



RESOLUTION NO. 5

Title: Consideration, Discussion, Deliberation, and Action(s) Concerning Preliminary Investigative Review Report for Internal Case No. 21-0015-P presented by the Use of Force Review Committee in anticipation of the issuance of a Final Report for Internal Case No. 21-0015-P by the Pennsylvania State Law Enforcement Citizen Advisory Commission

Meeting Date: Regular (Quarterly) Meeting, Friday, October 28, 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. 21-0015-P** (lower-level use of force (taser deployment) involving agents of the Pennsylvania Board of Probation and Parole within the Department of Corrections concerning an incident on April 8, 2019 in Troop K) in anticipation of the issuance and ratification of a Final Report for **Internal Case No. 21-0015-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.

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AND NOW, on this _____ day of _____, 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. 21-0015-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. 21-0015-P** during its Special Meetings held on July 25, 2022, September 9, 2022 and September 30, 2022; and

WHEREAS, a draft of the Use of Force Review Committee's Preliminary Investigative Review Report for **Internal Case No. 21-0015-P** was completed and distributed to the Agency Head, Agency's Chief Counsel, and all Commission members for review on September 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 October 14, 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. 21-0015-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 October 14, 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 Use of Force 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. 21-0015-P** to the Commission at its Regular (Quarterly) Meeting held on October 28, 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. 21-0015-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. 21-0015-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. 21-0015-P** and any accompanying addenda on the Commission's webpage.⁷

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