

ACLU-PA Position: Support

Bill summary

[HB 1841](#) PN 4011 mandates background reporting and investigations for prospective law enforcement applicants and requires that those records are maintained in an electronic database. The database is accessible to law enforcement agencies to screen potential officers before hiring.

Bill details

Background checks and hiring

- Provides a uniform standard for data collection by requiring four types of employment records to be maintained by all law enforcement agencies.
 - Requires an electronic database of all these records.
- Mandates that a law enforcement agency conduct a background investigation and obtain an officer's "separation record" before hiring an officer.
- Requires disclosure of these records by the former law enforcement agency, so long as the request is in writing, signed by the applicant, and the chief of the police of the prospective law enforcement agency.
- If the former agency refuses to disclose, the hiring agency may petition for relief in the Commonwealth Court. Provides a mechanism to require recalcitrant employers to be forced to release employee information about police officer candidates.

Public disclosure

- Neither the database nor the separation reports are subject to disclosure under the Right to Know Law.
- Neither the public nor the press could access specific complaints, but they could see if a department had hired an officer whose record included criminal charges, civil and ethics complaints from the public, or internal complaints of harassment, discrimination, sexual misconduct or domestic violence, among other issues.
- If an agency hires an officer with a disciplinary finding against them for a list of articulated misconduct, the hiring agency must submit a report to the Commission explaining the reason why they hired this officer. These hiring reports **are** subject to Right to Know requests.
- **Open question:** It is unclear whether separation records under HB 1841 include officers who left voluntarily after wrong-doing. The bill should make clear that separation records include both VOLUNTARY termination AND involuntary termination.

While not perfect, the background checks and records database created by HB 1841 are important first steps to ensuring that police chiefs and mayors can access officer disciplinary records before making a hiring decision. Access to these records may help reduce the number of problematic and abusive officers that often move easily from one jurisdiction to another.

Bill status

- Read and check the bill status here: [HB 1841](#).