
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1904 Session of
2019

INTRODUCED BY D. MILLER, FRANKEL, HILL-EVANS, A. DAVIS,
CALTAGIRONE, HOWARD, McCLINTON AND JOHNSON-HARRELL,
OCTOBER 15, 2019

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 15, 2019

AN ACT

1 Providing for use of force reporting and for duties of the
2 Municipal Police Officers' Education and Training Commission,
3 the Pennsylvania State Police and law enforcement agencies.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Use of Force
8 Reporting Act.

9 Section 2. Definitions.

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

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

15 "Committee." As described in section 3(a).

16 "Form." The Use of Force Report Form under section 3.

17 "Law enforcement agency." An agency that employs a law
18 enforcement officer.

1 "Law enforcement officer." As follows:

2 (1) An individual who by virtue of the individual's
3 office or public employment is vested by law with a duty to
4 maintain public order or make arrests for offenses, whether
5 or not that duty extends to all offenses or is limited to
6 specific offenses.

7 (2) The term includes, but is not limited to, the
8 following:

9 (i) A full-time or part-time employee assigned to
10 criminal or traffic law enforcement duties of a police
11 department of a county, region, city, borough, town,
12 township or school entity.

13 (ii) A member of the Pennsylvania State Police.

14 (iii) A sheriff, deputy sheriff or constable.

15 (iv) An individual on active State duty under 51
16 Pa.C.S. § 508 (relating to active duty for emergency).

17 Section 3. Development of form.

18 (a) Committee.--Within 180 days of the effective date of
19 this section, the commission, in conjunction with the
20 Pennsylvania Chiefs of Police Association and any other
21 organization deemed necessary by the commission, shall establish
22 a committee and develop a Use of Force Report Form.

23 (b) Purpose.--The form shall be used by each law enforcement
24 agency within this Commonwealth to document when a law
25 enforcement officer of the law enforcement agency, while engaged
26 in the public discharge of duties, uses force or a weapon or
27 threatens the use of a weapon on a suspect.

28 (c) Standards.--The committee shall establish threshold
29 standards regarding the nature and amount of force applied to a
30 suspect that would require the completion of the form. At a

1 minimum, the threshold standards shall include the following:

2 (1) Any force deployed by a law enforcement officer that
3 extends beyond what is necessary for compliant suspect
4 handcuffing.

5 (2) Any time that a law enforcement officer uses or
6 threatens to use a weapon on a suspect.

7 (d) Notice.--Upon development of the form, the commission
8 shall transmit notice of the development of the form to the
9 Legislative Reference Bureau for publication in the Pennsylvania
10 Bulletin.

11 Section 4. Contents of form.

12 (a) Specific information.--At a minimum, the form shall
13 require a law enforcement officer to provide the following, to
14 the best of the law enforcement officer's ability:

15 (1) The following information regarding the law
16 enforcement officer and the suspect:

17 (i) Physical characteristics, including age, height,
18 weight, gender and race.

19 (ii) The use of force continuum during the incident.

20 (iii) How contact between the law enforcement
21 officer and the suspect was initialized.

22 (iv) The possession, warnings, display and use of
23 weapons during the incident.

24 (v) A characterization of the dialogue between the
25 law enforcement officer and the suspect during the
26 incident.

27 (vi) Weaponless tactics during the incident.

28 (vii) Any body part that is injured as a result of
29 the incident.

30 (viii) Any medical attention needed following the

1 use of force during the incident.

2 (2) The following information:

3 (i) Prior knowledge of the suspect by the law
4 enforcement officer.

5 (ii) The number of law enforcement officers,
6 suspects and bystanders at the scene of the incident.

7 (iii) The suspect's general response to the law
8 enforcement officer and other law enforcement officers
9 during the incident.

10 (iv) The type of approach by the law enforcement
11 officer during the incident.

12 (v) Any suspected impairment of the suspect during
13 the incident.

14 (b) Signatures.--A completed form must contain the
15 signatures of the following:

16 (1) The law enforcement officer providing the
17 information contained in the completed form.

18 (2) The law enforcement officer's supervisor, who shall
19 attest to the completion and review of the form prior to
20 submission.

21 (c) Public disclosure.--The form shall be designed to
22 protect from disclosure information that would be exempted under
23 the act of February 14, 2008 (P.L.6, No.3), known as the Right-
24 to-Know Law.

25 Section 5. Policy and procedures.

26 (a) Action by committee.--The committee shall develop policy
27 and procedures that shall establish the minimum standards for
28 law enforcement agencies to train and comply with this act.

29 (b) Action by law enforcement agencies.--Within 90 days of
30 the publication in the Pennsylvania Bulletin of the notice under

1 section 3(d), each law enforcement agency shall amend its
2 policies and procedures in accordance with this act, which shall
3 include the adoption and use of the form.

4 Section 6. Database.

5 (a) Development.--No later than 90 days after the enactment
6 of the general appropriation act following the effective date of
7 this section, the Pennsylvania State Police shall develop a
8 database with the capability to receive, store, tabulate and
9 analyze the data sets required to be documented by all law
10 enforcement agencies under completed forms.

11 (b) Submittal of completed forms.--Upon the development of
12 the database described in subsection (a), each law enforcement
13 agency shall electronically submit each completed form to the
14 database within 72 hours of the incident that necessitates
15 completion of the form.

16 Section 7. Annual reports.

17 Within one year following the development of the database
18 under section 6(a), and each year thereafter, the Pennsylvania
19 State Police shall submit to the General Assembly and post on
20 the publicly accessible Internet website of the Pennsylvania
21 State Police a report that:

- 22 (1) summarizes the data sets in the database;
23 (2) summarizes the analyses of the data sets in the
24 database; and
25 (3) extrapolates recommendations to improve the
26 database, the form and the policies and procedures made in
27 accordance with this act.

28 Section 8. Effect of act.

29 Nothing in this act is intended to limit an analysis done by
30 a law enforcement agency regarding the forms completed by the

1 law enforcement agency or data sets created by the law
2 enforcement agency.
3 Section 9. Effective date.
4 This act shall take effect in 60 days.