
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1026 Session of
2022

INTRODUCED BY HAYWOOD, HUGHES, COLLETT, KEARNEY, COSTA, STREET,
FONTANA, KANE, SCHWANK AND L. WILLIAMS, JANUARY 20, 2022

REFERRED TO LAW AND JUSTICE, JANUARY 20, 2022

AN ACT

1 Providing for a full and independent investigation into a use of
2 deadly force by a police officer.

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 Community and
7 Police Response Act.

8 Section 2. Definitions.

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

12 "Involved police department." A police department that:

- 13 (1) is being investigated for a use of deadly force; or
14 (2) employs a police officer being investigated for a
15 use of deadly force.

16 "Police department." Any of the following:

- 17 (1) A police department as defined in 53 Pa.C.S. § 2162
18 (relating to definitions).

1 (2) The Pennsylvania State Police.

2 "Police officer." Any of the following:

3 (1) A police officer as defined in 53 Pa.C.S. § 2162.

4 (2) A member of the Pennsylvania State Police.

5 "Use of deadly force." An incident in which a police officer
6 applied a use of force and a death occurred as a result.

7 "Use of force." As described in 18 Pa.C.S. § 508 (relating
8 to use of force in law enforcement).

9 Section 3. Application.

10 This act applies to a use of deadly force by a police
11 officer.

12 Section 4. Full and independent investigation.

13 (a) Selection of team.--The district attorney of the county
14 in which a use of deadly force occurred shall assemble and lead
15 a team, unrelated to the involved police department, of law
16 enforcement personnel and experts to conduct a full and
17 independent investigation into the use of deadly force in
18 accordance with this act.

19 (b) Participation in investigation.--Once an involved police
20 department transfers jurisdiction to the district attorney, no
21 member of the involved police department may participate in the
22 independent investigation unless the following conditions apply:

23 (1) Participation is requested by the district attorney.

24 (2) Participation is in a limited capacity and only as
25 the district attorney deems necessary for the investigation.

26 (c) Powers and duties of district attorney.--

27 (1) As part of the investigation under this section, the
28 district attorney shall, without limitation:

29 (i) Secure and take jurisdiction of the scene of the
30 use of deadly force upon arrival as soon as possible.

- 1 (ii) Gather and analyze evidence.
- 2 (iii) Conduct witness interviews.
- 3 (iv) Review and commission any necessary
- 4 investigative or scientific reports.
- 5 (v) Review audio and video recordings.
- 6 (vi) Review photographs.
- 7 (vii) Review physical evidence.
- 8 (viii) Review geolocation and electronic evidence.

9 (2) The district attorney shall maintain public trust in
10 law enforcement by ensuring that the investigation under this
11 section is conducted without actual bias or conflict of
12 interest and without an appearance of bias or conflict of
13 interest.

14 (3) The district attorney shall exercise all other
15 existing powers and duties of original jurisdiction over the
16 scene of the use of deadly force.

17 (4) The district attorney shall complete the
18 investigation under this section within either of the
19 following time frames:

20 (i) Within 90 days of the use of deadly force.

21 (ii) If referred to an investigating grand jury,
22 within 12 months of the referral or the end of the
23 investigating grand jury's term, whichever is sooner.

24 (5) Upon completion of the investigation under this
25 section, the district attorney shall publish the findings of
26 the investigation on the publicly accessible Internet website
27 of the office of district attorney, subject to any exemptions
28 from access under the act of February 14, 2008 (P.L.6, No.3),
29 known as the Right-to-Know Law.

30 (d) Compliance.--The involved police department shall have a

1 duty to comply with the requests of the district attorney
2 related to the investigation under this section.

3 Section 5. Referral and report.

4 (a) Conflict of interest and discretion.--The district
5 attorney conducting the investigation under section 4 shall
6 avoid an actual or apparent conflict of interest when
7 determining whether to file charges against a police officer
8 involved in the use of deadly force and may either:

9 (1) Prosecute the case through its office.

10 (2) Refer the case to an investigating grand jury under
11 42 Pa.C.S. Ch. 45 Subch. D (relating to investigating grand
12 juries), provided the case may only be brought before an
13 investigating grand jury once.

14 (3) Refer the case to the Attorney General, in which
15 case the district attorney shall:

16 (i) Notify the Attorney General of the referral in
17 writing within seven days of the decision not to
18 prosecute.

19 (ii) Subject to subsection (b), publish a report on
20 the publicly accessible Internet website of the office of
21 district attorney within seven days of the decision not
22 to prosecute, subject to any exemptions from access under
23 the act of February 14, 2008 (P.L.6, No.3), known as the
24 Right-to-Know Law, which details the incident in which
25 the use of deadly force was applied and provides the
26 reasons that the district attorney declines to prosecute.

27 (iii) Subject to subsection (c), refer the case and
28 forward all available investigative materials to the
29 Attorney General.

30 (b) Report.--The report under subsection (a)(3)(ii) shall

1 include, but not be limited to, the following:

2 (1) Events leading up to the use of deadly force.

3 (2) Why the use of force was applied.

4 (3) Utilization of any deescalation techniques.

5 (4) The behavior and speech of the victim before and
6 during the use of deadly force.

7 (5) The cause of death on the victim's death certificate
8 and a medical examiner's report.

9 (6) The behavior and speech by the police officer who
10 applied use of force before, during and after the use of
11 deadly force.

12 (7) Details of the scene of the use of deadly force.

13 (c) Investigative materials.--Upon referral to the Attorney
14 General, the district attorney shall provide all investigative
15 materials to the Attorney General, including, but not limited
16 to:

17 (1) Critical facts of the case.

18 (2) All evidence gathered in the investigation.

19 (3) Any involvement or connections between the police
20 officer who applied the use of deadly force and the district
21 attorney.

22 (4) The report under this section.

23 Section 6. Public response.

24 Subject to 65 Pa.C.S. Ch. 7 (relating to open meetings), the
25 district attorney conducting the investigation under section 4,
26 or the Attorney General in the event of referral under section
27 5, shall conduct a public meeting to share information and
28 discuss the use of deadly force with the public no later than
29 seven days after the use of deadly force occurs.

30 Section 7. Effective date.

1 This act shall take effect in 60 days.