

As Introduced

131st General Assembly

Regular Session

2015-2016

S. B. No. 23

Senator Thomas

**Cosponsors: Senators Brown, Cafaro, Gentile, Sawyer, Schiavoni, Tavares,
Williams, Yuko**

A BILL

To amend sections 109.802 and 109.803 and to enact 1
sections 2933.84, 2933.85, and 2933.86 of the 2
Revised Code to establish the Ohio Community- 3
Police Relations Commission to investigate the 4
condition of community-police relations and 5
review the use of force by law enforcement 6
officers, to set the rate of reimbursement to 7
public appointing authorities for the cost of 8
continuing professional training for its law 9
enforcement officers and require training in 10
community-focused de-escalation techniques, 11
mental health and special condition response, 12
and cultural sensitivity, to require law 13
enforcement agencies to use traffic tickets and, 14
if used, investigatory stop forms that provide 15
for the recording of the race of the traffic 16
offender or individual stopped or questioned, 17
and to make an appropriation. 18

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.802 and 109.803 be amended 19
and sections 2933.84, 2933.85, and 2933.86 of the Revised Code 20
be enacted to read as follows: 21

Sec. 109.802. (A) There is hereby created in the state 22
treasury the law enforcement assistance fund. The attorney 23
general shall use the fund to pay reimbursements for continuing 24
professional training programs for peace officers and troopers 25
as provided in this section and section 109.803 of the Revised 26
Code, compensation of any employees of the attorney general 27
required to administer those sections, and any other 28
administrative costs incurred by the attorney general to 29
administer those sections. 30

(B) The attorney general shall adopt rules in accordance 31
with Chapter 119. of the Revised Code establishing application 32
procedures, standards, and guidelines, and prescribing an 33
application form, for the reimbursement of public appointing 34
authorities for the cost of continuing professional training 35
programs for their peace officers and troopers. The rules shall 36
include, but are not limited to, all of the following: 37

(1) A requirement that applications for reimbursement be 38
submitted on a calendar-year basis; 39

(2) The documentation required to substantiate ~~any costs~~ 40
the number of hours of continuing professional training programs 41
completed by the appointing authority's peace officers or 42
troopers for which the applicant seeks reimbursement; 43

(3) Procedures for submitting applications for 44
reimbursement for the cost of continuing professional training 45
programs completed by a peace officer or trooper for whom the 46
executive director of the Ohio peace officer training commission 47

granted pursuant to division (A) (2) of section 109.803 of the Revised Code an extension of the time for compliance with the continuing professional training requirement specified in division (A) of that section and who complied with the requirement prior to the date on which the extension ends;

(4) Any other requirements necessary for the proper administration of the reimbursement program.

(C) The Ohio peace officer training commission shall administer a program for reimbursing public appointing authorities for the costs of continuing professional training programs that are successfully completed by the appointing authority's peace officers or troopers. The commission shall administer the reimbursement program in accordance with rules adopted by the attorney general pursuant to division (B) of this section.

(D) Each public appointing authority may apply each calendar year to the peace officer training commission for reimbursement for the costs of continuing professional training programs that are successfully completed by the appointing authority's peace officers or troopers. Each application shall be made in accordance with, on an application form prescribed in, and be supported by the documentation required by, the rules adopted by the attorney general pursuant to division (B) of this section.

(E) (1) The Ohio peace officer training commission, in accordance with rules of the attorney general adopted under division (B) of this section, shall review each application for reimbursement made under division (D) of this section to determine if the applicant is entitled to reimbursement for the training programs for which the applicant seeks reimbursement.

Except as provided in division (E) (2) of this section, a public 78
appointing authority that complies with division (B) of section 79
109.761 of the Revised Code and applies under division (D) of 80
this section for reimbursement is entitled to reimbursement for 81
each of the appointing authority's peace officers or troopers 82
who timely complies with the continuing professional training 83
requirement specified in division (A) (1) of section 109.803 of 84
the Revised Code by completing the minimum number of hours of 85
training directed by the Ohio peace officer training commission 86
under that division and with the other requirements described in 87
that division. 88

(2) If a peace officer or trooper of the public appointing 89
authority for whom the executive director of the commission 90
granted an extension pursuant to division (A) (2) of section 91
109.803 of the Revised Code complies prior to the date on which 92
the extension ends with the continuing professional training 93
requirement, and if the peace officer or trooper also has 94
complied with the other requirements described in division (A) 95
(1) of section 109.803 of the Revised Code, the public 96
appointing authority is entitled to reimbursement for the 97
training programs completed by that peace officer or trooper. An 98
application for reimbursement of the type described in this 99
division shall be made in accordance with rules adopted by the 100
attorney general pursuant to division (B) of section 109.802 of 101
the Revised Code. 102

(3) If a public appointing authority that applies under 103
division (D) of this section for reimbursement is entitled to 104
reimbursement under division (E) (1) or (2) of this section 105
~~for each peace officer and trooper who successfully completes a~~ 106
~~training program,~~ the commission shall approve reimbursing the 107
appointing authority ~~for the cost of that program~~ in an amount 108

~~equal to twenty dollars per hour of training completed by each~~ 109
~~of the appointing authority's peace officers or troopers. The~~ 110
~~actual amount of reimbursement for each authorized training~~ 111
~~program shall be determined by rules adopted by the attorney~~ 112
~~general under division (B) of this section.~~ 113

If the public appointing authority is entitled to 114
reimbursement under division (E) (2) of this section, payment of 115
the reimbursement shall not be withheld during the period of the 116
extension granted to the other peace officers or troopers of the 117
appointing authority pursuant to division (A) (2) of section 118
109.803 of the Revised Code, pending their compliance with the 119
requirement. If the public appointing authority is entitled to 120
reimbursement under division (E) (2) of this section and if one 121
or more of its peace officers or troopers who were granted an 122
extension pursuant to division (A) (2) of section 109.803 of the 123
Revised Code fails to complete prior to the date on which the 124
extension ends the required minimum number of hours of 125
continuing professional training set by the commission under 126
division (A) (1) of section 109.803 of the Revised Code, the 127
failure does not affect the reimbursement made to the public 128
appointing authority, and the public appointing authority is not 129
required to return the reimbursement or any portion of it. 130

(F) Each public appointing authority that receives funds 131
under this section shall keep those funds separate from any 132
other funds of the appointing authority and shall use those 133
funds only for paying the cost of continuing professional 134
training programs. 135

(G) As used in this section and section 109.803 of the 136
Revised Code: 137

(1) "Peace officer" has the same meaning as in section 138

109.71 of the Revised Code. 139

(2) "Trooper" means an individual appointed as a state 140
highway patrol trooper under section 5503.01 of the Revised 141
Code. 142

(3) "Appointing authority" means any agency or entity that 143
appoints a peace officer or trooper. 144

Sec. 109.803. (A) (1) (a) Subject to division (A) (2) of this 145
section, every appointing authority shall require each of its 146
appointed peace officers and troopers to complete up to twenty- 147
four hours of continuing professional training each calendar 148
year, as directed by the Ohio peace officer training commission. 149

(b) The number of hours directed by the commission shall 150
include a minimum of six hours training in each of the areas of 151
community-focused de-escalation techniques, mental health and 152
special condition response, and cultural sensitivity. The 153
training may be in one or any combination of these areas 154
simultaneously. Every appointing authority shall require each of 155
its peace officers and troopers to complete enough training in 156
each of these areas to complete six hours of training in each of 157
these areas over a course of three years. The training must be 158
approved by the Ohio peace officer training commission and shall 159
include representatives of the community who are not peace 160
officers in the training. 161

(c) The number of hours directed by the commission, up to 162
twenty-four hours, is intended to be a minimum requirement, and 163
appointing authorities are encouraged to exceed the number of 164
hours the commission directs as the minimum. The commission 165
shall set the required minimum number of hours based upon 166
available funding for reimbursement as described in this 167

division. If no funding for the reimbursement is available, no continuing professional training will be required. 168
169

(2) An appointing authority may submit a written request 170
to the peace officer training commission that requests for a 171
calendar year because of emergency circumstances an extension of 172
the time within which one or more of its appointed peace 173
officers or troopers must complete the required minimum number 174
of hours of continuing professional training set by the 175
commission, as described in division (A) (1) of this section. A 176
request made under this division shall set forth the name of 177
each of the appointing authority's peace officers or troopers 178
for whom an extension is requested, identify the emergency 179
circumstances related to that peace officer or trooper, include 180
documentation of those emergency circumstances, and set forth 181
the date on which the request is submitted to the commission. A 182
request shall be made under this division not later than the 183
fifteenth day of December in the calendar year for which the 184
extension is requested. 185

Upon receipt of a written request made under this 186
division, the executive director of the commission shall review 187
the request and the submitted documentation. If the executive 188
director of the commission is satisfied that emergency 189
circumstances exist for any peace officer or trooper for whom a 190
request was made under this division, the executive director may 191
approve the request for that peace officer or trooper and grant 192
an extension of the time within which that peace officer or 193
trooper must complete the required minimum number of hours of 194
continuing professional training set by the commission. An 195
extension granted under this division may be for any period of 196
time the executive director believes to be appropriate, and the 197
executive director shall specify in the notice granting the 198

extension the date on which the extension ends. Not later than 199
thirty days after the date on which a request is submitted to 200
the commission, for each peace officer and trooper for whom an 201
extension is requested, the executive director either shall 202
approve the request and grant an extension or deny the request 203
and deny an extension and shall send to the appointing authority 204
that submitted the request written notice of the executive 205
director's decision. 206

If the executive director grants an extension of the time 207
within which a particular appointed peace officer or trooper of 208
an appointing authority must complete the required minimum 209
number of hours of continuing professional training set by the 210
commission, the appointing authority shall require that peace 211
officer or trooper to complete the required minimum number of 212
hours of training not later than the date on which the extension 213
ends. 214

(B) With the advice of the Ohio peace officer training 215
commission, the attorney general shall adopt in accordance with 216
Chapter 119. of the Revised Code rules setting forth minimum 217
standards for continuing professional training for peace 218
officers and troopers and governing the administration of 219
continuing professional training programs for peace officers and 220
troopers. The attorney general shall transmit a certified copy 221
of any rule adopted under this section to the secretary of 222
state. 223

Sec. 2933.84. If a law enforcement agency requires a law 224
enforcement officer to complete a report each time that the 225
officer stops or questions one or more individuals in the 226
performance of the officer's duties, the law enforcement agency 227
shall require the officer to record the race of each individual, 228

as perceived by the officer, and each individual's age and 229
gender, in the report. The law enforcement agency's report form 230
shall indicate the means to record the race of each individual. 231

Sec. 2933.85. (A) A law enforcement officer who issues a 232
traffic ticket to an operator or occupant of a motor vehicle for 233
a violation of a state or municipal traffic law or ordinance 234
shall record the race of the operator or occupant, as perceived 235
by the law enforcement officer, on the traffic ticket. The 236
traffic tickets that a law enforcement agency supplies to its 237
law enforcement officers shall include a place on the ticket for 238
the officer to record the violator's race. 239

(B) As used in this section, "traffic ticket" means a 240
traffic ticket, citation, summons, or other notice of liability 241
issued by a law enforcement officer in response to a traffic law 242
violation. 243

Sec. 2933.86. (A) A law enforcement agency shall file a 244
report with the attorney general and the department of public 245
safety if the actions of a law enforcement officer, acting in 246
the performance of the law enforcement officer's duties, 247
resulted, or is alleged to have resulted, in any of the 248
following: 249

(1) The death of an individual; 250

(2) Physical injury to an individual; 251

(3) A request for medical assistance; 252

(4) The offer or provision of medical assistance to an 253
individual. 254

(B) In any report filed under division (A) of this 255
section, the law enforcement agency shall state if the law 256

enforcement agency is investigating or has investigated the 257
occurrence that required the law enforcement agency to file the 258
report or has entered into a contract for an external 259
investigation of the occurrence. The law enforcement agency 260
shall report the status of the investigation. If the 261
investigation is complete, the law enforcement agency shall 262
state if the investigation concluded that the law enforcement 263
officer's actions were justified. The conduct of an 264
investigation by the law enforcement agency or a person 265
contracted by the law enforcement agency does not affect the 266
state's authority to conduct a separate investigation of the law 267
enforcement officer's actions in accordance with the Revised 268
Code. 269

(C) (1) The department of public safety shall adopt rules 270
specifying the mechanism to be used by a law enforcement agency 271
in filing a report under division (A) of this section and the 272
time period in which the law enforcement agency is required to 273
file the report with the attorney general and the department of 274
public safety. 275

(2) The department of public safety shall adopt rules 276
specifying what constitutes an allegation for purposes of 277
division (A) of this section. 278

Section 2. That existing sections 109.802 and 109.803 of 279
the Revised Code are hereby repealed. 280

Section 3. (A) The Ohio Community-Police Relations 281
Commission is hereby established to investigate and evaluate the 282
circumstances and standards surrounding the use of force in 283
police response to conflict situations and, at its discretion, 284
to review all types of conflict situations in the state, and to 285
review the condition of community-police relations in the state. 286

The goal of the Commission shall be to recommend best practices 287
for community-police relations as appropriate to each political 288
subdivision in the state. 289

(B) The Ohio Community-Police Relations Commission shall 290
consist of the following eighteen members: 291

(1) The president or a designee of the president of the 292
Fraternal Order of Police of Ohio; 293

(2) The president or a designee of the president of the 294
Ohio State Troopers Association; 295

(3) The president or a designee of the president of the 296
Buckeye State Sheriffs' Association; 297

(4) The president or a designee of the president of the 298
Ohio Association of Chiefs of Police; 299

(5) One representative of the Ohio Conference National 300
Association for the Advancement of Colored People; 301

(6) One representative of the American Civil Liberties 302
Union of Ohio; 303

(7) One representative of the Ohio Prosecuting Attorneys 304
Association; 305

(8) One representative of the office of the Ohio Public 306
Defender; 307

(9) Four representatives of local government appointed by 308
the Governor as follows: one county representative, one city 309
representative, one suburban city or township representative, 310
and one rural village, township, or county representative. Not 311
more than two of the representatives of local government shall 312
be members of the same political party. If the intended local 313

government representative is elected to a nonpartisan office, 314
the political party membership of that individual shall be 315
determined by the individual's voting record. 316

(10) Two members of the House of Representatives, one of 317
whom shall be appointed by the Speaker of the House of 318
Representatives and one of whom shall be appointed by the 319
Minority Leader of the House of Representatives; 320

(11) Two members of the Senate, one of whom shall be 321
appointed by the President of the Senate and one of whom shall 322
be appointed by the Minority Leader of the Senate; 323

(12) One representative designated by the Governor; 324

(13) The president or designee of the Ohio Student 325
Association. 326

(C) (1) The appointing or designating authorities under 327
division (B) of this section shall appoint the members of the 328
Ohio Community-Police Relations Commission not later than thirty 329
days after the effective date of this act. Any vacancies shall 330
be filled in the same manner provided for the original 331
appointments or designations. 332

(2) The members of the Commission shall not receive any 333
compensation, but shall be reimbursed for their necessary travel 334
and other expenses. 335

(D) (1) The Ohio Community-Police Relations Commission 336
shall review and make recommendations with regard to all of the 337
following: 338

(a) The best means to facilitate routine internal and 339
external reviews of policing policies; 340

(b) The receipt and tracking of citizen complaints, 341

including the role of strong citizen review and oversight of the receipt and tracking of citizen complaints;

(c) The documentation and evaluation of the use of force;

(d) The use of equipment by police as appropriate to the circumstances of a police response, including the use of tracking and recording devices by police;

(e) Determining the influence of broader criminal justice priorities and practices on the relationship between the community and police;

(f) The best means to maintain the rights, privileges, and safety of individuals and police officers in a consistent and non-discriminatory manner;

(g) The use of specially trained officers in the areas of de-escalation techniques, mental illness and other special conditions, and cultural sensitivity.

(2) In addition to making recommendations on the use of specially trained officers in the areas of de-escalation techniques, mental illness and other special conditions, and cultural sensitivity, the Commission may make recommendations on the appropriate level of training in these areas for all police officers.

(3) In conducting its review and determining its recommendations under this section, the Commission shall review the recommendations of the Ohio Task Force on Community-Police Relations created by Ohio Governor's Executive Order 2014-06K with regard to how to improve police-community relations in Ohio's communities and the issues for future inquiry identified by the Ohio Task Force on Community-Police Relations.

(E) (1) The offices of the Ohio Community-Police Relations Commission shall be located in the facility in which the Ohio Judicial Conference is located.

(2) The officers of the Ohio Judicial Conference shall appoint the chairperson of the Commission.

(3) The chairperson of the Commission shall coordinate its activities and expend any funds appropriated to the Commission to fulfill its mission and perform its duties.

(4) The chairperson of the Commission may hire any staff of the Ohio Judicial Conference on a temporary basis to facilitate meetings, coordinate information, draft recommendations, and perform other functions as determined by the chairperson.

(F) (1) The Ohio Community-Police Relations Commission shall conduct at least six hearings at various locations in the state at which local officials, police representatives, academic personnel, and the public are invited to attend and to present any information and recommendations related to the purposes of the Commission.

(2) Notwithstanding any provision of law or rule to the contrary, the hearings of the Commission shall be recorded or transcribed, and the transcripts shall be made available to the public.

(3) The Commission shall establish an Internet web site. All of the testimony and other information presented at the hearings of the Commission shall be made available for public inspection and be placed on its web site. The web site shall allow for the anonymous submission of information and shall post all submitted information unless otherwise prohibited by law.

(G) (1) The Ohio Community-Police Relations Commission 399
shall issue a report of its findings and recommendations not 400
later than one year after the date of its first public hearing. 401
All recommendations shall include an evaluation of the likely 402
cost and best mechanism to secure the resources needed for 403
implementation of the recommendation. The report shall be 404
approved by a vote of at least two-thirds of the members of the 405
Commission. At the discretion of any member or group of members, 406
minority reports may be issued. The report of the Commission and 407
any minority reports shall be submitted to the General Assembly 408
and the Governor. The reports shall be posted on the web site of 409
the Commission. 410

(2) The Commission shall cease to exist at the expiration 411
of one year after the effective date of this act or upon 412
submission of its report to the General Assembly and the 413
Governor, whichever is later. 414

Section 4. All items in this section are hereby 415
appropriated as designated out of any moneys in the state 416
treasury to the credit of the designated fund. For all 417
appropriations made in this act, those in the first column are 418
for fiscal year 2014 and those in the second column are for 419
fiscal year 2015. The appropriations made in this act are in 420
addition to any other appropriations made for the FY 2014-FY 421
2015 biennium. 422

AGO ATTORNEY GENERAL 423

Dedicated Purpose Fund Group 424

5L50 055619 Law Enforcement	\$0	\$15,000,000	425
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Assistance Program 426

TOTAL DPF Dedicated Purpose Fund Group	\$0	\$15,000,000	427
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TOTAL ALL BUDGET FUND GROUPS	\$0	\$15,000,000	428
LAW ENFORCEMENT ASSISTANCE PROGRAM			429
On the effective date of this act, or as soon as possible			430
thereafter, the Director of Budget and Management shall transfer			431
\$15,000,000 cash from the General Revenue Fund to the Law			432
Enforcement Assistance Fund (Fund 5L50). The amount transferred			433
shall be used by the Attorney General in accordance with section			434
109.802 of the Revised Code as amended by this act.			435
On July 1, 2015, or as soon as possible thereafter, the			436
Attorney General may certify to the Director of Budget and			437
Management the amount of the unexpended, unencumbered balance of			438
the foregoing appropriation item 055619, Law Enforcement			439
Assistance Program, at the end of fiscal year 2015 to be			440
reappropriated to fiscal year 2016. The amount certified is			441
hereby reappropriated to the same appropriation item for fiscal			442
year 2016.			443
JCO JUDICIAL CONFERENCE OF OHIO			444
General Revenue Fund			445
GRF 018402 Ohio Community-Police	\$0	\$700,000	446
Relations Commission			447
TOTAL GRF General Revenue Fund	\$0	\$700,000	448
TOTAL ALL BUDGET FUND GROUPS	\$0	\$700,000	449
OHIO COMMUNITY-POLICE RELATIONS COMMISSION			450
The foregoing appropriation item 018402, Ohio Community-			451
Police Relations Commission, shall be used to support the			452
operation and expenses of the Ohio Community-Police Relations			453
Commission.			454

On July 1, 2015, or as soon as possible thereafter, the
Executive Director of the Ohio Judicial Conference may certify
to the Director of Budget and Management the amount of the
unexpended, unencumbered balance of the foregoing appropriation
item 018402, Ohio Community-Police Relations Commission, at the
end of fiscal year 2015 to be reappropriated to fiscal year
2016. The amount certified is hereby reappropriated to the same
appropriation item for fiscal year 2016.

Section 5. Within the limits set forth in this act, the
Director of Budget and Management shall establish accounts
indicating the source and amount of funds for each appropriation
made in this act, and shall determine the form and manner in
which appropriation accounts shall be maintained. Expenditures
from appropriations contained in this act shall be accounted for
as though made in the main operating appropriations act of the
131st General Assembly.

The appropriations made in this act are subject to all
provisions of the main operating appropriations act of the 131st
General Assembly that are generally applicable to such
appropriations.

Section 6. Sections 2933.84 and 2933.85 of the Revised
Code, as enacted by this act, shall take effect one hundred
eighty days after the effective date of this section.