



**Special Meeting of the Use of Force Review Committee**  
**Meeting Minutes for**  
**Thursday, February 14, 2022, at 10:00 a.m.**  
(Virtual Meeting *via* Microsoft Teams Platform)

**At 10:07 a.m. Executive Session [Call to Order, Roll Call and Opening Remarks by Commission Chairperson (Sha Brown) and Review Committee Chairperson (David Sonenshein)]**

Sha S. Brown, Chairperson, called the Executive Session of the Pennsylvania State Law Enforcement Citizen Advisory Commission's (Commission) Use of Force Review Committee (Review Committee) to order and conducted a Roll Call – Commissioners David Sonenshein [Review Committee Chairperson], the Commission's Vice-Chairperson Beth Pittinger were present remotely and a quorum of the Review Committee was present. Commissioner Joshua Maines was also present but arrived late. Ex-officio Commission member Jalila Parker (representing the Governor's Office) was also presently remotely. A copy of the Roll Call and Attendance Form is attached hereto and made a part hereof [*see Attachment 1*]. Chairperson Brown announced that the Commission's new Secretary (Jaimie Hicks) will be responsible for minutes of this meeting.

Chairperson Brown proceeded to provide an overview of the Review Committee's proposed Special Meeting Agenda. Chairperson Brown explained that the Review Committee would hear responses from the Covered Agencies associated with **Internal Case Nos. 21-0002-P and 21-0004-P** and engage in a dialogue so that the Review Committee can finish deliberations and finalize the findings for each respective **Preliminary Investigative Review Report** (Preliminary Report) for presentation to the full Commission. Chairperson Brown stated that prior to today's meeting a copy of each Preliminary Report was distributed to all Commissioners, the Agency Head, and Agency Chief Counsel in accordance with the Commission's Bylaws. Chairperson Brown reminded representatives of the Covered Agency and all Review Committee members that the purpose of the Executive Session was to have an open and honest dialogue about the Review Committee's preliminary findings regarding the Covered Agency's confidential completed internal investigation, but that deliberative discussion was reserved for the Public Session.

The first matter discussed was **Internal Case No. 21-0004-P** involving the Department of Conservation and Natural Resources (DCNR). Chairperson Brown welcomed John Norbeck, Deputy Secretary, DCNR, [present via Microsoft Teams] who introduced other DMCR representatives also participating remotely including John Hallas, Bureau Director, DCNR, Ryan Dysinger, Assistant Director, DCNR, and Audrey Miner, Chief Counsel. Norbeck thanked Review Committee members for their diligence and work during its review of **Internal Case No. 21-0004-P**. Norbeck stated that DCNR started a Ranger Taskforce two years ago which researches best practices from other agencies and organizations nationwide. Norbeck said the advisory council

has been stellar and continues to learn from other agencies and appreciates the recommendations made by the Review Committee.

Chairperson Brown proceeded to review the determinations and recommendations made by the Review Committee in the Preliminary Report stating that the Review Committee determined the internal review by DCNR was prompt, fair, impartial, complete, performed in a manner consistent with applicable policies, and the conclusions by the adjudicator were reasonable. Further, Chairperson Brown explained the Review Committee had two recommendations for DCNR's consideration including enhancing DCNR's use of force policy to include a definition of reasonable force, as stated in *Graham v. Connor*, and to include of practice of using de-escalation when feasible. The Review Committee also recommended the implementation of a body worn camera program consistent with best practices.

Norbeck responded that DCNR is constantly looking to improve policy and procedures that serve both citizens and their Rangers and will review its current Use of Force policy (i.e., policy reviewed by the Review Committee in place at the time of DCNR's completed investigation is different from DCNR's current policy) and will consider making appropriate adjustments to ensure a more general understanding and set expectations. Norbeck also stated that DCNR appreciates that body worn cameras are now considered standard law enforcement equipment and that DCNR will continue to engage in these discussions. Norbeck added that DCNR was preparing for its budget hearing (which includes funding for body cameras) and intended to use the Commission's recommendation [provided it is adopted by the full Commission] to bolster DCNR's budget request. Chairperson Brown then asked if DCNR had any questions regarding the Review Committee's findings, conclusions, and recommendations and DCNR had none.

Vice-Chairperson Pittinger thanked DCNR for their cooperation during this review and told DCNR representatives that she admired that DCNR included the perspective of Rangers in policy discussions and formulation, i.e., shows a successful participatory management model and structure. Vice-Chairperson Pittinger added that it was also refreshing to have open and honest discussions with DCNR during this review which reflected very well on both the Covered Agency and its leadership and DCNR's willingness to be both accepting and receptive to continuous improvement. Chairperson Sonenshein echoed the sentiments of Vice-Chairperson Pittinger and stated he too was thankful for DCNR's cooperation. Chairperson Sonenshein also reiterated that the Commission's charge is forward looking and stated that the Review Committees recommendations were like those adopted by the full Commission during its last Review Cycle concerning the Pennsylvania State Police. With no further questions or comments, Norbeck, Halas, Dysinger, and Miner were excused, and the Executive Session ended at 10:25 a.m.

**At 10:32 a.m. Executive Session (resumed) and Pennsylvania State Police Representatives Entered to Discuss Preliminary Report for Internal Case No. 21-0002-P**

The Review Committee welcomed Captain Christopher King and Major Wayne Kline on behalf of and representing the Pennsylvania State Police (PSP). Major Kline noted to the Review Committee that any questions he or Captain King could not answer should be submitted to Chairperson Brown for follow up by PSP. **[At 10:37 a.m., Commissioner Joshua Maines joined the Executive Session via Microsoft Teams.]**

Chairperson Brown provided a summary of the Review Committee's preliminary determinations concerning **Internal Case No. 21-0002-P** and PSP's completed internal investigation was considered prompt, fair, impartial, complete, and performed in a manner consistent with standard law enforcement protocols. However, Chairperson Brown stated the Review Committee preliminarily determined that the adjudicatory findings were not reasonable or consistent with policy. Major Kline generally remarked that the Review Committee was "going down a dangerous path" if Commissioners second guess, or re-adjudicate, an investigation based on hindsight, i.e., similar to playing "Monday Night Quarterback." Captain King also remarked that civilians (who were never in situations faced by troopers) must view incidents from the perspective of trooper at the time of the incident and reiterated his request for Commissioners to enroll in simulator training.

Chairperson Brown clarified that Commissioners only review how the adjudication was handled based on information provided by the Covered Agency and whether a totality of the circumstances was considered during the adjudicator's review as it attempts to determine the root cause(s) of a use of force incident. Major Kline stated that Review Committee members should look at policy and not individual outcomes and added that adjudicators are aware of additional information that may not be included in the internal affairs investigation, i.e., outcomes of criminal processes. Chairperson Brown responded that the Review Committee would consider and was receptive to receiving any additional information provided by PSP.

Chairperson Sonenshein stated that the Review Committee understands its role and tries desperately not to second guess troopers or an adjudicator's decision. Chairperson Sonenshein also elaborated by stating that Review Committee members agree that the standard is what is known to both the officer and adjudicator at the time and application of the objective reasonableness standard when reviewing use of force incidents. Chairperson Sonenshein added that the Review Committee is not focused on whether members agree or disagree with what is found regarding a specific incident but rather reiterated that the Commission's reviews are forward looking. However, Chairperson Sonenshein stated that the standard in the Third Circuit is that use of force incidents must be judged under a totality of circumstances including review of a trooper's conduct before deployment of force and that issues not addressed in the matter under review will be considered in future adjudications. Major Kline responded that he had a better understanding of the Review Committee's determination, and that PSP is looking to add language to adjudication training and guidance to better address review of any potential policy violations.

Chairperson Brown then moved the discussion to the Review Committee's recommendations for Internal Case No. 21-0002-P. After reading a draft of Recommendation No. 1 regarding the inclusion of mental health or substance abuse crisis response or co-responder teams when PSP expects to engage with a person experiencing a mental health or substance abuse crisis, Major Klein thanked the Review Committee for its work. Major Kline generally remarked that PSP is a rural police agency and that many counties do not have these social services readily available which is beyond PSP's control. Consequently, Major Kline stated it is not feasible or realistic to make an agency-wide policy requiring crisis intervention teams given the lack of such resources. Captain King stated the General Assembly or Governor's Office is better suited to

allocate the funding necessary for mental health and substance abuse crisis centers and services and that PSP does partner with such providers in counties that do provide such services.

Vice-Chairperson Pittinger remarked how the Review Committee discussed at length the benefit of mental health crisis experts being on scene with PSP, deficiencies in the system and appreciated that PSP was not the cause or sole solution to the problem. Vice-Chairperson Pittinger also cautioned against dehumanizing persons in crisis as being insensitive and a slippery slope, i.e., can justify treating person badly. Commissioner Maines asked who at a PSP's barracks is currently responsible for coordinating a mental health co-response. PSP representatives replied that it is typically handled by a shift supervisor (depending on county – PSP will have one to six shift supervisors available) and that PSP tries to utilize resources whenever possible but cannot tie up an entire shift with these types of incidents. Chairperson Brown added that the Review Committee recognized the lack of resources in some counties, i.e., necessitating insert of qualifier “where feasible” in its draft recommendation, but that PSP's current policy only states “shall endeavor” which is not an actual requirement to do so.

Regarding the remaining recommendations, i.e., duty to render aid and regular inspection of medical supplies, the Review Committee offered that amend its policy from where “deemed appropriate” which is more subjective to a more objective language or secure a waiver from the subject. Chairperson Brown asked if PSP had any other remarks before moving to Public Session. Regarding the first finding, PSP requested that language be removed from the findings stating troopers did not consider mental health/substance abuse issues and remarked further that PSP has existing policies in place concerning the Review Committee's remaining recommendations.

With no further questions or comments, the Executive Session ended at 11:37 a.m.

**At 11:41 a.m. Public Session of Special Meeting Started and Recording Began**

**At 11:41 a.m. Call to Order, Roll Call, and Opening Announcements/Reminders by Commission Chairperson (Sha Brown)**

Chairperson Brown called the Special Meeting of the Commission's Use of Force Review Committee to order, announced that the meeting was being recorded and participation in the meeting conferred consent to being recorded. Chairperson Brown conducted a Roll Call and Commissioners David Sonenshein [Review Committee Chairperson], Joshua Maines and the Commission's Vice-Chairperson Beth Pittinger were present remotely and a quorum of the Review Committee was present. Ex-Officio Commission Member Jalila Parker (representing the Office of the Governor) was also present remotely. A copy of the Roll Call and Attendance Form is attached hereto and made a part hereof [see Attachment 1].

**At 11:42 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. For purposes of this Special Meeting, public comment was limited to three minutes per speaker.

**At 11:42 a.m. Motion to Approve Use of Force Review Committee’s Meeting Agenda by Unanimous Consent**

Chairperson Brown asked for a motion to approve the Use of Force Review Committee’s Meeting Agenda by unanimous consent. The Motion was offered and seconded by Review Committee members in attendance. Chairperson Brown asked if there were any objection(s) to the Meeting Agenda and after hearing no objections, Chairperson Brown recognized the approval of the Use of Force Review Committee’s Meeting Agenda by unanimous consent. A copy of the Use of Force Review Committee’s February 14, 2022, Meeting Agenda, as adopted, is attached hereto, and made a part hereof [see Attachment 2].

**At 11:43 a.m. Motion to Approve Adoption of the Draft of the Use of Force Review Committee’s February 3, 2022, Meeting Minutes by Unanimous Consent**

Chairman Brown asked for a Motion to approve the draft of the Use of Force Review Committee’s February 3, 2022, Meeting Minutes by unanimous consent. The Motion was offered and seconded by Review Committee members. Unanimous consent to approve adoption of the draft of the Use of Force Review Committee’s February 3, 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](http://www.osig.pa.gov/PSLECAC)].

**At 11:43 a.m. Other Review Committee Administrative Matters**

Review Committee Chairperson Sonenshein did not have any administrative matters to discuss but reported that the Review Committee reviewed Preliminary Reports with representatives of Covered Agencies during Executive Session, had a meaningful exchange with representatives about underlying investigations, and commented how thankful the Review Committee was for the Covered Agencies’ participation. Chairperson Sonenshein then yielded the floor back to Chairperson Brown.

**At 11:44 a.m. Final Considerations, Discussions, and Deliberations in Anticipation of Issuing Preliminary Investigative Review Report for Internal Case No. 21-0004-P for Presentation to the Commission**

Chairperson Brown reported that the Review Committee met with representatives of Covered Agencies to discuss their preliminary findings, conclusions, and recommendations during Executive Session to honor the confidentiality of the Covered Agencies completed internal investigations. Chairperson Brown then proceeded to relay that the Review Committee preliminarily found that the Department of Conservation and Natural Resources’ (DCNR) completed internal investigation was prompt, fair, impartial, and complete and consistent with guidelines established by the United States Department of Justice’s published standards and guidelines concerning internal affairs investigations, departmental policy, and the relevant collective bargaining agreement. Additionally, Chairperson Brown stated that the Review Committee preliminarily found that DCNR’s adjudicatory findings were reasonable, all relevant facts were considered, and the conclusions were consistent with standard law enforcement protocols. Lastly, Chairperson Brown reported that the Review Committee confirmed that DCNR’s completed internal investigation and subsequent adjudication did not result in documented disciplinary action thus rendering this determination inapplicable for this review.

Regarding its determination concerning whether any policy or training deficiency exists, Chairperson Brown stated that the Review Committee arrived at two recommendations, namely Use of Force Policy Enhancements and implementation of a Body Worn Camera Program. With respect to the Review Committee's first recommendation, Chairperson Brown read the following into the record:

**Recommendation No. 1 – Use of Force Policy Enhancements**

The Pennsylvania State Law Enforcement Citizen Advisory Commission's Use of Force Review Committee recommends that the Department of Conservation and Natural Resources enhance its Use of Force policy to include:

- a) a definition of "reasonable force" consistent with United States Supreme Court precedent (Graham v Connor); and
- b) de-escalation protocols, when feasible (i.e., use of verbal and non-verbal communications to reduce, stabilize, eliminate, or defuse threats and gain voluntary compliance with the minimum amount of force necessary) consistent with its training.

**Recommendation No. 2 - Body Worn Cameras**

The Pennsylvania State Law Enforcement Citizen Advisory Commission's Use of Force Review Committee recommends that the Department of Conservation and Natural Resources implement a body worn camera program as recommended by best practices offered by the United States Department of Justice and supports DCNR's efforts.

Chairperson Brown then opened the floor for discussion and deliberations of the Review Committee based on information provided by the Covered Agency during Executive Session and relinquished the floor to Chairperson Sonenshein. Chairperson Sonenshein remarked that the recommendations are appropriate and have the support of the Covered Agency. Chairperson Sonenshein further stated that issue of funding for body worn cameras is important to both the Commission and the Covered Agency. Neither Commissioner Maines nor Vice-Chairperson Pittinger had any additional comments.

Chairperson Brown opened the floor to public comments and no public comment was offered. At that time, Chairperson Brown asked for a motion for issuance of a final Preliminary Report for consideration by the full Commission on February 28, 2022. A motion was offered and seconded, and the Review Committee unanimously approved, without objection, submission of a final Preliminary Report for Internal Case No. 21-0004-P to the full Commission along with an accompanying resolution of the Review Committee.

**At 11:49 a.m. Final Considerations, Discussions, and Deliberations in Anticipation of Issuing Preliminary Investigative Review Report for Internal Case No. 21-0002-P for Presentation to the Commission**

Chairperson Brown reported that the Review Committee met with representatives of the Pennsylvania State Police (PSP) to discuss their preliminary findings, conclusions, and recommendations concerning Internal Case No. 21-0002-P and that the Review Committee preliminarily found that PSP's completed internal investigation was prompt, fair, impartial, and complete and consistent with guidelines established by the United States Department of Justice's published standards and guidelines concerning internal affairs investigations, departmental policy, and the relevant collective bargaining agreement. However, Chairperson Brown stated that the Review Committee preliminarily found that PSP's adjudicatory findings were not reasonable and relinquished the floor to Chairperson Sonenshein for further comment.

Chairperson Sonenshein stated that the Review Committee had a full and frank discussion with PSP representatives and that he believed they were in general agreement other than some language issues that did not change content. Chairperson Brown replied that the Review Committee should reach agreement on the recommendations generally and will address wording during a subsequent Executive Session following the Public Session.

Regarding its determination concerning whether any policy or training deficiency exists, Chairperson Brown stated that the Review Committee arrived at three recommendations related to mental health and substance abuse crisis service calls, reasonable force determinations involving use of force incidents and duty to render medical assistance. With respect to the Review Committee's recommendations, Chairperson Brown read the following into the record:

**Recommendation No. 1 – Mental Health and Substance Abuse Crisis Response by Law Enforcement**

In accordance with best practices, the Pennsylvania State Law Enforcement Citizen Advisory Commission's Use of Force Review Committee recommends that the Pennsylvania State Police enhance certain policies and training regarding encounters with citizens in Mental Health and/or Substance Abuse Crisis, including:

- a) Requiring its members to utilize de-escalation tactics and tools when encountering a citizen who may be suffering from, or present a potential, mental or behavioral health or substance abuse crisis, whenever feasible;
- b) Implementing policy to require that its members seek the assistance of a mental or behavioral health or substance abuse crisis specialist or equivalent health professional when encountering, transporting, or detaining a citizen exhibiting potential signs of suffering from a mental or behavioral health or substance abuse crisis, whenever feasible;
- c) Pursuing service agreements with hospitals, behavioral health professionals, community mental health and substance abuse treatment providers, and crisis intervention programs to collaboratively respond when a member encounters citizens who may be experiencing a mental or behavioral health or substance abuse crisis, whenever feasible; and
- d) Ensure all its members receive basic recruit and/or annual in-service training in crisis intervention, including training in recognizing and handling citizens experiencing mental health and substance abuse crisis.

**Recommendation No. 2 – Reasonable Force Determinations During Use of Force Incidents**

The Pennsylvania State Law Enforcement Citizen Advisory Commission's Use of Force Review Committee recommends that the Pennsylvania State Police require disciplinary adjudicators to document scrutiny of a member's actions prior to the application of force to ensure compliance with legal precedent and confirm those actions are considered during reasonable force adjudicatory decisions.

**Recommendation No. 3 – Duty to Render Medical Assistance**

The Pennsylvania State Law Enforcement Citizen Advisory Commission's Use of Force Review Committee recommends that the Pennsylvania State Police update its Use of Force policy to **require** members to **promptly** render medical assistance following a use of force incident, when the environment is safe, including:

- a) When injuries are apparent to, or at the request of, the citizen after a use of force incident;
- b) Securing transportation by ambulance when feasible or practical;
- c) Providing medical attention consistent with the member's training until emergency medical treatment can be provided by a licensed medical professional;
- d) Requiring a duty to continually monitor the citizen while in custody for potential medical interventions after the use of force; and

If a citizen refuses treatment, obtain a signed refusal form from the medical facility or licensed service provider.

Chairperson Brown then opened the floor for discussion and deliberations of the Review Committee based on information provided by the Covered Agency during Executive Session. Based on feedback provided by PSP, Chairperson Brown asked that the Review Committee

consider amendment of the language in Recommendation No. 1, Part D since PSP indicated the agency currently provides this training and Chairperson Sonenshein agreed to the language modification. Commissioner Maines agreed to the recommendation but added that PSP indicated the agency does engage service providers where available and did not want to leave an impression that the agency was not doing anything in this area. Vice-Chairperson Pittinger agreed with both Chairperson Sonenshein and Commissioner Maines that acknowledgements should be made where applicable and asked if the Review Committee can also recognize the systemic deficiencies within the system which is not controlled by PSP.

Chairperson Brown proceed to offer language options, i.e., striking language indicating that PSP records did not indicate the agency properly considered potential substance use or mental health crisis and replace it with call for service indicated subject was manifestly intoxicated and that such condition may have led to behavior. All Commissioners agreed to tweaking the language of each recommendation in Executive Session where appropriate.

At this time, Chairperson Brown asked for public comment and no public comment was offered.

With caveats for some language changes, Chairperson Brown asked for a motion for issuance of a final Preliminary Report for consideration by the full Commission on February 28, 2022. A motion was offered and seconded, and the Review Committee unanimously approved, without objection, submission of a final Preliminary Report for Internal Case No. 21-0002-P to the full Commission along with an accompanying resolution of the Review Committee.

**At 12:02 p.m.            Announcements by Commission Chairperson**

Chairperson Brown provided closing remarks and informed the public about how to file complaints using the Commission's hotline, access the Commission's webpage, and contact the OSIG and its Bureau of Law Enforcement Oversight (BLEO) for assistance. Chairperson Brown also thanked representatives of the Covered Agencies for their time and participation.

**At 12:03 p.m.            Public Session of the Special Meeting of the Use of Force Review Committee Adjourned**

**At 12:07 p.m.            Executive Session II Commenced for Discussion of Amendments to Preliminary Investigative Review Reports for Internal Case Nos. 21-0002-P and 21-0004-P**

Chairperson Brown confirmed that there were no changes or amendments to the **Preliminary Investigative Review Report for Internal Case No. 21-0004-P** and moved the discussion to the **Preliminary Investigative Review Report for Internal Case No. 21-0002-P**. The Review Committee discussed several requests by the Covered Agency including removal of certain background information and to strike/or amend certain language in the Preliminary Report and agreed on final language with appropriate resolutions.

**At 12:30 p.m.            Executive Session II Adjourned**





## Roll Call and Attendance Form

Type of Commission Meeting: Quarterly Special Rescheduled  
 Date and Time of Committee Meeting: February 14, 2022 10:00am  
 Name of Committee: USE OF FORCE REVIEW COMMITTEE

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 Committee Membership performed at the above listed Committee meeting and recording attendance of Committee 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**



## USE OF FORCE REVIEW COMMITTEE SPECIAL 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 Special Meeting of the Commission's Use of Force Review Committee (Review Committee) to be held in person at the **Office of State Inspector General located at 555 Walnut Street, 7<sup>th</sup> Floor, Forum Place, Harrisburg, PA 17101** and virtually *via* the Commission's information technology platform (Microsoft Teams) on **Monday, February 14, 2022, at 10:00am (Executive Session) and at 10:30am (Public Session)**.

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

- (1) Executive Session [*closed to the public* – Pre-deliberative comments, if any, offered by Covered Agencies and any Commission members in anticipation of the Review Committee's issuance of Preliminary Investigative Review Reports for **Internal Case Nos. 21-0002-P and 21-0004-P**; review of Meeting Agenda; remaining schedule for completion of reviews for all matters currently under consideration; and other administrative matters];
- (2) Call to Order and Roll Call [*expected to begin at approximately 10:30am*];
- (3) Acceptance of Meeting Agenda;
- (4) Approval and adoption of previous Special Meeting Minutes from February 3, 2022;
- (5) Approval of administrative and/or other procedural matters;
- (6) Report by the Use of Force Review Committee's Chairperson;
- (7) Opportunity for public comment; and
- (8) Consideration, discussion, deliberation, and official action(s) concerning comments, if any, offered by Covered Agencies and any other Commissioner in anticipation of the issuance and ratification of a Preliminary Investigative Review Reports for **Internal Case Nos. 21-0002-P and 21-0004-P**;
- (9) Opportunity for public comment;
- (10) Consideration, discussion, deliberation, and official action(s) concerning **Resolution Nos. UOF - 1 and UOF-2 [Adoption and Ratification of Preliminary Investigative Review Reports for Internal Case Nos. 21-0002-P and 21-0004-P by the Use of Force Review Committee for consideration by the Pennsylvania State Law Enforcement Citizen Advisory Commission]** and the contents thereof; and
- (11) Executive Session [*closed to the public* – finalization of **Preliminary Investigative Review Reports for Internal Case Nos. 21-0002-P and 21-0004-P** based on actions taken during meeting].

### Pennsylvania State Law Enforcement Citizen Advisory Commission

Commission's Webpage:  
[www.osig.pa.gov/pslecac](http://www.osig.pa.gov/pslecac)

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



Individuals having questions regarding this Special Meeting of the Commission's Use of Force Review Committee, which is open to the public, should contact the Bureau of Law Enforcement Oversight within the Pennsylvania Office State Inspector General (OSIG) at (717) 787-6835. Media inquiries may be directed to the OSIG's Deputy State Inspector General for External Affairs Jonathan Hendrickson at (717) 265-8396.

Sha S. Brown, Chairperson  
*Pennsylvania State Law Enforcement Citizen Advisory  
Commission*

**Pennsylvania State Law Enforcement Citizen Advisory Commission**

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## USE OF FORCE REVIEW COMMITTEE

### RESOLUTION NO. UOF-1

**Title:** Adoption and Ratification of Preliminary Investigative Review Report for Internal Case No. 21-0002-P by the Use of Force Review Committee for consideration by the Pennsylvania State Law Enforcement Citizen Advisory Commission

**Meeting Date:** Special Meeting, February 14, 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's (Commission) Use of Force Review Committee (Review Committee) completed its review of **Internal Case No. 21-0002-P** (an internal investigation involving the Pennsylvania State Police (PSP) concerning a lower level use of force incident occurring on January 16, 2019 in Troop B). Following completion of its review which included, among other things, PSP's policies regarding mental health and substance abuse crisis response by law enforcement, reasonable force determinations during use of force incidents, and duty to render medical assistance, the Review Committee authorized the preliminary drafting and internal production of a Preliminary Investigative Review Report for **Internal Case No. 21-0002-P** at its Special Meeting held on February 3, 2022. The Review Committee wishes to consider, discuss, deliberate, and take official action(s) concerning comments offered by PSP and/or other Commission members, if any, regarding the Review Committee's preliminary Findings and Conclusions, Additional Factor(s) for Consideration and Recommendation(s) for Corrective Action(s) in anticipation of the issuance and ratification of its Preliminary Investigative Review Report for **Internal Case No. 21-0002-P**.<sup>1</sup> After consideration and deliberation, the Review Committee will vote to approve or deny presentation of its report for consideration by the Commission at its next regular quarterly meeting scheduled for February 28, 2022 at noon or at the next scheduled meeting.<sup>2</sup>

**Originating Request Submitted By:** **David A. Sonenshein, Esquire**  
**Chairperson of the Use of Force Review**  
**Committee**

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<sup>1</sup> This action was 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 (adopted *via* Resolution No. 1 (dated May 20, 2021)).

<sup>2</sup> 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.

**USE OF FORCE REVIEW COMMITTEE**

**RESOLUTION NO. UOF-1**

**Title:** Adoption and Ratification of Preliminary Investigative Review Report for Internal Case No. 21-0002-P by the Use of Force Review Committee for consideration by the Pennsylvania State Law Enforcement Citizen Advisory Commission

**AND NOW, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, 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 in accordance with Article 8 (Review Process), Section 8.2 (Commission Sub-Committees and Review Committees) of the Commission's Bylaws; and

**WHEREAS,** in accordance with Executive Order 2020-04, as amended, the Use of Force Review Committee completed its review of **Internal Case No. 21-0002-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. 21-0001-P** at its Special Meeting held on February 3, 2022;

**WHEREAS,** a draft of the Use of Force Review Committee's Preliminary Investigative Review Report for **Internal Case No. 21-0002-P** was completed and distributed to the Agency Head, Agency's Chief Counsel, and all Commission members for review on February 6, 2022; and

**WHEREAS,** the Use of Force Review Committee considered, discussed, deliberated, and took official action(s) concerning comments offered by the Covered Agency and/or other Commission members, if any, during its Special Meeting held on February 14, 2022 regarding the Use of Force Review Committee's 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. 21-0002-P**; and

**WHEREAS,** following the Robert's Rules of Order, the Commission's Chairperson having attested to recognizing motions from committee membership, said motions having been seconded and recording the votes of committee membership as indicated in the Vote Tabulation Form, the Use of Force Review Committee hereby adopts and ratifies the Preliminary Investigative Review Report for **Internal Case No. 21-0002-P** and any accompanying addenda.

**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 Special Meeting of the Use of Force Review Committee 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 Use of Force Review Committee present; and

**BE IT FURTHER RESOLVED**, that the Use of Force Review Committee authorizes the release of, and presents its, Preliminary Investigative Review Report for **Internal Case No. 21-0001-P** and any accompanying addenda to the Commission for further consideration and action.

**AS DULY ADOPTED BY THE USE OF FORCE REVIEW COMMITTEE (DATED \_\_\_\_\_, 2022)**

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

\_\_\_\_\_  
(Electronic Signature Authorized)  
**PRINT:      SHA S. BROWN**

**SIGNATURE OF CHAIRPERSON OF THE USE OF FORCE REVIEW COMMITTEE:**

\_\_\_\_\_  
(Electronic Signature Authorized)  
**PRINT:      David A. Sonenshein, Esquire**

**SIGNATURE OF SECRETARY OF THE PENNSYLVANIA STATE LAW ENFORCEMENT CITIZEN ADVISORY COMMISSION:**

\_\_\_\_\_  
(Electronic Signature Authorized)  
**PRINT:      Jaimie Hicks**

## USE OF FORCE REVIEW COMMITTEE

### RESOLUTION NO. UOF-2

**Title:** Adoption and Ratification of Preliminary Investigative Review Report for Internal Case No. 21-0004-P by the Use of Force Review Committee for consideration by the Pennsylvania State Law Enforcement Citizen Advisory Commission

**Meeting Date:** Special Meeting, February 14, 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's (Commission) Use of Force Review Committee (Review Committee) completed its review of **Internal Case No. 21-0004-P** (an internal investigation involving the Department of Conservation and Natural Resources (DCNR) concerning a lower level use of force incident occurring on June 16, 2018 in Troop B). Following completion of its review which included, among other things, DCNR's policies regarding use of force and lack of a body worn camera program, the Review Committee authorized the preliminary drafting and internal production of a Preliminary Investigative Review Report for **Internal Case No. 21-0004-P** at its Special Meeting held on February 3, 2022. The Review Committee wishes to consider, discuss, deliberate, and take official action(s) concerning comments offered by DCNR and/or other Commission members, if any, regarding the Review Committee's preliminary Findings and Conclusions, Additional Factor(s) for Consideration and Recommendation(s) for Corrective Action(s) in anticipation of the issuance and ratification of its Preliminary Investigative Review Report for **Internal Case No. 21-0004-P**.<sup>1</sup> After consideration and deliberation, the Review Committee will vote to approve or deny presentation of its report for consideration by the Commission at its next regular quarterly meeting scheduled for February 28, 2022 at noon or at the next scheduled meeting.<sup>2</sup>

**Originating Request Submitted By:** **David A. Sonenshein, Esquire**  
**Chairperson of the Use of Force Review**  
**Committee**

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<sup>1</sup> This action was 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 (adopted *via* Resolution No. 1 (dated May 20, 2021)).

<sup>2</sup> 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.

**USE OF FORCE REVIEW COMMITTEE**

**RESOLUTION NO. UOF-2**

**Title:** Adoption and Ratification of Preliminary Investigative Review Report for Internal Case No. 21-0004-P by the Use of Force Review Committee for consideration by the Pennsylvania State Law Enforcement Citizen Advisory Commission

**AND NOW, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, 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 in accordance with Article 8 (Review Process), Section 8.2 (Commission Sub-Committees and Review Committees) of the Commission's Bylaws; and

**WHEREAS,** in accordance with Executive Order 2020-04, as amended, the Use of Force Review Committee completed its review of **Internal Case No. 21-0004-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. 21-0004-P** at its Special Meeting held on February 3, 2022;

**WHEREAS,** a draft of the Use of Force Review Committee's Preliminary Investigative Review Report for **Internal Case No. 21-0004-P** was completed and distributed to the Agency Head, Agency's Chief Counsel, and all Commission members for review on February 6, 2022; and

**WHEREAS,** the Use of Force Review Committee considered, discussed, deliberated, and took official action(s) concerning comments offered by the Covered Agency and/or other Commission members, if any, during its Special Meeting held on February 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. 21-0004-P**; and

**WHEREAS,** following the Robert's Rules of Order, the Commission's Chairperson having attested to recognizing motions from committee membership, said motions having been seconded and recording the votes of committee membership as indicated in the Vote Tabulation Form, the Use of Force Review Committee hereby adopts and ratifies the Preliminary Investigative Review Report for **Internal Case No. 21-0004-P** and any accompanying addenda.

**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 Special Meeting of the Use of Force Review Committee 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 Use of Force Review Committee present; and

**BE IT FURTHER RESOLVED**, that the Use of Force Review Committee authorizes the release of, and presents its, Preliminary Investigative Review Report for **Internal Case No. 21-0004-P** and any accompanying addenda to the Commission for further consideration and action.

**AS DULY ADOPTED BY THE USE OF FORCE REVIEW COMMITTEE (DATED \_\_\_\_\_, 2022)**

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

\_\_\_\_\_  
(Electronic Signature Authorized)  
**PRINT:      SHA S. BROWN**

**SIGNATURE OF CHAIRPERSON OF THE USE OF FORCE REVIEW COMMITTEE:**

\_\_\_\_\_  
(Electronic Signature Authorized)  
**PRINT:      David A. Sonenshein, Esquire**

**SIGNATURE OF SECRETARY OF THE PENNSYLVANIA STATE LAW ENFORCEMENT CITIZEN ADVISORY COMMISSION:**

\_\_\_\_\_  
(Electronic Signature Authorized)  
**PRINT:      Jaimie Hicks**