
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1262 Session of
2018

INTRODUCED BY FONTANA, COSTA AND HUGHES, OCTOBER 4, 2018

REFERRED TO LOCAL GOVERNMENT, OCTOBER 4, 2018

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 that have adopted a home rule

1 charter.

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

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

12 § 2363. Establishment of Independent Citizens Law Enforcement
13 Review Board.

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

18 (b) Composition.--The board shall be comprised of not less
19 than nine members appointed by the county executive with the
20 advice and consent of a majority of the members of the council.

21 (c) Membership.--Members of the board shall reflect the
22 geographic and cultural diversity of the county. Members shall
23 represent the following classifications of municipalities:

24 (1) Two members from a city of the third class.

25 (2) Two members from a borough.

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

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

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

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

30 (1) Investigate selected complaints filed by individuals

1 alleging police misconduct by a police department in a
2 municipality in the county other than a city of the second
3 class.

4 (2) Establish a mediation program where a complainant
5 may voluntarily choose to resolve a complaint by an informal
6 mediation administered by the board with the municipal police
7 department.

8 (3) Provide advice and recommendations to the
9 municipality and the county executive of the municipality on
10 policies and actions of the municipal police department,
11 including recommendations on police training, hiring and
12 disciplinary policies and specific recommendations of
13 discipline for individual officers.

14 (4) Conduct public hearings, subpoena witnesses, compel
15 witness attendance, administer oaths, take the testimony of a
16 person under oath and require the production of evidence
17 relating to any other matter under investigation or any
18 questions before the board.

19 (5) Employ and supervise a staff including a solicitor,
20 as necessary.

21 (6) Conduct other actions necessary to fulfill the
22 purpose of the board.

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

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

26 (1) The board shall only be authorized to complete
27 investigations, make findings and recommendations as provided
28 in this subchapter. The governing authority of the political
29 subdivision and the county executive of the political
30 subdivision shall retain full and ultimate authority to set

1 disciplinary policies or take other actions deemed
2 appropriate relative to the municipal police department. The
3 findings and recommendations of the board relative to any
4 investigation shall be advisory.

5 (2) The board may not investigate allegations of police
6 misconduct in a municipality that has established a municipal
7 board authorized to investigate alleged incidents of police
8 misconduct.

9 (3) The board may not investigate complaints involving
10 the conduct of a Federal or State law enforcement agency or
11 officer.

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