

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 616

Representative West

A BILL

To enact section 109.67 of the Revised Code to 1
prohibit certain law enforcement officials or 2
agencies from establishing a plan using quotas 3
of arrests made or citations issued by their 4
police officers for the purpose of evaluating, 5
promoting, transferring, rewarding, or 6
disciplining the police officers and to 7
authorize the Attorney General to investigate 8
such use upon an anonymous report of a police 9
officer. 10
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 109.67 of the Revised Code be 13
enacted to read as follows: 14

Sec. 109.67. (A) As used in this section: 15

(1) "Law enforcement official or agency" means any of the 16
following that has jurisdiction over the applicable local or 17
state police officer listed in division (A) (2) (a), (b), (c), 18
(d), (e), (f), or (g) of this section that corresponds with the 19

<u>respective division (A) (1) (a), (b), (c), (d), (e), (f), or (g)</u>	20
<u>of this section:</u>	21
<u>(a) A county sheriff;</u>	22
<u>(b) A village marshal;</u>	23
<u>(c) The organized police department of a municipal</u> <u>corporation;</u>	24 25
<u>(d) The organized police department of a township;</u>	26
<u>(e) A board of township trustees that appoints a township</u> <u>constable;</u>	27 28
<u>(f) The board of a township police district or of a joint</u> <u>police district;</u>	29 30
<u>(g) The state highway patrol.</u>	31
<u>(2) "Local or state police officer" means any of the</u> <u>following who is under the jurisdiction of the applicable law</u> <u>enforcement official or agency listed in division (A) (1) (a),</u> <u>(b), (c), (d), (e), (f), or (g) of this section that corresponds</u> <u>with the respective division (A) (2) (a), (b), (c), (d), (e), (f),</u> <u>or (g) of this section:</u>	32 33 34 35 36 37
<u>(a) A county deputy sheriff;</u>	38
<u>(b) A village deputy marshal;</u>	39
<u>(c) A member of the organized police department of a</u> <u>municipal corporation;</u>	40 41
<u>(d) A member of the organized police department of a</u> <u>township;</u>	42 43
<u>(e) A police constable appointed by a board of township</u> <u>trustees;</u>	44 45

(f) A member of the police force of a township police district or of a joint police district; 46
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(g) A highway patrol trooper of the state highway patrol. 48

(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. 49
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(B) No law enforcement official or agency shall do any of the following: 52
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(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 over whom the law enforcement official or agency has jurisdiction; 54
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(2) Require a local or state police officer described in division (B)(1) of this section, or suggest to the police officer, that the police officer is required or expected to meet a quota; 59
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(3) Offer a financial reward or other benefit to a local or state police officer described in division (B)(1) of this section that is determined by or based on the quota of that police officer. 63
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(C) This section does not prohibit a law enforcement official or agency from doing any of the following: 67
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(1) Collecting, analyzing, and applying any information concerning the number of arrests made and citations issued in order to ensure that a particular local or state police officer or group of local or state police officers does not violate an applicable legal obligation of the officer or officers; 69
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(2) Assessing the proportion of the arrests made, and 74
citations issued, by a local or state police officer or group of 75
local or state police officers. 76

(D) (1) The attorney general shall establish an anonymous 77
form that any local or state police officer may access on the 78
web site of the attorney general for the purpose of anonymously 79
reporting the use of quotas in violation of division (B) (1), 80
(2), or (3) of this section by the law enforcement official or 81
agency that has jurisdiction over the local or state police 82
officer. Upon receiving an anonymous report under this division, 83
the attorney general shall investigate the alleged use of quotas 84
in violation of any of those divisions by the law enforcement 85
official or agency that is the subject of the report and whether 86
any of the circumstances described in division (C) of this 87
section apply. The investigation shall be conducted within one 88
year after receiving the report. 89

(2) The attorney general shall determine the procedure for 90
the investigation conducted under division (D) (1) of this 91
section on a case-by-case basis and shall provide the law 92
enforcement official or agency that is the subject of the 93
investigation an opportunity to be heard. If after the 94
investigation the attorney general finds that the law 95
enforcement official or agency uses quotas in violation of 96
division (B) (1), (2), or (3) of this section, the attorney 97
general shall order the law enforcement official or agency to 98
cease and desist from using quotas in violation of any of those 99
divisions. 100