I think it has been an
3 outstanding experience so far.

4 BROWN: Thank you, Deputy Chief Manning.
5 I'll turn to Deputy Secretary Stephens. Christian
6 Stephens is the Deputy Secretary for the
7 Pennsylvania Department of Corrections. Deputy
8 Secretary Stephens, how has DOC worked
9 collaboratively with the Commission and how has this
10 collaboration benefited the Department, its agents,
11 and the citizens it serves?

12 CHRISTIAN STEPHENS: First, I'd like to
13 thank the Commission for inviting us here today.

14 I think our partnership with the Commission
15 has been great. We encourage, and I think it's part
16 of the Department's overall goal, is to create a
17 culture of accountability and not just a culture of
18 consequence. And so, as we work with our staff and
19 we work with the re-entrants in the community, our
20 goal is to help heal communities.

21 About five years ago, we changed our
22 approach to supervision and within that time, we've
23 shut down about five offices and we've gone to a
24 mobile model and that model is about taking parole
25 agents and immersing them in the communities that

1 they're responsible for supervising and changing the
2 mindset of those agents that they are no longer
3 responsible for managing a caseload, but they are
4 responsible for managing a community. And what
5 we've come to find is that as they're immersed in
6 the community, they get to know the lady who runs
7 the mom and pop shop store on the corner and they
8 get to know the families and not just the re-entrant
9 that they're working with; that this wraparound
10 approach to not just the re-entrants, but the
11 wraparound approach to these communities is going to
12 be crucial to us; one, reducing recidivism, but
13 helping to heal, you know, so many of these broken
14 communities.

15 About -- I want to say about three years
16 ago, we partnered with the University of Penn. I'll
17 just give you an idea of some of the stuff we've
18 done. We partnered with University of Penn to bring
19 their medical students into our parole office so
20 that when re-entrants were coming to meet with their
21 parole agent, while they were waiting, they could
22 get a wellness checkup. And so that was the
23 beginning of really starting to change the mindset
24 that the Parole Office is not a place where I come
25 to get in trouble, but the Parole Office is a place

1 where I can come get help. And so how do we -- and
2 we took on understanding how parole was perceived.
3 For many people, parole is really just an enigma.
4 They don't know what parole is. You know, are they
5 social workers or are they law enforcement. And now
6 that's not only with the communities we deal with,
7 but with other law enforcement agencies. You know,
8 are they 100% law enforcement or are they social
9 workers who just provide social services and the
10 reality is we do all of that and we need to position
11 ourselves, and we've been working to position
12 ourselves, to bridge the gaps in these communities.

13 So we can bridge the gap between law
14 enforcement and communities where there needs to be
15 some understanding. On any given day, a parole
16 officers is sitting in someone's house working with
17 the family and then later at night may be on the
18 Task Force. So we work with these entities. But,
19 at the same time, they're working with the drug and
20 alcohol, the mental health, the social services
21 aspects also.

22 And so we've been working probably over the
23 last five years to really change how we do business
24 and how we're perceived in these communities. We
25 have been -- and what we've come to understand is

1 the importance of specialization; that, one, all
2 these communities are different and so we can't just
3 have a one cover all approach to how we go into
4 these communities. But every caseload is different.
5 So now we have gone to where we created mental
6 health caseloads. We have drug and alcohol
7 caseloads. We have sex offender caseloads. We have
8 intensive caseloads. And we've really gone down
9 this road of specialization, but not only doing
10 that, we're partnering with the experts in these
11 fields to help develop those curriculums.

12 And so we've worked with DDAP to develop a
13 specific curriculum for our parole agents around
14 drug and alcohol. We worked with OLMSOL (ph) to
15 create one for our mental health. So I mean that's
16 the path that we're going down and what we're
17 starting to see, and it's taken time, is that we're
18 starting to see it pay off. We're starting to see
19 the -- how people perceive parole is starting to
20 change in these communities.

21 Just Tuesday, one of our agents was on his
22 way to the Chester office and there was an
23 individual getting ready to jump off a bridge onto
24 95 and Agent Gray (ph), he stopped, and as the
25 police were all around the -- law enforcement,

1 normal law enforcement was agitating this
2 individual, but Agent Gray was a mental health
3 agent, so he was trained in this and so he was able
4 to talk this guy down, start talking about the guy's
5 son and tell me more about your son until he could
6 get close enough to pull him in and save his life.

7 And so, the partnership that we have with
8 this Commission is valuable but holds us
9 accountable. Right? What we're charged to do is
10 not just maintain public safety, but have
11 individuals come home and work to understand what
12 their issues are and keep them home and where there
13 are issues around use of force or any issues we're
14 100% transparent because we want to be held
15 accountable that we're doing the job that we've been
16 charged to do.

17 BROWN: Thank you so much, Deputy Secretary
18 Stephens. I think, overall, as we asked the
19 question, which was sort of the purpose of our
20 platform here was what really is the state of police
21 reform, and I think Mr. Stephens hit on it very
22 early on about we made a lot of progress, but
23 there's a lot that needs to be done.

24 So I think that's where we are right now.
25 When we look at our Commission specifically, right

1 now, the -- we had a lot of work that we were doing
2 to set up our Commission over the first 18 months of
3 its existence. Since that time, we've gotten to our
4 December meeting, which was the first meeting that
5 we've had recommendations that we made to the
6 various covered agencies and, since that time, we've
7 had nine final reports that went out to those
8 agencies that included 50 recommendations and sub-
9 recommendations for improvements to those policing
10 practices that we've been discussing here today.

11 The progress is that 70% of those
12 recommendations have been either implemented or are
13 actively being worked on to be implemented. So that
14 is significant progress, particularly in that period
15 of time, specifically on the Statewide level.

16 Now, we have obviously a long history here
17 in Pittsburgh on progress towards police reform with
18 Beth and, of course, Dr. Darby and folks working
19 here. But even with all the years of work that have
20 gone into this, we still are at the stage of
21 progress, but there's work to be done.

22 So, at this time, I think I really want to
23 open the floor to questions and comments from our --
24 for our panelists from our Commissioners out there.
25 So I'll open the floor at this time.

1 I think I saw Commissioner Bradford-Grey's
2 hand up a while ago, but I'll certainly acknowledge
3 you now, ma'am. Commissioner Bradford-Grey, go
4 right ahead.

5 BRADFORD-GREY: Thank you so much, Chairman
6 Brown, and thank you to all the people who have
7 spoken today about their models and, of course,
8 about their hopes for future policing and community
9 relations because this is the whole goal and I
10 really appreciated information that was just given
11 by the last gentleman. It was really an opportunity
12 to talk about the evolution of monitoring and
13 working with people in these communities and in the
14 spaces.

15 We cannot continue to do things the same
16 way. We've got to understand that there are
17 different social issues that are -- that we're
18 dealing with, but also different tools to use to
19 make sure that interactions are fair and, of course,
20 interactions are professional, but also people are
21 actually advancing so that public safety, the goal
22 of public safety, can be achieved. That's it.
23 That's really what we're trying to do.

24 With that, I wanted to ask the -- I
25 apologize if I am not getting your name right, but

1 the individual that is over the Police Advisory
2 Commission in Pittsburgh. With respect to your
3 powers and your abilities, are you able to help
4 influence training from a community's perspective?

5 One of the things that I think that really
6 needs to happen is that police need to be more
7 engaged and knowledgeable about certain trends and
8 certain issues that communities face when they
9 interact with police so that they don't mis-read or
10 misinterpret some of the actions to be something
11 different than what they are, and I've heard a lot
12 about interpretation of the actions that go into
13 totality of the circumstances of officers when they
14 decide what they're going to do and how they're
15 going to approach a situation. But sometimes the
16 communities' complexities and the communities'
17 complexion can get in the way of that
18 interpretation. And what I am looking forward to is
19 seeing how communities educate police in terms of
20 how they feel when police come into their
21 neighborhoods, what goes into their thought process
22 when they are either pulled over or held to -- and
23 held at gunpoint. These are things that, you know,
24 officers need to understand about the responses so
25 they can interpret those appropriately and

1 accordingly and maybe change course if it calls for
2 that and if there's a possibility to do that.

3 So this is just something I'm asking about.
4 You know, this is something I hope that our
5 Pennsylvania State Law Enforcement Advisory
6 Commission will start to engage in where I know
7 Commissioner Ashe was able to have a training in her
8 area about autism and more of a mental health and
9 how that interacts with police commands. But I
10 really want to see a different opportunity for
11 police to be educated by community members in terms
12 of what their perceptions are, how they interact,
13 how they react, and how they receive officers as
14 they are policing and patrolling their
15 neighborhoods.

16 LUCAS-DARBY: We have worked continuously
17 with the Bureau here and there are several levels
18 that are addressing exactly what you're talking
19 about. The Bureau has community Safety Committees
20 that actually meet in neighborhoods here in
21 Pittsburgh and citizens come out to that meeting and
22 they talk about what's going on in the community;
23 what they want to see the police address; and I can
24 only speak for my community, since that's the --
25 those are the meetings I attend, but the

1 representatives from the Bureau take that
2 information back to the Chief and talk about what
3 needs to happen to keep the policemen more informed.

4 I have seen that to be effective in several
5 of the issues we've talked about around some of the
6 social concerns within communities.

7 In addition to that, I can say that the
8 Citizens Police Review Board here has had a very
9 good relationship with several of the last Chiefs
10 that have been in the Pittsburgh area where we've
11 had discussions about the concerns within
12 communities that bring it to a level where there may
13 be contact with policemen and that individuals --
14 the police officers in those communities need to be
15 aware of those social issues.

16 It's a continuous process, but I can say
17 that those conversations have taken place and, even
18 with the recommendations from the last Commission
19 that the former Mayor had established, some of those
20 came out in the recommendations that were given to
21 the City for consideration.

22 So I know that there are efforts afoot to
23 make the officers more aware of what is going on in
24 the community; what are the concerns of the
25 community; how, you know, they view policemen; what

1 can be done differently so that the relationships
2 amongst the officers can be better. But it's a
3 process that we'll have to continue to work on. But
4 I do feel that efforts are being made here in
5 Pittsburgh for that.

6 BRADFORD-GREY: And just to bring back,
7 really briefly, Chairman Brown, this is something --
8 when I had started on this Commission, I got a nice
9 training from the Pennsylvania State Law Enforcement
10 at the Academy and I learned a lot of things that I
11 really didn't have the ability to understand from
12 the outside looking in. But that training was so
13 intricate and so detailed and so very personal, it
14 really gave me an opportunity to see things from
15 their lens.

16 I would love to see a formalized process
17 where a community puts the certain trainings
18 information into the same type of PowerPoint
19 presentation or video presentation for people to get
20 and have as a part of their cadet training process
21 and whatever that may look like, that we may need to
22 get, you know, some educational or academic
23 institution to help, but if there are [inaudible]
24 and information that we can gather from all of these
25 complaints, from the work you're doing in

1 Pittsburgh, to really see a pattern and then an
2 opportunity to really share at a real level where it
3 comes to reformulating these things into a complete
4 training program, rather than just committee
5 discussion. We take all that information and really
6 put it into a training program just like the State
7 Police do. I really think this would be something
8 that could be very useful if it's intentional and
9 designed, based on all the information that we've
10 gotten and I really want to see if we could work
11 together on that as a State because I do think it
12 would be powerful and informative. Thank you for
13 allowing me the opportunity to speak, Chairman
14 Brown.

15 BROWN: Thank you, Commissioner Bradford-
16 Grey. Commissioner Pennington? Is he muted?

17 PENNINGTON: You'd think I'd learn that by
18 now. It's been three plus years I have been
19 virtual, but thank you, Chair Brown, and thank you
20 to all the panelists for your excellent testimony,
21 and just a few comments that I wanted to kind of
22 piggyback on what Commissioner Bradford raised
23 because she made some excellent points and I wanted
24 the Commission and folks on this meeting today to be
25 aware of that, as part of the 22-23 State budget,

1 Governor Wolf signed House Bill 1421, which was part
2 of the Fiscal Code and it established a local law
3 enforcement grant program within our Commission on
4 Crime and Delinquency and I think that funding is
5 \$135 million that I think will help support a number
6 of the things that the panelists; maybe not all of
7 them, but a number of the things that the panelists
8 described today, because that funding is going to go
9 to law enforcement agencies for a number of things
10 around technology, hardware and software, body worn
11 cameras, Code responder models of helping law
12 enforcement deal with issues, you know, with social
13 workers and having paired them with law enforcement,
14 those types of programs; crisis intervention
15 specialists, including civilian community relation
16 specialists, and programs that support increased
17 diversity and retention improvement programs; policy
18 development and evidence-based practices and
19 training, you know, which include crisis
20 intervention, use of force, implicit bias training,
21 de-escalation training, and, you know, a number of
22 different training -- and I can't get into too many
23 details on this, but it will be a competitive
24 process that will be opening up probably in the next
25 I would say two or three weeks. So I just wanted to

1 make everyone aware that those resources will be
2 coming out and available, you know, certainly by the
3 end of this month.

4 And, you know, regarding -- we also have a
5 Mental Health Justice Advisory Committee that just
6 met this week that really looks at the intersection
7 of mental health and justice, you know, trying to
8 keep folks with mental health issues, issues around
9 the autism spectrum, keeping them out of the justice
10 system through diversion and other program efforts.

11 And also, just one other thing, you know,
12 as part of the Fiscal Code and the budget, there was
13 a Behavioral Health Commission established within
14 the Department of Human Services that's going to be
15 meeting over the next few months to look at --
16 they're to meet and develop a report that -- to help
17 target funding. \$100 million was set aside for
18 adult behavioral health to look at a variety of
19 things; you know, the intersection of behavioral
20 health and the criminal justice system, behavioral
21 health workforce development and a number of
22 different other things. So I mean, hopefully, you
23 know, a lot of these different initiatives can help
24 support, you know, a lot of the things that we're
25 talking about here today.

1 So, thank you, everyone. I appreciate it.

2 BROWN: Thank you, Commissioner Pennington.
3 Commissioner Lappas?

4 LAPPAS: First of all, I thought every
5 single one of those presentations was absolutely
6 wonderful and the -- you know, the big takeaway that
7 I found myself thinking about was that, in order to
8 identify and more than identify, in order to address
9 the problems that exist with regards to policing in
10 this Commonwealth and elsewhere, we need
11 information.

12 Many of the speakers said that they work
13 for agencies or work with agencies that have
14 investigative powers. Someone said that -- I think
15 it was the Pittsburgh -- Dr. Darby said that her
16 agency has subpoena power. That obviously is
17 something we do not -- we, as the Commission, do not
18 have the investigative powers. We do not have
19 subpoena powers. But it's critical that we have
20 access to as much information as possible.

21 Chairman Brown really put his finger on the
22 -- I think the pulse of this Commission in his
23 introductory remarks when he said we have the tools
24 of being able to review completed internal
25 investigations.

1 Sometimes it's tempting to miss the forest
2 for the trees and think that this is a Commission
3 that is -- has been institute and put into place so
4 that we can review internal investigation reports
5 and that's our purpose. That is not our purpose.
6 That is one of the -- that is a tool we have been
7 given to serve our purpose and our purpose,
8 according to the Governor's Executive Order is, I'm
9 quoting now, to improve policing practices within
10 law enforcement agencies.

11 So I hope that we all, and I believe that,
12 through my conversations with other Commissioners, I
13 think we do, but I'll just state this in the
14 interest of being a pain in the neck about it, I
15 believe that we have to keep our guy apprised that
16 what we are trying to do is improve policing.

17 Our goal is not just to conduct, you know,
18 micromanage reviews of specific reports and to see,
19 you know, whether the I's have been dotted. That's
20 -- that is a tool that we have been given to achieve
21 a greater function.

22 And I think that at least some of the
23 covered agencies probably recognize this and I want
24 to thank specifically Deputy Secretary Stephens when
25 he spoke repeatedly, and I think eloquently, of

1 engaging in a partnership with our Commission.

2 You know, we want to be, speaking for the
3 Commissioners that I think agree with me, we want to
4 be in partnership with the agency. We don't want to
5 engage in a one upmanship and, you know, issue
6 dueling letters and, you know, police give us this;
7 no we won't; yes you will. You know, that's not
8 what -- that doesn't accomplish anything.

9 I wish that everybody would just read
10 Deputy Secretary Stephen's comments again and try to
11 internalize them. We have to act in partnership,
12 and, to the extent that the government agencies view
13 us as the -- you know, the enemy or the outlier,
14 that's not us. That's not us. We want to improve
15 policing in the Commonwealth and everyone should be
16 willing to work together in partnership towards that
17 goal.

18 That's all I have to say. Thank you, and
19 thank you to all the guests that came forward today.
20 I really think it's been a very wonderful and
21 meaningful opportunity to hear you all. So, thanks
22 again.

23 BROWN: Thank you, Commissioner Lappas. Do
24 we have any other Commissioner that would like to be
25 recognized? Commissioner Ashe? Go right ahead,

1 ma'am.

2 ASHE: Thank you, Commissioners for your
3 comments and everybody who's here. This is
4 wonderful. I should be getting ready to leave the
5 house soon to go out of town, but then I got engaged
6 and listened to the conversation. I'm learning a
7 lot here. [Inaudible]. I know we do from the
8 Pittsburgh group here in Norristown. We picked up
9 one of the brochures that the Commission gave us and
10 we're fine-tuning it to our -- making it work with
11 the information we're sharing, contact information,
12 police information, what to do, analyze and all
13 that. So it's been very helpful and -- as we're
14 working with several groups, one being gun violence
15 prevention as Mr. Pennington did say for the PCCD.

16 So, working with that gun violence
17 prevention program and a grant, it has been very
18 helpful to have the law enforcement officers
19 available in those programs, have people in the
20 community come together and make it so that it looks
21 like a fun event, but an educational event, like
22 Commissioner Bradford-Grey said. It was fun. We
23 did a fun event. We did shots. We gave out food.
24 We had the Police Chief there. We had the -- you
25 know, other Judges were there and so people were

1 doing a lot of stuff at one time, but they were also
2 learning about what was going on in the community.

3 So I'm happy to say that a basketball team
4 that was supported through the grant of '19 is in
5 the championship. So they're going to a little
6 championship game and one of the -- two of the other
7 kids that we're also sponsoring just came back from
8 North Carolina for the Junior Olympics.

9 So [inaudible] what you can do differently
10 in [inaudible] and lights, other than running around
11 and trying to create disturbances for these police
12 departments, because they're actually your friends.
13 So they see that and they know it and make an
14 appearance, involved, and training and in
15 programming has been a big help because now you've
16 got the little people telling the older people what
17 they should not do, how to deal with the police,
18 what is right and what is wrong. [Inaudible] to
19 lead the way. So listen to the different
20 conversations. You are right. We have issues, you
21 know, where we need to address. [Inaudible] this is
22 not going to be done in one day, but, you know,
23 we've heard it takes a village, so we're trying to
24 be that village to make sure we get out of this
25 crisis that we're in.

1 We work with law enforcement. We work with
2 the community. We work with all of the different
3 groups that are taking part in training and
4 leadership and doing things the right way for the
5 future of our community, especially in Pennsylvania.
6 So I would love to keep the information. I'm sure
7 we have it somewhere. We have the contact
8 information from everyone who presented today. I
9 like to travel, so I'm going to have Commissioner
10 Bradford and also Commissioner Sanders, Lawful-
11 Sanders, in the car and we're going to be heading
12 out to different places because we're close together
13 here and take part in some of these events and bring
14 it back to our community because we're going to make
15 this right. So thank you, Lieutenant Brown. I mean
16 this has been great. So I'm glad to have been able
17 to witness this presentation.

18 BROWN: Thank you, Commissioner Ashe.
19 Would any other Commissioner like to be recognized?

20 PITTINGER: Mr. Chairman?

21 BROWN: Yes, ma'am.

22 PITTINGER: Thank you. A few things that I
23 think maybe [inaudible]. We don't want to break
24 somebody's equipment when we're their guest, right?
25 Just pull it off.

1 There were two things that I thought of as
2 we were talking about these relationships and our
3 need in wanting to see consistency and professional
4 law enforcement officers necessarily means we have
5 to look at how we train them.

6 Right now, we're hiring police officers at
7 a higher rate than we pay educators and yet our
8 requirements are very, very different.

9 The professional expertise that we would
10 expect of professionals has to be developed
11 somewhere along the way and it far exceeds Act 120
12 certification and so we have had discussions about
13 the education component to create a qualified pool
14 of applicants in the Commonwealth to relieve the
15 burden of recruitment, to relieve the expense of
16 recruitment, as well as training.

17 Are there options? Are there options that
18 could possibly lead us down that path where somebody
19 could make a choice. They could make a career
20 choice coming right out maybe through a high school
21 direction kind of a career path to be a police
22 officer and they can go and have the equivalent of
23 2 ½, 3, maybe 4 years, as they do in many other
24 countries. We don't do it here. But they have
25 places that people go to become police officers and

1 when they come out, they're qualified. They can be
2 hired right on the spot.

3 That being one thing. If we want
4 professional, we need to train professional. And
5 the second thing had to do with a -- kind of a
6 community issue right now, and that is the situation
7 that the City of Pittsburgh Police Department and
8 the Pittsburgh Bureau of Police find themselves in
9 related to their State accreditation under the
10 Pennsylvania Law Enforcement Accreditation
11 Commission, which is under the sponsorship of
12 Pennsylvania Chiefs of Police.

13 Now, you can have a positive, a negative,
14 or a so-so opinion about what accreditation -- it
15 brings a certain degree of bias with it certainly,
16 but it's something. And here in the City of
17 Pittsburgh, Mr. Stephens, you'll recall, at the
18 conclusion of the Department of Justice Consent
19 Decree there was an effort to do something that
20 would assure the public that the expectations the
21 Department of Justice that Pittsburgh went through
22 with the Consent Decree were going to be
23 perpetuated; that there was a standard of policing
24 that the public could count on. But the Consent
25 Decree was a time-limited thing. It's gone. It was

1 gone. It was done. Finished. Completed.
2 Achieved. What do we do now?

3 And so we looked for an accreditation
4 process. There's one. It's a national process that
5 is -- it's very, very expensive and it's just -- we
6 couldn't consider that reasonably at the time. And
7 we found the Pennsylvania Law Enforcement
8 Accreditation option.

9 In 1997, the City of Pittsburgh was
10 directed by ordinance to attain accreditation for
11 the Police Bureau. There was an effort for a couple
12 of years to do that, but that collapsed and then the
13 Pennsylvania Law Enforcement option came along, and
14 in 2011, there was a concerted dedicated effort with
15 officers assigned to develop and comply to the
16 accreditation standards under PLEAC, Pennsylvania
17 Law Enforcement Accreditation Commission.

18 So it took them a couple of years. I think
19 it was around 2014 the Pittsburgh Bureau of Police
20 did achieve its State accreditation, which was a
21 source of pride for those officers that worked so
22 hard and, because we have, as Mr. Stephens and
23 others have talked about, local exercise of
24 autonomy, where local legislators have tried to
25 create practices in their communities for harm

1 reduction, such as the traffic stop ordinance that
2 both Philadelphia and Pittsburgh have, and now the
3 pending stop-and-frisk legislation here in the City
4 of Pittsburgh. I'm not sure where Philly stands on
5 it and I'm not aware of other communities that have
6 similar legislation.

7 But those ordinances have now compromised
8 the ability of those two cities to maintain their
9 accreditation and that's a serious -- it's a policy
10 issue. It's a trust issue. If we have to think
11 about it, and I don't know that there's anything we
12 can necessarily do about it, except to engage in
13 discussion with people who have influence in that
14 realm, particularly the Chiefs of Police Association
15 so that we can understand how we could take
16 something away that was of value, that meant
17 something to the communities that gave communities a
18 reason to trust, the consistency, the professional
19 standards of policing are consistent across the
20 Commonwealth.

21 It is something that we own in
22 Pennsylvania. It was created as a result of -- or a
23 learning process in Pennsylvania. So when
24 communities have reached that level, it should not
25 preclude the ability of the locality to recognize

1 the health of the relationship between their police
2 and their citizens or lose their accreditation.
3 That should -- that's a Hobson's Choice. What do
4 you do?

5 So I think it would -- since we're talking
6 about what we're talking about today, that civilian
7 oversight and the relationships, I think it's
8 something that's pertinent and we should be aware of
9 and anticipate and perhaps create a strategy to
10 intervene so that the discussions are in the
11 interest of all of our people in the Commonwealth;
12 the officers, the Chiefs of Police expectation, and
13 the citizens.

14 BROWN: Thank you, Madam Vice Chair.

15 PITTINGER: Thank you, Mr. Chair.

16 BROWN: Do we have any other Commissioners
17 who'd like to be heard?

18 (No response.)

19 BROWN: Do we have any -- Commissioner
20 Lawful-Sanders? Ma'am, you have the floor.

21 LAWFUL-SANDERS: So good afternoon to all
22 of you. I have been -- I'm probably one of the
23 quieter Commissioners that sits here and listens to
24 all the expertise that I hear and Commissioner Ashe
25 is shaking her head. I'm not quiet in Montgomery

1 County, but I'm quiet on this Commission because I'm
2 trying to learn as much as I can.

3 Many of you are not aware that I have been
4 working with police officers for over two decades
5 and so part of what I see with this Commission is
6 that we have to develop the kind of relationships
7 that will encourage trust being around the full
8 thinking that we -- you know, we're trying to take
9 something from them or making them feel put out and
10 we're asking questions.

11 This is new to all of us. There is no
12 other Commission like this in the country, right?
13 We're all starting from scratch here and so, based
14 on what I am hearing, it just really comes down to
15 us working closer together.

16 I've had police officers who have said to
17 me they want the oversight. They do. They see some
18 things happenings in the police departments and
19 they're afraid to speak up about it, right? And
20 when something horrible happens, then they just
21 don't feel like they have the support that they need
22 to get where they need to go.

23 But I also believe that Commissioner
24 Pittinger, that training, like consistent training
25 that helps them to move across -- you know, because

1 things are changing in our communities so frequently
2 all the time. And after George Floyd, we've had a
3 mass exodus of quite a few police officers who don't
4 feel like they know what they're getting from their
5 -- the heads of their department, just the
6 communities, and so this -- all of this
7 conversation.

8 My question is I'd love to, like everyone
9 else, all the dialog that I've heard from the folks
10 in Pittsburgh, I'm trying to think of how can we
11 learn. And the gentleman from Philadelphia, Erace,
12 I believe his name is, how can we combine all of
13 that and, instead of working in our cycles, kind of
14 pull together, right, and see some of the best --
15 the things that are working best for all of us, to
16 pull together for the department and for the people
17 in our cities.

18 I'm an African-American woman. You've seen
19 my face, right? I've had a son who had his
20 [inaudible] broken by a police officer when he was
21 15 years old and, because of my work and what I have
22 been doing, you know, we really worked that out with
23 the police department. It didn't turn into anything
24 that was outrageous and there was -- the Human
25 Relations Commission got involved and we all worked

1 together to do what we needed to do.

2 It was then really that I decided that I
3 wanted to work with police officers to learn more
4 about who they are. What are they bringing to the
5 table? How can we work in conjunction with the
6 community, because if we continue to talk at each
7 other and be offended by the things that we're
8 hearing on either side, then we're not going to get
9 much done.

10 So, I'm grateful for these conversations.
11 I'd like to hear more about them. Like Commissioner
12 Bradford-Grey says, I've been in some of these
13 trainings with police officers all around the
14 country; driven to Alabama, met with police chiefs
15 there. I mean I have been -- and very quietly.
16 This is normally what I can so that we can some
17 solutions toward the folks that are being impacted
18 by police officers every day.

19 The truth of the matter is there's some
20 people who are in police force that should never
21 ever have gotten there.

22 UNKNOWN SPEAKER: That's correct.

23 LAWFUL-SANDERS: And so it's all about
24 working and the training so that those who are doing
25 their most excellent job, those who love what

1 they're doing and have been doing it quite well,
2 will be able to then have the kind of relationships
3 so we can do what we need to do to save some of them
4 leading in our communities and [inaudible], you
5 know, bad police officers back in the fields, right,
6 and none of them [inaudible] in each profession.

7 So how can we pull all of this together and
8 create a better working environment for the State
9 agency and for those of us who are sitting on the
10 Commission to see how we can get the best design for
11 the people of the Commonwealth, not for us.

12 Am I making sense?

13 STEVENS: Yeah. You are. Chairman Brown,
14 if I may?

15 UNKNOWN SPEAKER: Chairman Brown?

16 BROWN: Go ahead, sir. Mr. Stephens, you
17 have the floor.

18 STEVENS: I appreciate those remarks and
19 comments. I have a recommendation that I hope you
20 consider and implement.

21 The Mayor's Task Force on Policing that I
22 sat on had about -- I think about 15 people. We met
23 every week for about 3 ½ months, every week. I have
24 a folder, a drawer at home, literally this long,
25 this deep. It's all about policing. I had stuff

1 all over the living room floor when I was working on
2 this.

3 My suggestion is that Beth, who is here in
4 Pittsburgh -- I saw Lisa Franks, from the Mayor's
5 Administration last week. She's in a key position
6 as a Chief Policy Officer, or something like that.

7 UNKNOWN SPEAKER: Chief Operating Officer.

8 STEVENS: Chief Operating Officer? She
9 mentioned to me last Saturday at an anti-violence
10 event in Homewood, in Pittsburgh, that she was
11 almost done.

12 The presentation that's going to be coming
13 out from all the work that has been done in
14 Pittsburgh in the implementation phase, it's quite
15 numerous in terms of the specific actions that have
16 been implemented, and it's all being recorded on
17 paper.

18 My suggestion is, because we did take those
19 3 ½ months on a weekly basis to create suggestions,
20 and in the Black Political Empowerment Project,
21 BPEP, with our partners, with these follow-up
22 meetings over the last probably year and a half,
23 we're on the edge now of moving this information
24 into a complete report of this is what's happening.
25 This is what has happened, is happening, and about

1 to happen; that you, being this Commission, share
2 that throughout the Commonwealth of Pennsylvania.
3 Save yourself some time, because we took the time.
4 You don't have to reproduce wheels that have already
5 been created. Doesn't mean you can't add to the
6 wheel, add another spoke or two, or three. But take
7 that report of actions that have begun to be
8 implemented and about to be implemented and share it
9 with the police departments throughout the
10 Commonwealth of Pennsylvania.

11 Secondly, wanted to mentioned that the
12 brochure that we worked on out of the death of
13 Johnny Gammage and that Beth and I have been working
14 on a few occasions in the last few years to revise,
15 that -- and we written it in a way, again, with
16 police input. That's important to know that police
17 -- the Police Bureau of Pittsburgh worked with us
18 hand-in-hand, Beth, on this most recent You and the
19 Police brochure, that it be shared with all the
20 police departments throughout the Commonwealth of
21 Pennsylvania and then, in turn, share it with their
22 school boards, with their school systems, with their
23 citizens.

24 To augment that, there is a video on the
25 You and the Police brochure that could be sent

1 across the Commonwealth of Pennsylvania. It was
2 recorded by an actor in Pittsburgh, Wally Jamal, who
3 has acted in every one of the August Wilson 10
4 plays.

5 He took the time to take our brochure and
6 create it as a video. A lot of people like videos,
7 more than looking at a brochure.

8 Lastly, we just had a staff meeting within
9 the Black Political Empowerment Project and the
10 Greater Pittsburgh Coalition Against Violence.
11 We're about to launch a campaign I believe by August
12 15th, next Friday.

13 We're going to have a Tik-Tok, Facebook
14 competition where people will be asked on -- well,
15 actually, we're going to be doing that for what to
16 do with civic engagement and that impacts what we do
17 with policing because if people get more involved in
18 the political system, they have more of an
19 opportunity to impact the policing within their own
20 local communities.

21 So we're putting that Tik-Tok competition
22 of how people can get involved in the political
23 system and how they must vote in each and every
24 election.

25 We're also having a separate, which is

1 somewhat related, competition for some of our local
2 community groups in a Tik-Tok and Facebook
3 competition on how to utilize certain sections of
4 our anti-violence document. And in the addendum of
5 our document is the You and the Police brochure,
6 which we just made sure very recently that we
7 updated the online version of strategies for change
8 impacting strategies for change creating more
9 peaceful communities that we put in the most current
10 You and the Police brochure.

11 So that document is an anti-violence
12 document, which I would assume the Commission would
13 have some interest in supporting because when we
14 lessen the violence of how we all interact, we
15 lessen police interactions with our citizens. Am I
16 right? It has 833 strategies, 37 -- 37 sections
17 impacting violence; 142 pages, which Marc Morial,
18 our National Urban League President called it one of
19 the most comprehensive anti-violence documents in
20 the country. Doesn't mean anything. It was not
21 being utilized.

22 So that is a little more indirect approach,
23 but, again, if we lessen violence, we lessen the
24 opportunities for our police to interact with our
25 kids, interact with our adults, and hopefully,

1 because in that document is the You and the Police
2 brochure as well, that we create more positive
3 interactions between our community and our
4 policemen, particularly our young people.

5 But I am suggesting you seriously consider
6 the use of the video on what to do when stopped by
7 the police and -- as well as the brochure. It would
8 be marketed -- and Beth has set it up in a way that
9 the information should not really be changed because
10 then, again, it was approved by the Police Bureau of
11 Pittsburgh, but that that one panel, she set it up
12 so you can alter the panel for your local
13 information, contact information, for whatever your
14 Citizen Police Review Board is or whatever your
15 Police Bureau, whatever, Beth may want. But we've
16 set it up so that document can be implemented,
17 marketed throughout the Commonwealth of Pennsylvania
18 and beyond.

19 UNKNOWN SPEAKER: If I may, Mr. Chairman,
20 Mr. Stephens, that was distributed through the
21 Commission and some of our Commissioners are using
22 it.

23 STEVENS: Yeah, I did hear one had
24 mentioned, and I was glad to hear that.

25 BROWN: Yes, that's exactly what I was

1 going to say. I mean that -- we, in generally, look
2 at best practices and reports from entities across
3 the nation. And certainly, if we have a report
4 that's coming from -- a lot of hard work goes into
5 that stuff, a lot of research is done --

6 STEVENS: Right.

7 BROWN: It's the type of thing that, you
8 know, Fortune 500 companies pay millions of dollars
9 for entities to come in and do on their behalf and
10 whenever we can have a community group or one of our
11 sister oversight groups do that kind of report for
12 us, we take those recommendations that they have and
13 a lot of them are very similar to or solutions or
14 suggested solutions to problems that we are
15 encountering as we go through our reviews. So that
16 is certainly something that we would be interested
17 in and something that we would certainly consider as
18 we go forward in the reviews that we do.

19 And, as Beth pointed out on the You and the
20 Police brochure, that is something that I've
21 certainly looked at --

22 UNKNOWN SPEAKER: Chairman Brown, it's a
23 little hard to hear you.

24 BROWN: I think that it was Brenda -- it
25 was Commissioner Tate who first kind of brought that

1 to our attention in one of our Committee meetings
2 that there was this You and the Police brochure out
3 there and shortly thereafter, in one of our
4 recommendations that we made to our covered agency,
5 we recommended a very similar approach to that, sort
6 of turning the reigns over to the agency to create
7 something and also part of that component was both
8 the video that you mentioned and part of the
9 component was actually using the brochure, the
10 information from and sort of their social media
11 sites; so, what they have on Facebook, what they
12 have on Twitter and that sort of thing.

13 STEVENS: Okay.

14 BROWN: So that information did not only
15 bet out physically through the brochure, but also
16 digitally through those social networking platforms.
17 So definitely everything you said, we are definitely
18 in support of and have been supporting.

19 STEVENS: That's good to hear that.

20 BROWN: So thank you.

21 STEVENS: Thank you. All right.

22 BROWN: Yes. Do we have -- at this time, I
23 would like to open the floor for any public comment
24 regarding issues discussed today. Do we have any
25 public comment? Okay. Mr. Erace? Mr. Erace, you

1 have the floor, sir. Go right ahead.

2 ERACE: Hi, everybody. I wanted to address
3 what you said briefly, if I can.

4 BROWN: Yes, sir.

5 ERACE: So, one of the ways to -- that --
6 how is the oversight agencies that we sort of bring
7 all this together is really collaboration and
8 semiosis. Right? So it has to be normal for a
9 police officer to know that their case actions,
10 incidents will be reviewed by civilian oversight and
11 that that oversight is disciplined and professional
12 and not, you know, just out to get police officers.

13 I want police officers that are confident;
14 that if any -- a case is investigated by CPPAC, that
15 the truth will set them free or not. You know, I
16 mean you want those things to be evident. You want
17 integration with police -- like I'll give you an
18 example. We reformed our disciplinary process, the
19 PBI process, over the last year and a half where we
20 now have a civilian and a member of the police
21 department that evaluates interdepartmental charges.
22 Right? So you may have civilian ops and you have --
23 and this creates legitimacy in charging and
24 outcomes.

25 We also have civilians that are now on the

1 adjudication panel for internal -- allegations of
2 misconduct. So now you -- and we also have
3 formalized the jury sheets, the panel sheets, so you
4 have not only civilian participation in the
5 adjudication process, but a memorialization of the
6 deliberations and outcomes so when you vote, when a
7 police officer is also on the panel votes, they have
8 to justify that vote, right? And we did all of
9 these things to integrate it because it creates
10 legitimacy to the process, right?

11 So we don't want to guide outcomes. Right?
12 We want to guide -- we want a process that residents
13 and police officers can trust. Right?

14 So to do that by making it professional,
15 disciplined, and normal, right? So when, you know,
16 policy work is reviewed, when internal policy work
17 is reviewed by an outside agency and input is given,
18 right, they -- then the public can be confident that
19 civilians have reviewed this process. The process
20 is transparent and legitimate.

21 Additionally, reporting stats and data, you
22 bring these things together, a lot of times there
23 are things that enter in departments that even
24 officers who are in the department don't realize
25 occur and when you public -- like, for example, our

1 legislation has a reporting requirement that is
2 incredibly extensive and so when you have not only
3 residents that can review it, but officers and
4 review it, it provides practical information that,
5 hopefully, it can combat bias, right?

6 It's different for an officer to say well,
7 you know, when I'm out there in the 14th District,
8 I've never seen anybody behave in a biased way,
9 right? But if you have stats that apply just to
10 your District that say, look, here's what you guys
11 do and when you do it and how you do it and who does
12 it and to who, right, I mean then you're talking
13 about something you're not arguing about. Right?

14 I mean and you're all operating from the
15 same set of facts and that's really -- that's a big
16 part of it. That's why collaboration is so
17 important because I mean you want residents to be
18 confident in the process. You want officers to be
19 confident in the process. And you want residents to
20 believe -- I mean it's a great public safety issue.
21 Like they used to tell -- you know, people in Philly
22 used to say oh, when you're pulled over, if the
23 officer is behaving strangely or badly or in a way
24 you think is wrong, there is not the time to
25 confront the issue; that you should make a

1 complaint.

2 Well, our report showed that less than 1%
3 of the time is those complaints actually came to
4 some kind of discipline. Right? So why would
5 anyone do that? Right? Doesn't make any sense to
6 make -- you know, to hold your tongue and go through
7 this process. That's ridiculous.

8 Our goal there is to integrate the process
9 so when an officer behaves badly, a resident can say
10 with confidence internally, oh, I'm going to wait.
11 I know that CCPAC is there. I know that they'll
12 investigate it and I know that whatever the outcome
13 is, I can believe it. I mean those are things that
14 make officers more safe. Those are things that make
15 residents more safe. So, really, it's sort of this
16 blending. I mean that is all derived from
17 legitimacy and proper authority, right?

18 Their agencies can't beg for information.
19 Right? Like ours is -- but this is what -- that's
20 what we used to do. But now we don't vent. Right?
21 Like our -- and our police department has been a
22 good partner, like in that regard. Like they know
23 they may have to provide information. We are a
24 disciplined professional agency. It's not different
25 than sharing information with any other disciplined

1 professional agency. And, you know, and the reality
2 is they know that, through that process, that we
3 shoot straight. You know? It's going to be
4 whatever it is. The facts will guide it.

5 I mean the days where a City Council has to
6 pass an ordinance to stop the police department,
7 like we did with the driving equity bill, I hope
8 we're in the rearview. I hope -- I mean I hope
9 that, through oversight and the professional and
10 disciplined execution of oversight, that you get a
11 police department that, you know, knows sort of the
12 boundaries of the road and knows what's expected of
13 them and can be more successful at making the public
14 safer.

15 But, also, we're close together, so,
16 please, contact me and we can talk more after this.

17 BROWN: Absolutely. That's a date. Thank
18 you, sir.

19 STEVENS: Mr. Brown, I think we would be
20 remiss, even though she didn't state an interest in
21 speaking when you asked, as I said, on Tuesday,
22 we're scheduled to review the update on the proposed
23 legislation on stop-and-frisk in Pittsburgh and one
24 of the things that we've been advocating is much
25 more detail in why people are being stopped. That's

1 so important.

2 Most of us sitting here probably, if we
3 didn't get a grade, we probably wouldn't have
4 studied as much as some of us may have studied if we
5 weren't trying to get an A or a B.

6 So, in that realm, if police are not given
7 the responsibility of saying why are they stopping
8 you, they probably may stop people for other reasons
9 that are inappropriate. It's a human thing.

10 So, in the room is the President and
11 founder of Lansford Police Accountability, Brandy
12 Fisher, and I don't know if she would want to say
13 something while she's in the room because we may be
14 missing her young wisdom.

15 BROWN: Is Brandy here? Would Brandy like
16 to come up and --

17 STEVENS: I thought that was Brandy? I'm
18 sorry. That's not Brandy Fisher. Didn't she look
19 like Brandy Fisher? I'm sorry. She's not here, but
20 she'll be here Tuesday, but I take that back. I'm
21 sorry.

22 BROWN: Okay. No worries at all, sir. I
23 appreciate it.

24 STEVENS: Thank you.

25 BROWN: So, again, I want to thank all our

1 panelists for joining our discussion today. You
2 have done a great service for our Commission and the
3 citizens of the Commonwealth. Thanks again for your
4 participation in this panel.

5 Once again, our Commission has proven that
6 law enforcement reforms can support both our law
7 enforcement officers and the citizens of the
8 Commonwealth they serve and be a tool to identify
9 systematic deficiencies and provide a path for
10 corrective actions and reduce the risk of harm to
11 our citizens during encounters with law enforcement.

12 Through our Commonwealth Citizen Oversight
13 and Advisory groups that we have here, we have
14 proven that our citizens can be an active
15 participant in shaping how they are policed.

16 We thank our panelists, volunteer citizen,
17 led Commissioners, our support staff who are here.
18 Thank you, Pittsburgh, for hosting us. You guys did
19 a fantastic job setting everything up for us. Our
20 covered agencies and the citizens who have supported
21 us for their work now and into the future, I thank
22 you.

23 As a reminder, our future meeting agenda's
24 public comment forms, speaker request forms, and
25 more information about the Commission can be found

1 on the Office of State Inspector General's webpage
2 at www.osig.pa.gov/pslecac.

3 Individuals with questions regarding this
4 Commission should contact the Bureau of Law
5 Enforcement Oversight within the Office of State
6 Inspector General by calling area code 717-787-6835.

7 Media inquiries should be directed to
8 Jonathan Hendrickson, Deputy State Inspector General
9 for External Affairs, at area code 717-265-8396.

10 Our next Commission meeting will be held in
11 person, in Harrisburg, on Friday, October 28th from
12 10 to 2, at the PCCD building at 3101 North Front
13 Street, in Harrisburg.

14 At this time, I'll move to adjourn. Do we
15 have any objections?

16 (No response.)

17 BROWN: All right. Have a great afternoon.