

ACLU-PA Position: Opposed

Bill summary

[SB 459](#) (PN 1817) would require that all police departments maintain records of use of force incidents resulting in serious bodily injury or death and forward those records to the Pennsylvania State Police. The State Police would then compile the records into an annual, aggregated report for distribution to the Attorney General, the House and Senate Judiciary committees, and the Senate Law and Justice committee.

What the bill proposes

Use of force records

- Each law enforcement agency (LEA) must maintain records of use of force incidents and forward those reports to the Pennsylvania State Police (PSP).
 -  Only requires reporting of incidents that may result in serious bodily injury or death (as opposed to all uses of force or incidents resulting in *any* injury) and defines “serious bodily injury” very narrowly.
- A record must include:
 - Reason for the use of force
 - Personal injuries (if any)
 - Property damage (if any)
 - Deaths (if any)
 - Suspect information, including statute violations and apprehension status of the suspect
 -  Does not require collection of *any* demographics of the subject (e.g., race, gender, age) or information about the officer(s) involved or their departments.
 -  But it *does* require each report to include the criminal history of the suspect subjected to force.

Annual report

- On an annual basis, the PSP will compile the records from all LEAs to create a report that contains:
 - The total number and percentage of incidents involving 1) the use of force; 2) use of force resulting in serious bodily injury; and 3) use of force resulting in death.
- The report will be distributed to the Attorney General, the House Judiciary committee, Senate Judiciary committee, and the Senate Law and Justice committee.
 -  There is no provision that requires public disclosure of the annual report.

ACLU-PA opposition

While it may be argued that SB 459 takes a step in the right direction because it requires *some* data collection on use of force (currently there is no requirement to collect or report police use of force incidents), the provisions in this bill are tantamount to meaningless. Use of force incidents are tracked in order to 1) identify problem officers in order to intervene before a pattern of excessive force results in harm and/or death, and 2) to identify trends in how force is being used and against whom. But the data collection requirements in SB 459 are so weak and non-descript that the data will yield almost nothing of value. What actions or changes could residents, legislators, mayors, chiefs of police, or officers possibly recommend based on a simple, annual tally of the total number of use of force incidents resulting in serious bodily injury or death (assuming it's made publicly available)? The report will tell us nothing about the officers responsible, which departments they work for, and who was subjected to the use of force. SB 459 offers neither transparency nor accountability. As a result — and by any metric — it fails as a reform measure.

Bill status

- Read the bill and check the bill's current status [here](#).