



## || SENATE OF PENNSYLVANIA BILL SUMMARY

### Senate Bill 404 Printer's No. 331

Prime Sponsor: Senator Argall  
Committee: Labor and Industry

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#### **SYNOPSIS:**

Senate Bill 404 establishes the Correctional Officers Investigation Procedure Act which creates guidelines and procedures governing the investigation and interrogation of Correctional Officers by the Pennsylvania Department of Corrections after certain complaints.

#### **SUMMARY:**

If a correctional officer (CO) is under investigation and subject to interrogation by the department, the following standards must be followed by the Department of Corrections (DOC):

- The interrogation shall be conducted after not less than 24 hours' notice and when the officer is on duty, unless the seriousness requires an immediate investigation.
- The CO may not be terminated from employment or disciplined for any work missed due to the interrogation.
- Interrogations must take place in either the office of the investigating officer, another office in the facility or another DOC facility, or another location to protect the safety or identity of the CO.
- The CO under investigation shall be informed of the name and rank of the officer in charge of the interrogation and all others present during the interrogation and shall be informed in writing of the nature of the complaint and be given the name(s) of the complainant not less than 24 hours prior to the interrogation.
- Anonymous or unsworn complaints, where no corroborative evidence is found within the applicable statute of limitations, must be classified as unfounded and expunged from the CO's personnel file.
- The interrogation must provide for personal necessities and rest periods.
- The CO under interrogation may not be offered promises of reward or threatened in connection with the investigation.
- The interrogation shall be recorded and the recording must be made available to the CO upon request.

- If the CO is under arrest at the time of the interrogation, the CO shall be informed of his or her constitutional rights prior to the interrogation.
- The CO under investigation shall have the right to be represented by counsel.
- Civil complaints made more than 90 days after the applicable statutes of limitations have expired must be classified as unfounded and expunged. Complaints alleging misdemeanors or felonies may not be classified as unfounded or expunged until the applicable statutes of limitations expire.
- A CO has the right to refuse to submit to a polygraph test.
- A CO cannot be threatened with adverse employment action or retaliation for exercising rights under this Act.
- The CO is not required to disclose greater personal information than the principal elected officials of the DOC are required to disclose, unless the information is obtained under proper legal procedures.

The above does not apply to interrogations occurring during certain routine or unplanned contact with a supervisor or other CO.

CO's are provided a cause of action against any person for damages suffered as a result of a complaint which is found to be without merit and either frivolous or made in bad faith.

Collective bargaining agreements may provide greater rights to officers, but may not diminish the rights set forth in this Act.

The suspension of a CO must be in accordance with the "Civil Service Act" except:

- No suspension based on a pending internal investigation shall last more than 60 days from a suspension
  - A CO must be provided written notice within 5 days
  - Medical benefits must continue during a suspension

Pending the disposition of a misdemeanor or felony offense, a correctional officer may be suspended without pay. Medical benefits and insurance to which the officer, spouse, and dependents are entitled by virtue of employment may not be suspended until conviction or separation from the DOC.

If the CO is acquitted of the criminal charge(s), the officer must be reinstated and reimbursed for all salary and benefits that has not been paid.

Effective Date: 60 days

**BILL HISTORY:**

Referred to LABOR AND INDUSTRY, Feb. 5, 2015

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