



# Ohio Legislative Service Commission

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## Bill Analysis

Wendy H. Gridley

### **S.B. 23**

131st General Assembly  
(As Introduced)

**Sens.** Thomas, Brown, Cafaro, Gentile, Sawyer, Schiavoni, Tavares, Thomas, Williams, Yuko

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### **BILL SUMMARY**

- Establishes the Ohio Community-Police Relations Commission.
  - Sets the rate of reimbursement to public appointing authorities for the cost of continuing professional training for its law enforcement officers.
  - Requires training in community-focused de-escalation techniques, mental health and special condition response, and cultural sensitivity for those officers.
  - Requires law enforcement agencies to use traffic tickets and investigatory stop forms to record the race of the traffic offender or individual stopped or questioned.
  - Requires a law enforcement agency to file a report with the Attorney General and the Department of Public Safety if the actions of a law enforcement officer, acting in the performance of the officer's duties, resulted, or is alleged to have resulted, in any of certain harms.
  - Makes an appropriation.
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### **CONTENT AND OPERATION**

#### **Ohio Community-Police Relations Commission**

The bill creates the Ohio Community-Police Relations Commission to investigate and evaluate the circumstances and standards surrounding the use of force in police response to conflict situations and, at its discretion, to review all types of conflict situations in the state, and to review the condition of community-police relations in

Ohio. The Commission is required to recommend best practices for community-police relations as appropriate to each political subdivision in the state.<sup>1</sup>

### **Commission membership**

The Commission must consist of the following eighteen members:

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

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

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

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

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

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

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

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

(9) Four representatives of local government appointed by the Governor as follows: one county representative, one city representative, one suburban city or township representative, and one rural village, township, or county representative. Not more than two of the representatives of local government can be members of the same political party. If the intended local government representative is elected to a nonpartisan office, the political party membership of that individual must be determined by the individual's voting record.

(10) Two members of the House of Representatives, one of whom must be appointed by the Speaker of the House of Representatives and one of whom must be appointed by the Minority Leader of the House of Representatives;

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<sup>1</sup> Section 3.



(11) Two members of the Senate, one of whom must be appointed by the President of the Senate and one of whom must be appointed by the Minority Leader of the Senate;

(12) One representative designated by the Governor;

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

The specified appointing or designating authorities must appoint the members of the Ohio Community-Police Relations Commission not later than 30 days after the effective date of the act. Vacancies must be filled in the same manner provided for the original appointments or designations.

The members of the Commission are not to receive any compensation, but must be reimbursed for their necessary travel and other expenses.<sup>2</sup>

### **Commission recommendations**

The Ohio Community-Police Relations Commission is required to review and make recommendations with regard to all of the following:

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

(2) The receipt and tracking of citizen complaints, including the role of strong citizen review and oversight of the receipt and tracking of citizen complaints;

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

(4) 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;

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

(6) The best means to maintain the rights, privileges, and safety of individuals and police officers in a consistent and nondiscriminatory manner;

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

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<sup>2</sup> Section 3, divisions (B) and (C).

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

In conducting its review and determining its recommendations, the Commission must 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.<sup>3</sup>

### **Commission offices, meetings, and other requirements**

The offices of the Ohio Community-Police Relations Commission must be located in the facility in which the Ohio Judicial Conference is located. The officers of the Ohio Judicial Conference are required to appoint the chairperson of the Commission. The chairperson of the Commission must coordinate its activities and expend any funds appropriated to the Commission to fulfill its mission and perform its duties.

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.<sup>4</sup>

The Ohio Community-Police Relations Commission must 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.

The hearings of the Commission are to be recorded or transcribed, and transcripts must be made available to the public. The Commission must establish an Internet website where all of the testimony and other information presented at its hearings will be made available for public inspection. The website must allow for the anonymous submission of information and all submitted information must be posted unless otherwise prohibited by law.<sup>5</sup>

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<sup>3</sup> Section 3, division (D).

<sup>4</sup> Section 3, division (E).

<sup>5</sup> Section 3, division (F).



## **Commission report and termination**

The Ohio Community-Police Relations Commission is required to issue a report of its findings and recommendations not later than one year after the date of its first public hearing. All recommendations must include an evaluation of the likely cost and best mechanism to secure the resources needed for implementation of the recommendation. The report must be approved by a vote of at least two-thirds of the members of the Commission. At the discretion of any member or group of members, minority reports may be issued. The report of the Commission and any minority reports must be submitted to the General Assembly and the Governor. The reports also must be posted on the Commission's website.

The Commission ceases to exist one year after the effective date of the act or upon submission of its report to the General Assembly and the Governor, whichever is later.<sup>6</sup>

## **Continuing professional training for peace officers and state troopers**

Under current law, peace officers and troopers are required to complete up to 24 hours of continuing professional training each calendar year. The bill specifies that at least six hours of training, over the course of three years, must be in each of the following areas: community-focused de-escalation techniques, mental health and special condition response, and cultural sensitivity. The training may be in one or any combination of these areas simultaneously and it must be approved by the Ohio Peace Officer Training Commission. The training must include representatives of the community who are not peace officers in the training.<sup>7</sup>

Under continuing law, reimbursement for continuing professional training is paid from the law enforcement assistance fund. Among the rules that the Attorney General must adopt for purposes of obtaining reimbursement are rules to substantiate, through documentation, the costs for which an applicant seeks reimbursement. The bill, instead, requires documentation to substantiate the number of hours of continuing professional training programs completed by the appointing authority's peace officers or troopers for which the applicant seeks reimbursement.

Currently, if a public appointing authority applies for and is entitled to reimbursement for peace officer and trooper continuing professional training, the Ohio Peace Officer Training Commission must approve reimbursing the appointing authority for the cost of the program. The actual amount of reimbursement is currently

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<sup>6</sup> Section 3, division (G).

<sup>7</sup> R.C. 109.803.



determined by rules adopted by the Attorney General. The bill requires, instead, that the Commission approve reimbursing an amount equal to \$20 per hour of training completed by each of the appointing authority's peace officers or troopers.<sup>8</sup>

### **Traffic tickets, reports, and investigatory stop forms**

The bill provides that if a law enforcement agency requires an officer to complete a report each time the officer stops or questions one or more individuals in the performance of the officer's duties, the law enforcement agency must require the officer to record the race of each individual, as perceived by the officer, and each individual's age and gender, in the report. The agency's report form must indicate the means to record the race of each individual.<sup>9</sup>

Similarly, the bill provides that a law enforcement officer who issues a traffic ticket to an operator or occupant of a motor vehicle for a violation of a state or municipal traffic law or ordinance must record the race of the operator or occupant, as perceived by the officer, on the traffic ticket. The tickets supplied to officers must include a place on the ticket for the officer to record this information.<sup>10</sup>

### **Incident report to Attorney General and Department of Public Safety**

The bill requires that a law enforcement agency must file a report with the Attorney General and the Department of Public Safety if the actions of a law enforcement officer, acting in the performance of the officer's duties, resulted, or is alleged to have resulted, in any of the following:

- (1) The death of an individual;
- (2) Physical injury to an individual;
- (3) A request for medical assistance;
- (4) The offer or provision of medical assistance to an individual.

The law enforcement agency must state, in the report, if the law enforcement agency is investigating or has investigated the occurrence that required the law enforcement agency to file the report or has entered into a contract for an external investigation of the occurrence. The law enforcement agency must report the status of

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<sup>8</sup> R.C. 109.802.

<sup>9</sup> R.C. 2933.84.

<sup>10</sup> R.C. 2933.85.



the investigation. If the investigation is complete, the law enforcement agency must state whether the investigation concluded that the law enforcement officer's actions were justified. The bill provides that the conduct of an investigation by the law enforcement agency or a person contracted by the law enforcement agency does not affect the state's authority to conduct a separate investigation of the law enforcement officer's actions in accordance with statutory state law.

The Department of Public Safety is required to adopt rules specifying the mechanism to be used by a law enforcement agency in filing a report and the time period in which the agency is required to file the report with the Attorney General and the Department of Public Safety. The Department must also adopt rules specifying what constitutes an allegation for purposes of making this type of report.<sup>11</sup>

### **Supplemental Appropriations**

The bill requires the Director of Budget and Management to transfer \$15,000,000 cash in FY 2015 from the General Revenue Fund to the Law Enforcement Assistance Fund (Fund 5L50). The amount transferred is appropriated to be used by the Attorney General to help pay for law enforcement training requirements as specified in the bill. The bill further appropriates an additional \$700,000 in FY 2015 to the Ohio Judicial Conference to be used to support the operation and expenses of the Ohio Community-Police Relations Commission.

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	02-02-15

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<sup>11</sup> R.C. 2933.86.

