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MEMO



Senate of Pennsylvania

December 8, 2010

TO: ALL SENATORS

FROM: Stewart J. Greenleaf

Stewart

SUBJECT: Cosponsorship -- **Law Enforcement Officers' Bill of Rights**

I am reintroducing **Senate Bill 730**, the Law Enforcement Officers' Bill of Rights, providing law enforcement officers with certain rights in disciplinary matters.

The bill establishes standards for when a law enforcement officer is under interrogation for a disciplinary matter. Unless the seriousness of the interrogation necessitates an immediate interrogation, the interrogation must take place while the officer is on duty and on the premises of the police department. At the outset of the interrogation the officer shall be informed of the nature of the interrogation and the name of the complainant. A written or electronic record shall be made of the entire interrogation. During the interrogation the officer shall have the right to be represented by counsel or another representative of the officer's choice.

A law enforcement officer may sue any person or municipality for damages suffered when a complaint filed against the officer is found to be without merit or is made with the intent to cause damage or loss of employment.

An officer shall receive notice prior to dismissal, demotion, transfer, reassignment or other personnel action which may result in a loss of pay or benefits or which is punitive. An officer must also be made aware of any adverse comments entered into the officer's personnel file. The officer may file a written response to the adverse comments. No law enforcement officer shall be compelled to submit to a polygraph examination against the officer's will. The refusal to take a polygraph test may not be used against the officer in any subsequent proceeding.

A law enforcement officer may not be discharged, disciplined, demoted or denied promotion, transferred or reassigned, or discriminated against in regard to employment, or be threatened as a result of the exercise of constitutional rights. No dismissal or demotion, or denial of promotion, shall be undertaken without providing the officer with the opportunity for an administrative appeal.

For the purpose of a job assignment or a personnel action, an officer may not be required to disclose personal information about the officer or the officer's family unless the information is obtained through the proper legal procedures. An officer's locker may not be searched unless the officer is present and has consented in writing or a valid search warrant has been obtained.

"Law enforcement officer" is defined as a full-time law enforcement officer of a police department or organization of the Commonwealth or a political subdivision. The definition includes but is not limited to members of the Pennsylvania State Police, a municipal police department, the Capitol Police, and a port authority.

By enacting this legislation, the General Assembly will be recognizing the need for minimum standards to protect the rights of law enforcement officers beyond departmental procedures.

I am reintroducing this legislation on behalf of the Fraternal Order of Police.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.