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H.B. 333
135th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsors: Reps. Sweeney and K. Miller

Local Impact Statement Procedure Required: No

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Highlights

- The bill may result in minimal costs for law enforcement agencies to update policies and procedures related to measuring performance of employed officers.
- The Attorney General will incur minimal costs to establish a form on its website for officers to anonymously report the use of quotas and to investigate, likely few, alleged violations. There will be no discernible impact on the operations or costs for any court that may be involved with enforcing a cease and desist order issued by the Attorney General.

Detailed Analysis

The bill prohibits a law enforcement official or agency from establishing a plan that uses a quota in any of the following ways: (1) as the basis for evaluating, promoting, compensating, transferring, or disciplining an officer, (2) requiring or suggesting that an officer must, or is expected to, meet a quota, and (3) offering a benefit to an officer based on the officer's quota. The bill 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.

While the bill's provisions do not apply to certain activities such as "assessing the proportion of the arrests made, and citations issued, by a local or state police officer or group of officers,"¹ there is a concern that some law enforcement agencies may be required to rewrite or adjust certain performance measures that are currently utilized to measure minimum performance amongst their officers. According to the Ohio Association of Chiefs of Police, these

¹ R.C. 109.70(C)(2).

measures are targets, not quotas. They are calculated by analyzing a work unit's activity and setting a minimum goal for everyone that is a percentage of the average work output for the group. Potentially, there could be minimal costs to update policies and procedures related to measuring performance.

The bill also requires the Attorney General to establish an anonymous form that a police officer may access on the Attorney General's website to anonymously report the use of quotas in violation of any of the above prohibitions. Upon receiving a report, the Attorney General must investigate the alleged violation within one year and issue a cease and desist order if a violation is found.

It is expected that law enforcement officials and agencies will largely comply, with few violations reported statewide. However, there will undoubtedly be some reports alleging violations of the bill's prohibitions. If the Attorney General does find that an official or agency is using quotas, the violator would presumably agree to cease this conduct. The additional costs for the Attorney General, if any, are likely to be no more than minimal annually. There will be no discernible impact on the operations or costs for any court that may, on occasion, be involved with enforcing a cease and desist order.