
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 982 Session of
2003

INTRODUCED BY RAYMOND, BELFANTI, CASORIO, CIVERA, CRAHALLA,
CREIGHTON, HARHAI, HARRIS, HENNESSEY, KELLER, LAUGHLIN,
LEDERER, McCALL, McGEEHAN, SHANER, SOLOBAY, STERN, J. TAYLOR
AND WATSON, MARCH 26, 2003

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 26, 2003

AN ACT

1 Providing for the rights of law enforcement officers concerning
2 certain complaints and grievances; authorizing certain civil
3 suits by police officers; providing for impact of collective
4 bargaining agreements; and providing for summary suspensions.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Police
9 Officer Bill of Rights Act.

10 Section 2. Legislative intent.

11 The General Assembly recognizes the need for standards to
12 protect the rights of police officers.

13 Section 3. Definitions.

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

17 "Police officer." An individual employed as a police officer
18 by a public agency who is, by law, given the power to arrest

1 when acting within the scope of employment. The term does not
2 include the chief of police or comparable head of a public
3 agency.

4 "Public agency." The police department or similar agency of
5 a municipality.

6 Section 4. Rights of police officers.

7 (a) General requirements.--If a police officer is under
8 investigation and subject to interrogation by the public agency
9 employing the police officer, the following standards shall
10 apply:

11 (1) The interrogation shall be conducted when the police
12 officer is on duty unless the seriousness of the
13 investigation is such that an immediate interrogation is
14 necessary. The police officer may not be terminated from
15 employment or disciplined for any work missed because of
16 involvement in an interrogation.

17 (2) The interrogation shall take place at:

18 (i) the office of the command of the investigating
19 officer;

20 (ii) the office of the agency conducting the
21 investigation;

22 (iii) an office within a building owned or leased by
23 the public agency; or

24 (iv) such other location as is necessary to protect
25 the safety or identity of the police officer.

26 (3) At the beginning of the interrogation, the police
27 officer under interrogation shall be informed of the name,
28 rank and command of the police officer or municipal official
29 or other official in charge of the interrogation and the
30 name, rank and command of persons who will be present.

1 (4) The police officer under interrogation shall be
2 informed in writing of the nature of the complaint and
3 provided the name or names of the complainant. This paragraph
4 shall not apply to any investigation into alleged criminal
5 activities which would constitute an offense graded as a
6 misdemeanor or felony.

7 (5) If an anonymous or unsworn complaint is made against
8 a police officer and no corroborative evidence is obtained
9 within the applicable statute of limitations for an analogous
10 criminal offense, the complaint shall be classified as
11 unfounded, and shall be completely expunged from any
12 personnel file maintained by the public agency on the police
13 officer.

14 (6) The interrogation shall allow for personal
15 necessities and rest periods as are reasonably necessary.

16 (7) The police officer under interrogation may not be
17 unlawfully offered promises of reward or unlawfully
18 threatened in connection with an investigation.

19 (8) The complete interrogation shall be recorded,
20 including a notation of any recess periods. A copy of the
21 record shall be made available to the police officer or the
22 police officer's counsel or representative, upon request,
23 without cost.

24 (9) If the police officer is under arrest at the time of
25 the interrogation, the police officer shall be completely
26 informed of the police officer's constitutional rights and
27 all rights under law prior to the commencement of the
28 interrogation.

29 (10) The police officer under interrogation shall have
30 the right to be represented by counsel or other

1 representative. To the extent that the police officer is
2 represented for purposes of collective bargaining by a
3 collective bargaining representative pursuant to State law,
4 the police officer shall also have the right to have an agent
5 from the exclusive collective bargaining representative
6 present.

7 (11) No police officer may be compelled to speak or
8 testify before or be questioned by an agency which is not a
9 law enforcement agency or a police board of inquiry. This
10 paragraph shall be inapplicable to any judicial proceeding or
11 to any hearing conducted by a standing or select committee of
12 the Senate or the House of Representatives or any hearing
13 conducted before an agency of any municipality to which this
14 act applies.

15 (12) Prompt action shall be required as follows:

16 (i) Except as provided in subparagraph (ii), when a
17 complaint is made against a police officer more than 90
18 days after the applicable statute of limitations for the
19 civil wrong alleged, the complaint shall be classified as
20 unfounded and shall be completely expunged from any
21 personnel file maintained by the public agency on the
22 police officer.

23 (ii) Notwithstanding subparagraph (i), no complaint
24 which alleges conduct that would constitute a misdemeanor
25 or felony offense, if proven, shall be classified as
26 unfounded or expunged as a stale complaint until the
27 applicable statute of limitations expires as prescribed
28 in 42 Pa.C.S. Ch. 55 Subch. C (relating to criminal
29 proceedings).

30 (13) No police officer may be compelled to submit to a

1 polygraph examination involuntarily. No disciplinary action
2 or other recrimination may be taken against a police officer
3 for refusing to submit to a polygraph examination. No
4 testimony or evidence shall be admissible at a subsequent
5 hearing, trial or proceeding, judicial or administrative, to
6 the effect that the police officer refused to take a
7 polygraph examination.

8 (14) No police officer may be subjected to or threatened
9 with adverse employment action as a result of the exercise of
10 the rights accorded to police officers under this act.

11 (15) No police officer may be required to disclose
12 greater information as to property, income, assets, source of
13 income, debts, personal or domestic expenditures, including
14 those of any member of the police officer's family or
15 household, than the principal elected officials of the
16 municipality employing the police officer are required by law
17 to disclose unless the information is obtained under proper
18 legal procedures.

19 (b) Routine, informed or unplanned interrogation or
20 contact.--This section shall not apply to any interrogation of a
21 police officer in the normal course of duty, counseling,
22 instruction, informal verbal admonishment or other routine or
23 unplanned contact with a supervisor or any other officer.

24 Section 5. Civil suits by police officers.

25 A police officer shall have a cause of action against any
26 person for damages suffered as a result of a complaint filed
27 against the police officer by that person which is found to be
28 any of the following:

- 29 (1) without merit and frivolous; or
- 30 (2) without merit and made in bad faith.

1 Section 6. Impact of collective bargaining agreements.

2 Nothing in this act shall be construed to diminish the
3 obligation of any public agency to comply with a collective
4 bargaining agreement which provides greater rights and coverage
5 to police officers than the rights and coverage provided by this
6 act. The rights and coverage under this act may not be
7 diminished by any collective bargaining agreement.

8 Section 7. Summary suspensions.

9 (a) Emergency suspension.--Emergency suspension of a police
10 officer may be imposed by the public agency employing the
11 officer if the particular and unique circumstances of the
12 situation dictate that such action is necessary to protect the
13 public interest or the effective functioning of the police
14 department. A police officer who is subjected to emergency
15 suspension may be relieved of duty, provided that the police
16 officer receives all ordinary pay and benefits as if the police
17 officer were not suspended.

18 (b) Criminal charges.--A police officer against whom a
19 criminal proceeding involving any misdemeanor or felony offense
20 has been instituted may be suspended without pay pending
21 disposition of the criminal charges. Medical benefits and
22 insurance to which a police officer and spouse and dependents
23 are entitled by virtue of employment may not be suspended until
24 conviction or separation of the officer from the department. If
25 the police officer is acquitted of the criminal charges, the
26 police officer shall be reinstated and reimbursed for all salary
27 and benefits that have not been paid during the suspension
28 period.

29 Section 8. Effective date.

30 This act shall take effect in 60 days.