



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Aida S. Montano

H.B. 616

132nd General Assembly
(As Introduced)

Rep. West

BILL SUMMARY

- Prohibits a law enforcement official or agency from establishing a plan using a quota to evaluate, promote, compensate, transfer, or discipline a police officer under its jurisdiction, from requiring or suggesting that the officer is required or expected to meet a quota, or from offering a benefit to an officer based on the officer's quota.
 - Defines "quota" as a mandate of a finite number of arrests made or citations issued for an offense that a police officer must meet in a specified time period.
 - Excludes from the above prohibitions the collection, analysis, and application of information concerning arrests made or citations issued to ensure that a police officer does not violate an applicable legal obligation, and any assessment of the proportion of arrests made or citations issued by an officer or group of officers.
 - Requires the Attorney General (AG) to establish a form for a police officer to anonymously report the use of quotas in violation of any of the above prohibitions, to investigate such alleged violation, to provide the subject official or agency an opportunity to be heard, and to issue a cease and desist order if a violation is found.
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CONTENT AND OPERATION

Prohibitions against using quotas of arrests and citations

The bill prohibits a "law enforcement official or agency" (hereafter official or agency) from doing any of the following (the terms in quotation marks are defined below):¹

¹ R.C. 109.67(B).

(1) Establish or maintain, formally or informally, a plan utilizing a "quota" on the basis of which to evaluate, promote, compensate, transfer, or discipline a "local or state police officer" (hereafter police officer) over whom the official or agency has jurisdiction;

(2) Require, or suggest to, such police officer that the officer is required or expected to meet a quota;

(3) Offer a financial reward or other benefit to a police officer that is determined by or based on the officer's quota.

Nonapplicability of prohibitions

The above prohibitions do not apply to an official or agency doing any of the following:²

- Collecting, analyzing, and applying any information concerning the number of arrests made and citations issued to ensure that a particular police officer or group of officers does not violate an applicable legal obligation of the officer or officers;
- Assessing the proportion of the arrests made, and citations issued, by a police officer or group of officers.

Reporting use of quotas; investigation

The bill requires the Attorney General (AG) to establish an anonymous form that any police officer may access on the AG's website to anonymously report the use of quotas in violation of the any of the above prohibitions by the official or agency that has jurisdiction over the officer. Upon receiving an anonymous report, the AG must investigate the alleged use of quotas in violation of a prohibition by the official or agency that is the subject of the report and whether any of the circumstances to which the prohibition does not apply exist. The investigation must be conducted within one year after receiving the report.³

The bill requires the AG to determine the procedure for the investigation on a case-by-case basis and provide the official or agency that is the subject of the investigation an opportunity to be heard. If after the investigation the AG finds that the official or agency uses quotas in violation of any of the prohibitions, the AG must order

² R.C. 109.67(C).

³ R.C. 109.67(D)(1).



the official or agency to cease and desist from using quotas in violation of the prohibition.⁴

Definitions

The bill defines the following terms:⁵

(1) "**Law enforcement official or agency**" means any of the following that has jurisdiction over the applicable local or state police officer listed below in (2)(a) through (g) that corresponds with the following respective (a) through (g): (a) a county sheriff, (b) a village marshal, (c) the organized police department of a municipal corporation, (d) the organized police department of a township, (e) a board of township trustees that appoints a township constable, (f) the board of a township police district or of a joint police district, or (g) the State Highway Patrol.

(2) "**Local or state police officer**" means any of the following who is under the jurisdiction of the applicable law enforcement official or agency listed in (1)(a) through (g) above that corresponds with the following respective officers listed in (a) through (g): (a) a county deputy sheriff, (b) a village deputy marshal, (c) a member of the municipal corporation's organized police department, (d) a member of the township's organized police department, (e) a police constable appointed by a board of township trustees, (f) a member of the police force of a township police district or of a joint police district, or (g) a highway patrol trooper of the State Highway Patrol.

(3) "**Quota**" means a mandate of a finite number of arrests made or citations issued for any offense that a local or state police officer must meet in a specified time period.

HISTORY

ACTION	DATE
Introduced	04-24-18

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⁴ R.C. 109.67(D)(2).

⁵ R.C. 109.67(A).

