






ACLU-PA Position: Neutral

Bill summary


[SB 1205](#) (PN 1818) would require each law enforcement agency (LEA) to adopt and implement a use of force policy and publicly post it. It would also limit the use of chokehold restraints.

What the bill proposes

Requires each law enforcement agency to develop its own use of force policy

- Type of force: Only requires law enforcement agencies to have a policy on use of force that causes death or serious bodily injury.
 -  Every agency should have a policy governing the use of *any* force capable of causing injury.
- Policy guidelines: Use of force policies should include the following elements:
 - Decision-making criteria or principles for initiation of force
 - Responsibilities of the law enforcement officers
 - Responsibilities of the field supervisor
 - Decision-making criteria or principles for termination of force
 - Recordkeeping protocols for use of force incidents
- Use of force training: Requires officers receive annual training on their department's use of force policy.
 -  De-escalation: As part of this training, the bill explicitly states that officers *are not required* to use de-escalation or harm reduction techniques. It states an officer can “consider” de-escalation as he deems it “reasonably prudent” to apply.
- Biennial certification: Every other year, the Municipal Police Officers' Education and Training Commission will certify whether each LEA agency has a use of force policy in effect and must provide the Pennsylvania State Police with a list of which agencies have (or have not adopted) a use of force policy.
 -  There is no provision that requires that this list be made publicly available.
- Requires departments to publicly post their use of force policies.
 -  There is no provision that prohibits departments from redacting portions of their policy before publicly posting it.
-  Accountability: There is no provision that requires use of force policies to include how officers are held accountable when an officer violates the policy.

Limits the use of chokeholds

- The bill defines chokehold as “[a] physical maneuver that restricts an individual’s ability to breathe for the purposes of incapacitation,” and permits chokeholds when “deadly force is authorized.”
 -  Therefore, SB 1205 PERMITS chokeholds when deadly force is justified and PROHIBITS using chokeholds solely to incapacitate someone.

ACLU-PA concerns

Instead of addressing what's in the purview of the legislature to fix, namely, reforming Pennsylvania's overly permissive use of force statute, this bill merely directs law enforcement agencies to adopt use of force policies, despite the fact that most departments already have one. It does, however, require that use of force policies are publicly posted. And instead of banning the use of chokehold restraints, SB 1205 only limits their use.

Bill status

- Passed the Senate on June 24, 2020 by a [vote](#) of 50-0; awaiting consideration in House Judiciary.
- Read the bill and check the bill's current status [here](#).