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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2691 Session of  
2020

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INTRODUCED BY A. DAVIS, McNEILL, WILLIAMS, GALLOWAY, LEE,  
SANCHEZ, HILL-EVANS, YOUNGBLOOD, CALTAGIRONE, HOWARD,  
T. DAVIS, MADDEN, BURGOS, KENYATTA, WHEATLEY, HARRIS,  
SHUSTERMAN, DALEY, GAINEY, KINSEY, GREEN AND SCHWEYER,  
JULY 14, 2020

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REFERRED TO COMMITTEE ON JUDICIARY, JULY 14, 2020

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AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in general provisions relating to  
3 government and administration, providing for law enforcement  
4 review boards.

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

7 Section 1. Chapter 23 of Title 53 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER D

10 LAW ENFORCEMENT REVIEW BOARDS

11 Sec.

12 2361. Scope of subchapter.

13 2362. Definitions.

14 2363. Establishment of Independent Citizens Law Enforcement

15 Review Board.

16 § 2361. Scope of subchapter.

17 This subchapter shall provide for the establishment of a

1 County Independent Citizens Law Enforcement Review Board in  
2 counties of the second class through the eighth class.

3 § 2362. Definitions.

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

7 "Board." The Independent Citizens Law Enforcement Review  
8 Board established under this act.

9 "Board of commissioners." The governing body of a county of  
10 the second through the eighth class that is not a home rule  
11 county.

12 "Council." The county council of a county of the second  
13 class that has adopted a home rule charter.

14 "County executive." The chief executive officer of a county  
15 of the second class that has adopted a home rule charter.

16 § 2363. Establishment of Independent Citizens Law Enforcement  
17 Review Board.

18 (a) Establishment.--The board of commissioners or council  
19 may, by ordinance, establish an Independent Citizens Law  
20 Enforcement Review Board for the purposes of receiving  
21 complaints, performing investigations and making recommendations  
22 regarding alleged police misconduct.

23 (b) Composition.--The board shall be comprised of not less  
24 than nine members appointed by the board of commissioners or  
25 county executive with the advice and consent of a majority of  
26 the members of the council.

27 (c) Membership.--Members of the board shall reflect the  
28 geographic and cultural diversity of the county. Members shall  
29 represent the following classifications of municipalities:

30 (1) Two members from a city of the third class if a city

1 of the third class is located in the county.

2 (2) Two members from a borough.

3 (3) Two members from a township of the first class.

4 (4) Two members from a township of the second class.

5 (5) One member representing the county at large.

6 (d) Authority.--The board shall be authorized to:

7 (1) Investigate selected complaints filed by individuals  
8 alleging police misconduct by a police department in a  
9 municipality in the county other than a city of the second  
10 class or in any other municipality that had established an  
11 independent municipal police oversight board in accordance  
12 with an ordinance or court order.

13 (2) Establish a mediation program where a complainant  
14 may voluntarily choose to resolve a complaint by an informal  
15 mediation administered by the board with the municipal police  
16 department.

17 (3) Provide advice and recommendations to the governing  
18 body of a municipality, including the mayor or chief  
19 executive of the municipality, on policies and actions of the  
20 municipal police department, including recommendations on  
21 police training, hiring and disciplinary policies and  
22 specific recommendations of discipline for individual  
23 officers.

24 (4) Conduct public hearings, subpoena witnesses, compel  
25 witness attendance, administer oaths, take the testimony of a  
26 person under oath and require the production of evidence  
27 relating to any other matter under investigation or any  
28 questions before the board.

29 (5) Employ and supervise a staff including a solicitor,  
30 as necessary.

1           (6) Conduct other actions necessary to fulfill the  
2           purpose of the board.

3           (e) Procedures and rules.--The board shall adopt procedures  
4           and rules necessary to fulfill the purpose of the board.

5           (f) Limitation on the authority of the board.--

6           (1) The board shall only be authorized to complete  
7           investigations, make findings and recommendations as provided  
8           in this subchapter. The governing body of a municipality,  
9           including the mayor or chief executive of the municipality,  
10           shall retain full and ultimate authority to set disciplinary  
11           policies or take other actions deemed appropriate relative to  
12           the municipal police department. The findings and  
13           recommendations of the board relative to any investigation  
14           shall be advisory.

15           (2) The board may not investigate complaints involving  
16           the conduct of a Federal or State law enforcement agency or  
17           officer.

18           Section 2. This act shall take effect in 60 days.