

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1205 Session of 2020

INTRODUCED BY STREET, SCAVELLO, LAUGHLIN, COSTA, HUGHES, HAYWOOD, FONTANA, L. WILLIAMS, MUTH, KEARNEY, FARNESE, SANTARSIERO, BOSCOLA, IOVINO AND KILLION, JUNE 22, 2020

AS AMENDED ON THIRD CONSIDERATION, JUNE 23, 2020

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in employees, providing for use of
3 force and deadly force model policy for law enforcement
4 agencies.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. The heading of Subchapter C of Chapter 21 of
8 Title 53 of the Pennsylvania Consolidated Statutes is amended to
9 read:

SUBCHAPTER C

[(Reserved)]

USE OF FORCE AND DEADLY FORCE MODEL POLICY

FOR LAW ENFORCEMENT AGENCIES

14 Section 2. Subchapter C of Chapter 21 of Title 53 is amended
15 by adding sections to read:

16 § 2141. Policy.

17 It is the policy of the Commonwealth to provide law
18 enforcement agencies and law enforcement officers with clear

1 guidelines and training regarding the use of force and deadly
2 force.

3 § 2142. Definitions.

4 The following words and phrases when used in this subchapter
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 "Bodily injury." Impairment of physical condition or <--
8 substantial pain.

9 "Choke hold." A physical maneuver that restricts an
10 individual's ability to breathe for the purposes of
11 incapacitation.

12 "Commission." The Municipal Police Officers' Education and
13 Training Commission.

14 "Commissioner." The Commissioner of Pennsylvania State
15 Police.

16 "Deadly force." Force which, under the circumstances in
17 which it is used, is readily capable of causing death or serious
18 bodily injury.

19 "Force." Efforts used by an A LAW ENFORCEMENT officer that <--
20 may result in serious bodily injury or death when used to:

21 (1) Effectuate an arrest.

22 (2) Overcome resistance or threatened resistance to
23 effectuate an arrest.

24 (3) Protect the arresting officer or any other person
25 from injury or death.

26 "Law enforcement agency." A law enforcement agency in this
27 Commonwealth that is the employer of a law enforcement officer.

28 "Law enforcement officer." The term shall have the same
29 meaning as the term "peace officer" under 18 Pa.C.S. § 501
30 (relating to definitions).

1 "Serious bodily injury." Bodily injury that creates a
2 substantial risk of death or which causes serious, permanent
3 disfigurement or protracted loss or impairment of the function
4 of a bodily member or organ.

5 "Weapon." Anything readily capable of lethal use and
6 possessed under circumstances not manifestly appropriate for
7 lawful uses which it may have. The term includes a firearm which
8 is not loaded or lacks a clip or other component to render it
9 immediately operable, and components which can readily be
10 assembled into a weapon.

11 § 2143. Written policies required.

12 (a) General rule.--Each law enforcement agency shall develop
13 and implement a written use of force policy governing the
14 procedures under which a law enforcement officer should
15 initiate, continue and terminate the use of force. This policy
16 may be the model policy endorsed by a national or State
17 organization or association that is consistent with the
18 requirements of this subchapter. The written policy shall
19 reflect consideration of the guidelines under this section.

20 (b) Intent of guidelines.--The guidelines under this section
21 are solely intended to direct agencies in developing use of
22 force policies and outline the content of these policies. The
23 guidelines contained in this section are not intended to mandate
24 the actions of individual law enforcement officers.

25 (c) Policy guidelines.--Each LAW ENFORCEMENT agency policy <--
26 shall be consistent with current training and certification
27 standards and include the following procedural elements:

28 (1) Decision-making criteria or principles for
29 initiation of force. These criteria or principles may
30 include, but are not limited to:

1 (i) The severity of the crime at issue.
2 (ii) Whether the suspect poses an immediate threat
3 to the safety of the law enforcement officer or others.
4 (iii) The potential for harm or immediate or
5 potential danger to others if the fleeing individual or
6 individuals escape.
7 (iv) Whether the suspect is actively resisting
8 arrest or attempting to evade arrest by flight.
9 (v) Safety factors that pose a risk to law
10 enforcement officers and other persons.
11 (vi) Whether the suspect is in possession of a
12 weapon.
13 (vii) Other relevant information that the law
14 enforcement officer reasonably believes to be true at the
15 time.
16 (2) Responsibilities of the law enforcement officers.
17 (3) Responsibilities of the field supervisor.
18 (4) Decision-making criteria or principles for
19 termination of force. These criteria or principles may
20 include safety factors that pose a risk to law enforcement
21 officers and other persons.
22 (5) Recordkeeping protocols for use of force incidents.
23 (d) Policy requirements.--Each LAW ENFORCEMENT agency policy <--
24 shall prohibit the use of choke holds by law enforcement
25 officers except in cases in which deadly force is authorized.
26 (e) Training governing use of force.--Before carrying a
27 weapon, each law enforcement officer shall receive training and
28 instruction with regard to the proper use of force and to the
29 LAW ENFORCEMENT agency's policies and statutes with regard to <--
30 force. The training and instruction shall continue on an annual

1 basis and may include the following criteria:

2 (1) Each law enforcement officer shall carry and use
3 only authorized weapons unless circumstances exist which pose
4 an immediate threat to the safety of the law enforcement
5 officer or the public requiring the use of a weapon or object
6 that has not been authorized to counter a threat.

7 (2) With LAW ENFORCEMENT agency approval, law <--
8 enforcement officers may modify, alter or cause to be altered
9 an authorized weapon in the law enforcement officer's
10 possession or control.

11 (3) A law enforcement officer should use discretion to
12 determine reasonable force options to bring a suspect under
13 control. A law enforcement officer is not required to first
14 attempt using types and degrees of force that reasonably
15 appear to be inadequate to accomplish the intended objective.

16 (4) A law enforcement officer may announce the intention
17 to use reasonable force.

18 (5) A law enforcement officer should consider whether it
19 is reasonably prudent to use de-escalation and harm reduction
20 techniques.

21 (f) Biennial certification.--Every other year, the
22 commission shall certify whether each LAW ENFORCEMENT agency has <--
23 a use of force policy in effect. The commission shall provide
24 the Pennsylvania State Police with a list of those agencies that
25 have or have not notified or certified to the commission that
26 the LAW ENFORCEMENT agency has a use of force policy. The <--
27 biennial certification may be implemented simultaneously with
28 other certifications conducted by the commission.

29 (g) Policy availability.--A policy adopted under this
30 section shall be made available to the general public upon

1 request and shall be posted on a publicly accessible Internet
2 website maintained by the law enforcement agency.

3 (h) Limitations.--A law enforcement agency policy must be
4 consistent with the requirements of 18 Pa.C.S. Ch. 5 (relating
5 to general principles of justification).

6 Section 3. This act shall take effect in 60 days.