

AMENDMENTS TO SENATE BILL NO. 1205

Sponsor: SENATOR A. WILLIAMS

Printer's No. 1793

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

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

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

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

SUBCHAPTER C

[(Reserved)]

USE OF FORCE AND DEADLY FORCE MODEL POLICYFOR LAW ENFORCEMENT AGENCIES

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

19 § 2141. Policy.

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

24 § 2142. Definitions.

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

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

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

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

35 "Commissioner." The Commissioner of Pennsylvania State

1 Police.

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

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

7 (1) Effectuate an arrest.

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

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

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

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

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

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

27 § 2143. Written policies required.

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

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

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

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

47 (i) The severity of the crime at issue.

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

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

1 individuals escape.

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

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

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

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

11 (2) Responsibilities of the law enforcement officers.

12 (3) Responsibilities of the field supervisor.

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

17 (5) Recordkeeping protocols for use of force incidents.

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

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

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

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

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

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

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

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

1 by the commission.

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

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

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