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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1208 Session of  
2020

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INTRODUCED BY FONTANA, L. WILLIAMS, MUTH, COSTA, HAYWOOD,  
STREET, KEARNEY, FARNESE, SANTARSIERO, HUGHES AND BOSCOLA,  
JULY 10, 2020

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REFERRED TO LAW AND JUSTICE, JULY 10, 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

18 County Independent Citizens Law Enforcement Review Board in

1 counties of the second class through the eighth class.

2 § 2362. Definitions.

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

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

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

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

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

15 § 2363. Establishment of Independent Citizens Law Enforcement  
16 Review Board.

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

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

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

29 (1) Two members from a city of the third class if a city  
30 of the third class is located in the county.

- 1           (2) Two members from a borough.  
2           (3) Two members from a township of the first class.  
3           (4) Two members from a township of the second class.  
4           (5) One member representing the county at large.

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

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

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

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

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

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

30           (6) Conduct other actions necessary to fulfill the

1 purpose of the board.

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

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

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

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

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