

AN ACT

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

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

Section 1. Short title.

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

Section 2. Definitions.

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

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

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

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

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

"Law enforcement officer." As follows:

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

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

(i) A full-time or part-time employee assigned to

criminal or traffic law enforcement duties of a police department of a county, region, city, borough, town, township or school entity.

(ii) A member of the Pennsylvania State Police.

(iii) A sheriff, deputy sheriff or constable.

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

Section 3. Development of form.

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

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

(c) Standards.--The committee shall establish threshold standards regarding the nature and amount of force applied to a suspect that would require the completion of the form. At a minimum, the threshold standards shall include the following:

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

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

(d) Notice.--Upon development of the form, the commission

shall transmit notice of the development of the form to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

Section 4. Contents of form.

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

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

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

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

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

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

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

(vi) Weaponless tactics during the incident.

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

(viii) Any medical attention needed following the use of force during the incident.

(2) The following information:

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

(ii) The number of law enforcement officers,

suspects and bystanders at the scene of the incident.

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

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

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

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

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

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

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

Section 5. Policy and procedures.

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

(b) Action by law enforcement agencies.--Within 90 days of the publication in the Pennsylvania Bulletin of the notice under section 3(d), each law enforcement agency shall amend its policies and procedures in accordance with this act, which shall include the adoption and use of the form.

Section 6. Database.

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

(1) This requirement may be met by the statewide adoption a national incident-based reporting system that is determined by the Pennsylvania State Police to meet the same requirements of this act.

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

Section 7. Annual reports.

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

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

Section 8. Effect of act.

Nothing in this act is intended to limit an analysis done by a law enforcement agency regarding the forms completed by the law enforcement agency or data sets created by the law enforcement agency.

Section 9. Effective date.

This act shall take effect in 60 days.