
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 350 Session of
2017

INTRODUCED BY GREENLEAF, ARGALL, BREWSTER, COSTA, RAFFERTY AND
BOSCOLA, FEBRUARY 15, 2017

REFERRED TO LAW AND JUSTICE, FEBRUARY 15, 2017

AN ACT

1 Providing for the rights of law enforcement officers concerning
2 certain complaints and grievances.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Law
7 Enforcement Officers' Bill of Rights Act.

8 Section 2. Legislative intent.

9 The General Assembly recognizes the need for minimum
10 standards to protect the rights of law enforcement officers
11 beyond departmental procedures.

12 Section 3. Definitions.

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

16 "Interrogation." The formal and systematic questioning of a
17 law enforcement officer accused in a complaint of malfeasance,
18 misfeasance or nonfeasance which may result in dismissal,

1 demotion, suspension, reduction in salary, written reprimand or
2 transfer for punitive purposes.

3 "Law enforcement officer" or "officer." A full-time law
4 enforcement officer of a police department or organization of
5 the Commonwealth or a political subdivision of the Commonwealth,
6 including, but not limited to, a law enforcement officer of the
7 Pennsylvania State Police, the Bureau of Liquor Control
8 Enforcement of the Pennsylvania State Police, a municipal police
9 department, the Capitol Police and a port authority.

10 "Malfeasance." The performance of an act which is unlawful.

11 "Misfeasance." The improper performance of a lawful act.

12 "Nonfeasance." The omission of an act which a person has a
13 legal duty to perform.

14 Section 4. Rights of law enforcement officers.

15 Whenever a law enforcement officer is under interrogation,
16 the following minimum standards shall apply:

17 (1) The interrogation shall be conducted when the
18 officer is on duty unless the seriousness of the
19 investigation is great enough that an immediate interrogation
20 is necessary. The officer shall be compensated for absence
21 from work as a result of an interrogation.

22 (2) The interrogation shall take place at the office of
23 the command of the investigating officer or the office of the
24 precinct or police unit or municipal building of the
25 municipality in which the incident allegedly occurred.

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

1 (4) The officer under interrogation shall be informed of
2 the nature of the interrogation and the name of each
3 complainant or complainants at the outset of the
4 interrogation.

5 (5) No complaint shall be entertained unless it is sworn
6 to by each complainant before an official authorized to
7 administer oaths.

8 (6) The interrogation shall be for a reasonable period
9 and shall be timed to allow for personal necessities and rest
10 periods that are reasonably necessary.

11 (7) The officer under interrogation shall not be
12 subjected to offensive language or threatened with transfer,
13 dismissal or disciplinary action either directly or
14 indirectly.

15 (8) A written or mechanical record shall be made of the
16 entire interrogation.

17 (9) If the officer under interrogation is under arrest,
18 or is likely to be placed under arrest, the officer shall be
19 informed of the officer's rights prior to the commencement of
20 the interrogation.

21 (10) The officer under interrogation shall have the
22 right to be represented by counsel or other representative of
23 the officer's choice who shall be present at all times during
24 the interrogation.

25 Section 5. Civil suits by law enforcement officers.

26 A law enforcement officer may initiate and maintain an action
27 against a person or municipality for damages suffered or for the
28 abridgment of civil rights when a complaint filed by the person
29 or municipality against the officer is found to be without merit
30 or is made with the intent to cause damage or loss of

1 employment.

2 Section 6. Notice of disciplinary action and polygraphs.

3 (a) Notice.--No dismissal, demotion, transfer, reassignment
4 or other personnel action which may result in a loss of pay or
5 benefits or which is a punitive measure shall be taken against a
6 law enforcement officer unless the officer is notified of the
7 action and provided with the reasons for the action prior to the
8 effective date of the action.

9 (b) Adverse comments.--

10 (1) No officer shall have a comment adverse to the
11 officer's interest entered in the officer's personnel file or
12 a record kept at the officer's place or unit of employment
13 without giving the officer an opportunity to first read and
14 sign the instrument containing the adverse comment in order
15 to indicate that the officer is aware that the comment is
16 being entered in the officer's personnel file or other place
17 of recordation.

18 (2) If, after reading the instrument containing the
19 adverse comment, the officer refuses to sign it, the entry
20 may still be made. A witness shall then note that the officer
21 was presented with the opportunity to read and sign the
22 instrument and refused to do so.

23 (c) Response.--An officer shall have 30 days to file a
24 written response to an adverse comment entered in the officer's
25 personnel file. The written response, if any, shall be attached
26 to, and shall accompany, the adverse comment.

27 (d) Polygraph.--

28 (1) No officer shall be compelled to submit to a
29 polygraph examination against the officer's will. No
30 disciplinary action or other recrimination shall be taken

1 against an officer for refusing to submit to a polygraph
2 examination, nor shall a comment be entered anywhere in the
3 investigator's notes or elsewhere that the officer refused to
4 take a polygraph examination.

5 (2) No testimony or evidence shall be admissible at a
6 subsequent hearing, trial or proceeding, whether judicial or
7 administrative, to the effect that the officer refused to
8 take a polygraph examination.

9 Section 7. Retaliation for exercising rights.

10 (a) Punitive measures.--No law enforcement officer shall be
11 discharged, disciplined, demoted or denied promotion, transfer
12 or reassignment, or be discriminated against in regard to the
13 officer's employment or threatened as a result of the exercise
14 of constitutional rights.

15 (b) Appeal.--No dismissal, demotion or denial of promotion
16 shall be undertaken by a public agency without providing the
17 officer with an opportunity for administrative appeal.

18 Section 8. Personal privacy.

19 (a) Disclosure.--

20 (1) Except as provided in paragraph (2), no law
21 enforcement officer shall be required for purposes of job
22 assignment or personnel action to disclose information as to
23 property, income, assets, source of income, debts or personal
24 or domestic expenditures, including those of a member of the
25 officer's family or household, unless the information is
26 obtained under proper legal procedure.

27 (2) Paragraph (1) shall not apply if there is a conflict
28 of interest with respect to the performance of the officer's
29 official duties, or it is necessary for the agency to
30 ascertain the desirability of assigning the officer to a

1 specialized unit in which there is a strong possibility that
2 bribes or other improper inducements may be offered.

3 (b) Search of lockers.--

4 (1) No locker or other space for storage that may be
5 assigned to the officer shall be searched except in the
6 officer's presence and with the officer's consent in writing
7 or a valid search warrant has been obtained.

8 (2) A person from whom consent is requested shall be
9 informed of the right to deny the consent.

10 (3) This subsection shall apply only to a locker or
11 other space for storage that is owned by the employing
12 agency.

13 Section 9. Effective date.

14 This act shall take effect in 60 days.