AMENDMENTS TO SENATE BILL NO. 1205

Sponsor: SENATOR A. WILLIAMS

Printer's No. 1793

Amend Bill, page 1, lines 1 through 3, by striking out all of said lines and inserting

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

Amend Bill, page 1, lines 6 through 18; page 2, lines 1 through 21; by striking out all of said lines on said pages and inserting

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

SUBCHAPTER C

[(Reserved)]

USE OF FORCE AND DEADLY FORCE MODEL POLICY FOR LAW ENFORCEMENT AGENCIES

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

§ 2141. Policy.

It is the policy of the Commonwealth to provide law enforcement agencies and law enforcement officers with clear guidelines and training regarding the use of force and deadly force.

§ 2142. Definitions.

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

"Bodily injury." Impairment of physical condition or substantial pain.

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

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

"Commissioner." The Commissioner of Pennsylvania State

Police.

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

"Force." Efforts used by an officer that may result in serious bodily injury or death when used to:

(1) Effectuate an arrest.

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

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

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

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

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

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

§ 2143. Written policies required.

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

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

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

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

(i) The severity of the crime at issue.

(ii) Whether the suspect poses an immediate threat to the safety of the law enforcement officer or others.

(iii) The potential for harm or immediate or potential danger to others if the fleeing individual or

individuals escape.

(iv) Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

(v) Safety factors that pose a risk to law enforcement officers and other persons.

(vi) Whether the suspect is in possession of a weapon.

(vii) Other relevant information that the law enforcement officer reasonably believes to be true at the time.

(2) Responsibilities of the law enforcement officers.

(3) Responsibilities of the field supervisor.

(4) Decision-making criteria or principles for termination of force. These criteria or principles may include safety factors that pose a risk to law enforcement officers and other persons.

(5) Recordkeeping protocols for use of force incidents.

(d) Policy requirements.--Each agency policy shall prohibit the use of choke holds by law enforcement officers except in cases in which deadly force is authorized.

(e) Training governing use of force.--Before carrying a weapon, each law enforcement officer shall receive training and instruction with regard to the proper use of force and to the agency's policies and statutes with regard to force. The training and instruction shall continue on an annual basis and may include the following criteria:

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

(2) With agency approval, law enforcement officers may modify, alter or cause to be altered an authorized weapon in the law enforcement officer's possession or control.

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

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

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

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

by the commission.

(g) Policy availability.--A policy adopted under this section shall be made available to the general public upon request and shall be posted on a publicly accessible Internet website maintained by the law enforcement agency.

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

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