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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 728 Session of  
2021

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INTRODUCED BY D. MILLER, HILL-EVANS, KINSEY, MADDEN, SANCHEZ,  
A. DAVIS, LEE, GALLOWAY, SCHLOSSBERG, HOHENSTEIN, KINKEAD AND  
SIMS, MARCH 17, 2021

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 17, 2021

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AN ACT

1 Providing for use of force reporting and for duties of the  
2 Municipal Police Officers' Education and Training Commission,  
3 the Pennsylvania State Police and law enforcement agencies.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Use of Force  
8 Reporting Act.

9 Section 2. Definitions.

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

13 "Commission." The Municipal Police Officers' Education and  
14 Training Commission.

15 "Committee." As described in section 3(a).

16 "Form." The Use of Force Report Form under section 3.

17 "Law enforcement agency." An agency that employs a law  
18 enforcement officer.

1 "Law enforcement officer." As follows:

2 (1) An individual who by virtue of the individual's  
3 office or public employment is vested by law with a duty to  
4 maintain public order or make arrests for offenses, whether  
5 or not that duty extends to all offenses or is limited to  
6 specific offenses.

7 (2) The term includes the following:

8 (i) A full-time or part-time employee assigned to  
9 criminal or traffic law enforcement duties of a police  
10 department of a county, region, city, borough, town,  
11 township or school entity.

12 (ii) A member of the Pennsylvania State Police.

13 (iii) A sheriff, deputy sheriff or constable.

14 (iv) An individual on active State duty under 51  
15 Pa.C.S. § 508 (relating to active duty for emergency).

16 Section 3. Development of form.

17 (a) Committee.--Within 180 days of the effective date of  
18 this section, the commission, in conjunction with the  
19 Pennsylvania Chiefs of Police Association and any other  
20 organization deemed necessary by the commission, shall establish  
21 a committee and develop a Use of Force Report Form.

22 (b) Purpose.--The form shall be used by each law enforcement  
23 agency within this Commonwealth to document when a law  
24 enforcement officer of the law enforcement agency, while engaged  
25 in the public discharge of duties, uses force or a weapon or  
26 threatens the use of a weapon on a suspect.

27 (c) Standards.--The committee shall establish threshold  
28 standards regarding the nature and amount of force applied to a  
29 suspect that would require the completion of the form. At a  
30 minimum, the threshold standards shall include the following:

1 (1) Any force deployed by a law enforcement officer that  
2 extends beyond what is necessary for compliant suspect  
3 handcuffing.

4 (2) Any time that a law enforcement officer uses or  
5 threatens to use a weapon on a suspect.

6 (d) Notice.--Upon development of the form, the commission  
7 shall transmit notice of the development of the form to the  
8 Legislative Reference Bureau for publication in the Pennsylvania  
9 Bulletin.

10 Section 4. Contents of form.

11 (a) Specific information.--At a minimum, the form shall  
12 require a law enforcement officer to provide the following, to  
13 the best of the law enforcement officer's ability:

14 (1) The following information regarding the law  
15 enforcement officer and the suspect:

16 (i) Physical characteristics, including age, height,  
17 weight, gender and race.

18 (ii) The use of force continuum during the incident.

19 (iii) How contact between the law enforcement  
20 officer and the suspect was initialized.

21 (iv) The possession, warnings, display and use of  
22 weapons during the incident.

23 (v) A characterization of the dialogue between the  
24 law enforcement officer and the suspect during the  
25 incident.

26 (vi) Weaponless tactics used during the incident.

27 (vii) Any body part that is injured as a result of  
28 the incident.

29 (viii) Any medical attention needed following the  
30 use of force during the incident.

1 (2) The following information:

2 (i) Prior knowledge of the suspect by the law  
3 enforcement officer.

4 (ii) The number of law enforcement officers,  
5 suspects and bystanders at the scene of the incident.

6 (iii) The suspect's general response to the law  
7 enforcement officer and other law enforcement officers  
8 during the incident.

9 (iv) The type of approach by the law enforcement  
10 officer during the incident.

11 (v) Any suspected impairment of the suspect during  
12 the incident.

13 (b) Signatures.--A completed form must contain the  
14 signatures of the following:

15 (1) The law enforcement officer providing the  
16 information contained in the completed form.

17 (2) The law enforcement officer's supervisor, who shall  
18 attest to the completion and review of the form prior to  
19 submission.

20 (c) Public disclosure.--The form shall be designed to  
21 protect from disclosure information that would be exempted under  
22 the act of February 14, 2008 (P.L.6, No.3), known as the Right-  
23 to-Know Law.

24 Section 5. Policy and procedures.

25 (a) Action by committee.--The committee shall develop policy  
26 and procedures that shall establish the minimum standards for  
27 law enforcement agencies to train and comply with this act.

28 (b) Action by law enforcement agencies.--Within 90 days of  
29 the publication in the Pennsylvania Bulletin of the notice under  
30 section 3(d), each law enforcement agency shall amend its

1 policies and procedures in accordance with this act, which shall  
2 include the adoption and use of the form.

3 Section 6. Database.

4 (a) Development.--No later than 90 days after the enactment  
5 of the general appropriation act following the effective date of  
6 this section, the Pennsylvania State Police shall develop a  
7 database with the capability to receive, store, tabulate and  
8 analyze the data sets required to be documented by all law  
9 enforcement agencies under completed forms. This requirement may  
10 be met by the Statewide adoption of a national incident-based  
11 reporting system that is determined by the Pennsylvania State  
12 Police to meet the same requirements of this act.

13 (b) Submittal of completed forms.--Upon the development of  
14 the database described in subsection (a), each law enforcement  
15 agency shall electronically submit each completed form to the  
16 database within 72 hours of the incident that necessitates  
17 completion of the form.

18 Section 7. Annual reports.

19 Within one year following the development of the database  
20 under section 6(a), and each year thereafter, the Pennsylvania  
21 State Police shall submit to the General Assembly and post on  
22 the publicly accessible Internet website of the Pennsylvania  
23 State Police a report that:

24 (1) summarizes the data sets in the database;

25 (2) summarizes the analyses of the data sets in the  
26 database; and

27 (3) extrapolates recommendations to improve the  
28 database, the form and the policies and procedures made in  
29 accordance with this act.

30 Section 8. Effect of act.

1        Nothing in this act is intended to limit an analysis done by  
2 a law enforcement agency regarding the forms completed by the  
3 law enforcement agency or data sets created by the law  
4 enforcement agency.

5 Section 9. Effective date.

6        This act shall take effect in 60 days.