
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 949 Session of
2023

INTRODUCED BY HAYWOOD, HUGHES, KEARNEY, STREET, COLLETT, COSTA,
CAPPELLETTI, SAVAL, MUTH AND KANE, OCTOBER 3, 2023

REFERRED TO LAW AND JUSTICE, OCTOBER 3, 2023

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 employs an involved police officer.

14 "Involved police officer." A police officer that is being
15 investigated for the 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 by an
18 involved police officer in accordance with this act. The
19 district attorney may request that the Attorney General perform
20 an investigation authorized under this act pursuant to section
21 205(a)(3) of the act of October 15, 1980 (P.L.950, No.164),
22 known as the Commonwealth Attorneys Act.

23 (b) Prohibition.--Except as provided under subsection (c),
24 once an involved police department transfers jurisdiction to the
25 district attorney to investigate the involved police department,
26 no member of the involved police department may participate in
27 the independent investigation unless the following conditions
28 apply:

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

30 (2) Participation is in a limited capacity and only as

1 the district attorney deems necessary for the investigation.

2 (c) Investigation of departmental directives.--An involved
3 police department shall investigate an involved police officer
4 for violations of departmental directives.

5 (d) Powers and duties of district attorney.--

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

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

10 (ii) Gather and analyze evidence.

11 (iii) Conduct witness interviews.

12 (iv) Review and commission any necessary
13 investigative or scientific reports.

14 (v) Review audio and video recordings.

15 (vi) Review photographs.

16 (vii) Review physical evidence.

17 (viii) Review geolocation and electronic evidence.

18 (2) The district attorney shall maintain public trust in
19 law enforcement by ensuring that the investigation under this
20 section is conducted without actual bias or conflict of
21 interest and without an appearance of bias or conflict of
22 interest.

23 (3) The district attorney shall exercise all other
24 existing powers and duties of jurisdiction relative to any
25 investigation of the involved police department over the
26 scene of the use of deadly force.

27 (4) The district attorney shall complete the
28 investigation under this section within either of the
29 following time frames:

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

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

4 (5) Upon completion of the investigation under this
5 section, the district attorney shall publish the findings of
6 the investigation on the publicly accessible Internet website
7 of the office of district attorney, subject to any exemptions
8 from access under the act of February 14, 2008 (P.L.6, No.3),
9 known as the Right-to-Know Law, or 18 Pa.C.S. Ch. 91
10 (relating to criminal history record information).

11 (e) Compliance.--The involved police department shall have a
12 duty to comply with the requests of the district attorney
13 related to the investigation under this section.

14 Section 5. Referral and report.

15 (a) Conflict of interest and discretion.--The district
16 attorney conducting the investigation under section 4 shall
17 avoid an actual or apparent conflict of interest when
18 determining whether to file charges against an involved police
19 officer and may either:

20 (1) Prosecute the case through the district attorney's
21 office.

22 (2) Refer the case to an investigating grand jury under
23 42 Pa.C.S. Ch. 45 Subch. D (relating to investigating grand
24 juries), provided the case may only be brought before an
25 investigating grand jury once.

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

28 (i) Notify the Attorney General of the referral in
29 writing within seven days of the decision not to
30 prosecute.

1 (ii) Subject to subsection (b), publish a report on
2 the publicly accessible Internet website of the office of
3 district attorney within seven days of the decision not
4 to prosecute, subject to any exemptions from access under
5 the act of February 14, 2008 (P.L.6, No.3), known as the
6 Right-to-Know Law, or 18 Pa.C.S. Ch. 91 (relating to
7 criminal history record information), which details the
8 incident in which the use of deadly force was applied and
9 provides the reasons that the district attorney declines
10 to prosecute.

11 (iii) Subject to subsection (c), refer the case and
12 forward all available investigative materials to the
13 Attorney General.

14 (b) Report.--The report under subsection (a)(3)(ii) shall
15 include, but not be limited to, the following:

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

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

18 (3) Utilization of any deescalation techniques.

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

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

23 (6) The behavior and speech by the involved police
24 officer before, during and after the use of deadly force.

25 (7) Details of the scene and the use of deadly force.

26 (c) Investigative materials.--Upon referral to the Attorney
27 General, the district attorney shall provide all investigative
28 materials to the Attorney General, including, but not limited
29 to:

30 (1) Critical facts of the case.

1 (2) All evidence gathered in the investigation.

2 (3) Any involvement or connections between the involved
3 police officer and the district attorney.

4 (4) The report under this section.

5 Section 6. Public response.

6 Pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings), the
7 district attorney conducting the investigation under section 4,
8 or the Attorney General in the event of referral under section
9 5, shall conduct a public meeting to share information and
10 discuss the use of deadly force with the public no later than
11 seven days after the use of deadly force occurs.

12 Section 7. Effective date.

13 This act shall take effect in 60 days.