



# Pennsylvania

## Citizen Law Enforcement Advisory & Review Commission

### The Pennsylvania Citizen Law Enforcement Advisory and Review (CLEAR) Commission Quarterly Meeting Minutes

**Monday, September 23, 2024, at 10:00 a.m.**

(In person at East Stroudsburg University and  
Virtually *via* Microsoft Teams Platform)

#### **At 9:01 a.m. Administrative Session**

Christa Caceres, Commission Chairwoman, called to order the Administrative Session which included discussion of various administrative items and a review of the Commission's meeting Agenda. A pre-roll call was administered by Secretary Amy Zapp. Administrative and procedural matters were discussed.

**At 9:11 a.m.** The Administrative session was adjourned.

#### **At 10:02 a.m. Public Meeting Started and Recording Began**

Chairwoman Caceres opened the meeting stating the date, time and made the audience aware that the meeting was being recorded.

#### **At 10:05 a.m. Introduction of, and Roll Call by, Secretary Commissioner Amy Zapp**

Secretary Commissioner Amy Zapp, Esq read the names of all Commission voting members aloud and those present whether in person or virtually responded by announcing their presence. 9 voting members (**Commissioner Leon Ford was absent**) were in attendance and a quorum of the Commission's voting members was met. A copy of the Roll Call and Attendance Form is attached **[see Attachment 1]**. Chair Caceres ascertained a quorum and moved the meeting forward.

#### **At 10:10 a.m. Introduction of Ex-Officio Members and Designees:**

- Governor's Office – Deputy Chief of Staff Michael Pipe (offered opening remarks)
- Office of General Counsel Recognition of Jennifer Selber – Designees - Kelly Sekula & Anne Cornick (virtual)
- PSP Recognition of Colonel Christopher L. Paris –Designees- team of representatives from IAD/OCC (virtual)
- DCNR Recognition of Secretary Cindy Adams Dunn – Designee John Norbeck (virtual)
- DOC Recognition of Secretary Laurel Harry– Designee Deb Carpenter (present)
- Capitol Police – no one present

### **At 10:20 a.m. Adoption of June 17, 2024, meeting minutes**

Chair Caceres asked for a motion to adopt and accept the meeting minutes from the June 17<sup>th</sup> meeting minutes. A unanimous vote to adopt the meeting minutes was taken and accepted as official record.

### **At 10:22 a.m. Overview of the Case Review Process and Procedure**

“Next, I am pleased to announce that the CLEAR Commission completed the first round of case reviews for our three designated committees as outlined in our Executive Order. As previously mentioned, the Governor’s Executive Order 2023-21 provides for the process by which the CLEAR Commission will follow under Section 4 (1) (a-c): The Commission is authorized to review covered agencies completed internal investigative findings related to allegations of use of force and bias-based policing. We review events, policies, practices and procedures and make recommendations to correct any perceived policy or training deficiency when and where appropriate for covered agencies following the completion of a case review.”

### **At 10:25 a.m. Presentation and Voting of Preliminary Reports from Bias-Based, Use of Force and Critical Incident Committees**

- Biased Based Policing Review Committee Chair – Kevin Mahoney
  - Read the summary of facts for the record.
  - Stated the Preliminary Findings and Conclusions
    - Noted concerns of the lack of policy for internal affairs or administrative investigations regarding Parole Field Agents.
  - The Bias Based Review Committee recommends that the DOC develop an Internal Affairs/Investigation policy for Parole Field Services to include:
    - A clear Policy Statement that defines the Agency's Internal Affairs/Investigation process, purpose, and who is covered.
    - Definitions of key terms, including clear parameters for the assignment, categorization, and prioritizing of Internal Investigations. A standard definition of what constitutes Bias Based policing should be included, consistent with best practices.
    - Standardized reporting templates, a list of investigative requirements, and the method by which Investigators are assigned.
    - Detailed complaint processing/reporting procedure for both citizens and Reentrants.
    - Requirements for verification/memorializing of interviews and statements.
    - Define the rights of both complainants and the accused (in accordance with applicable Collective Bargaining Agreements).
    - Define all possible outcomes of investigations (Sustained, Not Sustained, Unfounded, Policy Void, etc.).
- Chair Caceres opened the floor for any comments from the Commission. None offered. Chair Caceres opened the floor for any public comments. None offered. Chair Caceres moved to a vote on the Bias Based Policing Preliminary Report.
  - 9 voting members present - voted unanimously to adopt the Bias Based Policing Preliminary Report.

- Use of Force Review Committee Chair – David Sonenshein:
  - Read the summary of facts or the record.
  - Proposed Findings and Recommendations:
    - The Use of Force Review Committee recommends the PSP incorporate a provision into AR 4-25 requiring IAD send notice to a defendant through legal counsel that they may provide a statement for the investigation, within a certain time frame, by contacting the IAD investigator.
  - Chair Caceres opened the floor to Commissioners for comment. No comment. Opened the floor to public comment. No public comment. Chair Caceres moved to a vote on the Preliminary Report for The Use of Force Committee:
    - 9 voting members present - voted unanimously to adopt the UOF Preliminary Report.
- Critical Incident Review Committee Chair - Christa Caceres
  - Read the summary of facts into record.
  - Proposed Findings and Recommendations:
    - The Review Committee recommends that Section 5.06 (E) of FR 1-5 be amended to require that a member/enforcement officer placed on administrative duty shall be returned to full duty upon order of the Deputy Commissioner of Administration and Professional Responsibility following the completion and full review of the IAD adjudication and investigation.
    - The Review Committee recommends a provision be added to FR 1-5, Section 5.07, that requires the involved member/enforcement officer provide a signed written statement/and or a signed verification of the criminal and administrative interviews for the investigative record.
  - Chair Caceres opened the floor for public comment. No public comment. Moved to vote on the Critical Incident Preliminary Report:
    - Yay: Commissioners Sonenshein, Zapp, Rozel, Wilson, Lerner and Caceres (6)
    - Nay: Commissioners Mahoney & Bailey (2)
    - Abstain: Commissioner Chardo (1)

**10:56 a.m. Chair Caceres Remarks on Finalization of Reports**

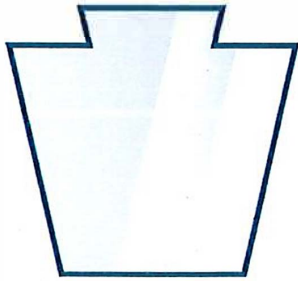
Chair Caceres described how a report becomes final after the Covered Agencies are afforded the opportunity (60 days) to provide a written response.

**10:57 a.m. Public Comment**

Chair Caceres opened the floor for public comment – no public comment was offered.

**10:58 a.m. Motion to Adjourn**

Chair Caceres requested a motion to adjourn.



# Pennsylvania

## Citizen Law Enforcement Advisory & Review Commission

### Roll Call and Attendance Form

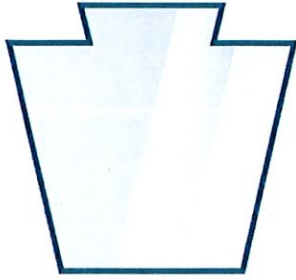
Type of Commission Meeting: ☒ Quarterly ☐ Special ☐ Rescheduled

Date and Time of Commission Meeting: 9/24/2024 at 10:07 a.m. -Public Session

Pursuant to Article 6, Sections 2 and 5 of the Pennsylvania Citizens Law Enforcement Advisory Commission's (CLEAR) Bylaws, I hereby attest to performing a Roll Call of Commission Membership at the above listed Commission meeting and recording attendance of Commission members as indicated below:

Name of Commission Member	Attendance		
	Present	Excused Absence	Absent
Christa Caceres	✓		
David A. Sonenshein	✓		
Jeffrey Wilson	✓		
Leon Ford			✓
Dr. John Rozel	✓		
Benjamin Lerner	✓		
Francis "Fran" Chardo	✓		
Amy Zapp	✓		
Charles T. Bailey	✓		
Kevin Mahoney	✓		

Amy Zapp, Esq.  
Signature of Amy Zapp, Esq.  
Secretary of The CLEAR Commission



# Pennsylvania

## Citizen Law Enforcement Advisory & Review Commission

### Vote Tabulation Form

Type of Commission Meeting: ☒ Regular ☐ Specific ☐ Rescheduled

Date and Time of Commission Meeting: 9/23/2024 at 10:07 a.m. – Public Session

Pursuant to Article 6, Sections 2, 3 and 5 of the Pennsylvania Citizen Law Enforcement Citizen Advisory Committee (CLEAR) 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:

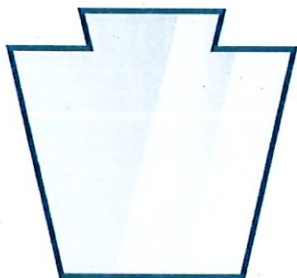
### ACTION ITEM: Acceptance of Bias Based Committee Preliminary Report

Summary Tabulation of All Votes: 9 YAY 0 NAY 8 PRESENT 0 ABSTAIN

Name of Commission Member	Individual Votes			
	YAY	NAY	PRESENT	ABSTAIN
Christa Caceres	✓			
David A. Sonenshein	✓			
Jeffrey Wilson	✓			
Leon Ford			Absent	
John "Jack" Rozel	✓			
Benjamin Lerner	✓			
Francis "Fran" Chardo	✓			
Amy Zapp	✓			
Charles "Chuck" T. Bailey	✓			
Kevin Mahoney	✓			

Amy Zapp, Esq.  
Signature of Amy Zapp,  
Commission Secretary





# Pennsylvania

## Citizen Law Enforcement Advisory & Review Commission

### Vote Tabulation Form

Type of Commission Meeting: ☒ Regular ☐ Specific ☐ Rescheduled

Date and Time of Commission Meeting: 9/23/2024 at 10:07 a.m. – Public Session

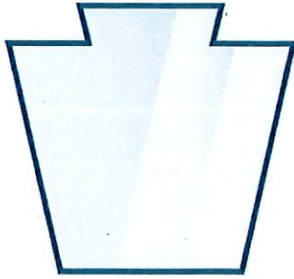
Pursuant to Article 6, Sections 2, 3 and 5 of the Pennsylvania Citizen Law Enforcement Citizen Advisory Committee (CLEAR) Bylaws, and following the Robert's Rules of Order, I hereby attest to recognizing motions from Commission membership, said motions having been seconded, and recording the votes of Commission membership for matters under the Commission's review as indicated below:

### ACTION ITEM: Acceptance of Use of Force Committee Preliminary Report

Summary Tabulation of All Votes: 9 YAY 0 NAY 8 PRESENT 0 ABSTAIN

Name of Commission Member	Individual Votes			
	YAY	NAY	PRESENT	ABSTAIN
Christa Caceres	✓			
David A. Sonenshein	✓			
Jeffrey Wilson	✓			
Leon Ford			Absent	
John "Jack" Rozel	✓			
Benjamin Lerner	✓			
Francis "Fran" Chardo	✓			
Amy Zapp	✓			
Charles "Chuck" T. Bailey	✓			
Kevin Mahoney	✓			

Amy Zapp, Esq.  
Signature of Amy Zapp,  
Commission Secretary



# Pennsylvania

## Citizen Law Enforcement Advisory & Review Commission

### Vote Tabulation Form

Type of Commission Meeting: ☒ Regular ☐ Specific ☐ Rescheduled

Date and Time of Commission Meeting: 9/23/2024 at 10:07 a.m. – Public Session

Pursuant to Article 6, Sections 2, 3 and 5 of the Pennsylvania Citizen Law Enforcement Citizen Advisory Committee (CLEAR) 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: Acceptance of Critical Incident Committee Preliminary Report

Summary Tabulation of All Votes: 6 YAY 2 NAY 9 PRESENT 1 ABSTAIN

Name of Commission Member	Individual Votes			
	YAY	NAY	PRESENT	ABSTAIN
Christa Caceres	✓			
David A. Sonenshein	✓			
Jeffrey Wilson	✓			
Leon Ford			Absent	
John "Jack" Rozel	✓			
Benjamin Lerner	✓			
Francis "Fran" Chardo				✓
Amy Zapp	✓			
Charles "Chuck" T. Bailey		✓		
Kevin Mahoney		✓		

Amy Zapp, Esq.  
Signature of Amy Zapp,  
Commission Secretary