
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 127 Session of
2021

INTRODUCED BY FONTANA, STREET, MUTH, KEARNEY, HUGHES,
SANTARSIERO AND COSTA, JANUARY 26, 2021

REFERRED TO LAW AND JUSTICE, JANUARY 26, 2021

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
19 counties of the second class through eighth class.

1 § 2362. Definitions.

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

5 "Board." The Independent Citizens Law Enforcement Review
6 Board established under section 2363 (relating to establishment
7 of Independent Citizens Law Enforcement Review Board).

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

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

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

14 § 2363. Establishment of Independent Citizens Law Enforcement
15 Review Board.

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

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

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

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

30 (2) Two members from a borough.

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

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

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

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

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

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

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

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

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

29 (6) Conduct other actions necessary to fulfill the
30 purpose of the board.

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

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

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

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

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