
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1202 Session of
2020

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

REFERRED TO LAW AND JUSTICE, JULY 10, 2020

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in general provisions relating to area
3 government and intergovernmental cooperation, providing for
4 civilian police oversight 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 CIVILIAN POLICE OVERSIGHT BOARDS

11 Sec.

12 2361. Scope of subchapter.

13 2362. Definitions.

14 2363. Establishment.

15 § 2361. Scope of subchapter.

16 This subchapter relates to citizen police oversight boards.

17 § 2362. Definitions.

18 The following words and phrases when used in this subchapter

1 shall have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Board." A civilian police oversight board established under
4 this subchapter.

5 "Chief executive." The chief executive of a municipality.

6 "Governing body." The governing body of a municipality.

7 § 2363. Establishment.

8 (a) Establishment.--A municipality that operates a police
9 department shall, by ordinance, establish a citizen police
10 oversight board for the purposes of receiving complaints,
11 performing investigations and making recommendations regarding
12 alleged police misconduct.

13 (b) Composition.--The board shall be comprised of not less
14 than three members appointed by the chief executive, with the
15 advice and consent of the governing body, if applicable.

16 (c) Membership.--Members of the board shall reflect the
17 geographic, economic and cultural diversity of the municipality.
18 Employees of municipal or county police departments or their
19 immediate family members shall be ineligible from serving on a
20 board.

21 (d) Powers and duties.--The powers and duties of a board
22 shall be determined by the municipality and may include:

23 (1) Review, revise and promulgate police department
24 policies, procedures and standing orders.

25 (2) Investigate all complaints filed by individuals
26 alleging police misconduct by the police department.

27 (3) Establish a mediation program in which a complainant
28 may voluntarily choose to resolve a complaint by an informal
29 mediation administered by the board with the police
30 department.

1 (4) Provide advice and recommendations to the chief
2 executive or governing body on policies and actions of the
3 police department, including recommendations on police
4 training, hiring and disciplinary policies and specific
5 recommendations of discipline for individual officers.

6 (5) Conduct public hearings, subpoena witnesses, compel
7 witness attendance, administer oaths, take the testimony of a
8 person under oath and require the production of evidence
9 relating to any other matter under investigation or question
10 before the board.

11 (6) Upon completion of hearings or investigations,
12 determine and administer, in consultation with the chief of
13 police, appropriate disciplinary action for police officers
14 found in violation of department policies and to refer for
15 criminal prosecution violations of law.

16 (7) Recommend from a pool of candidates provided by the
17 chief executive or the governing body the hiring of a new
18 chief of police.

19 (8) In consultation with the chief executive, remove a
20 chief of police for cause following an appropriate
21 investigation.

22 (9) Employ and supervise a staff, including a solicitor,
23 as necessary.

24 (10) Conduct other actions necessary to fulfill the
25 purpose of the board.

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

28 (f) Funding.--

29 (1) Funding shall be appropriated by the General
30 Assembly for the initial establishment of each civilian

1 police oversight board based on the following criteria:

2 (i) For boards authorized to conduct investigations,
3 to determine department policy, including personnel
4 hiring and firing decisions, and to take disciplinary
5 actions against police officers up to and including
6 termination, an amount equal to 1% of the total municipal
7 police budget.

8 (ii) For boards authorized to conduct investigations
9 and to determine policy, but only to recommend
10 disciplinary action, an amount equal to 0.25% of the
11 total municipal police budget.

12 (iii) For boards authorized only to recommend or to
13 advise on policies or procedures, an amount equal to 0.1%
14 of the total municipal police budget.

15 (2) Funding shall be appropriated each fiscal year by
16 the General Assembly for continuing operation of each board
17 at 100% of the levels set by paragraph (1) (i), (ii) and (iii)
18 for a period of three years following the establishment of a
19 board. Following that time period, State appropriations shall
20 be reduced by 15% each year until an equal share of funding
21 is shared by the State and municipality, the total of which
22 may not be less than the prorated amounts established in
23 paragraph (1) (i), (ii) and (iii).

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