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Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Upchurch and Howse

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SUMMARY

- Requires the Attorney General to adopt rules prescribing training for all peace officers on proper interactions with civilians during traffic stops and other encounters.
- Requires the State Board of Education to adopt a model curriculum for high school students on proper interactions with peace officers during traffic stops and other encounters.
- Requires school districts and schools to use the State Board's model curriculum in at least one course required for high school graduation.
- Requires the Director of Public Safety to adapt the State Board's model curriculum for use in driver training programs and new driver instructional materials.

DETAILED ANALYSIS

Overview

The bill requires the Attorney General (through the Ohio Peace Officer Training Commission), the State Board of Education, and the Director of Public Safety to instruct peace officers, high school students, and driver trainees on proper interactions between peace officers and civilians during traffic stops and other in-person encounters. The bill also specifies topics for the content of the instruction to be provided.

Attorney General and peace officers

Under the bill, the Attorney General must adopt rules requiring a specified amount of training for peace officers on proper interactions with civilians during traffic stops and other in-person encounters. This instruction must be included in peace officer basic training and as a condition of continued service for peace officers appointed prior to the bill's effective date. The

rules must specify a time period, not to exceed two years after the bill's effective date, within which current peace officers must receive the training.¹ A peace officer who does not receive instruction within that time period may not act as a peace officer or carry a firearm until the officer provides evidence of completion to the executive director of the Ohio Peace Officer Training Commission.²

The training must include certain specified content, as shown in the table below. The Attorney General may adopt additional requirements or procedures necessary for proper implementation of these provisions.³

State Board of Education and high school students

The bill requires the State Board of Education, in collaboration with the Director of Public Safety, to develop a model curriculum for instruction in grades 9-12 on proper interactions with peace officers during traffic stops and other in-person encounters. In so doing, the State Board and Director may consult with any interested party, including a work group convened to make recommendations regarding the instruction. A reasonable period for public comment must be provided before the curriculum is finalized.⁴

The model curriculum must include certain specified content, as shown in the table below.

District or school to provide instruction

Using the model curriculum developed by the State Board, all school districts, community schools, STEM schools, and college preparatory boarding schools must instruct students in grades 9-12 on proper interactions with peace officers. The instruction must be included in one more of the courses already required for graduation. After soliciting input from local law enforcement, driver training schools, and the community, a district or school may modify the curriculum to more appropriately serve the needs of its students.⁵

Director of Public Safety and driver trainees

The Director of Public Safety must adapt the State Board's model curriculum (described above) so that it is appropriate for the instructional methods of driver training schools. The materials must contain the same specified content and be included in the classroom portion of all online and traditional driver training programs.

In addition, the bill requires the Director to include a separate section on proper interactions with a peace officer in the reference document for the material covered in the

¹ R.C. 109.749(A)(1) and (2).

² R.C. 109.749(B).

³ R.C. 109.749(A)(3) and (4).

⁴ R.C. 3301.0721(B).

⁵ R.C. 3313.6024, 3314.03(A)(11)(d), 3326.11, and 3328.24.

written temporary permit and drivers' license examinations. The instruction must be adapted from the model curriculum so that it is appropriate for new drivers.⁶ Under continuing administrative law, the Digest of Motor Vehicle Laws is the official reference document for those examinations.⁷

Content requirements

The following table shows the content requirements for instruction of peace officers,⁸ high school students,⁹ and driver trainees.¹⁰

Title		
Content requirements	Peace officers	High school students and driver trainees
Rights related to when a peace officer may require that person to exit a vehicle	✓	✓
Constitutional protections from illegal search and seizure during an interaction with an officer	✓	✓
Rights of a passenger during a traffic stop	✓	✓
The right of a citizen to record an encounter with a peace officer	✓	✓
Proper interactions between peace officers and civilians, including methods for diffusing a stressful encounter	✓	✓
Information on which individuals are peace officers, and their duties and responsibilities		✓
Questioning and detention laws, including any that require proof of identity, and consequences for failure to comply with the laws		✓

⁶ R.C. 4508.022.

⁷ See Ohio Administrative Code 4501:1-1-08(A).

⁸ R.C. 109.749(A)(3).

⁹ R.C. 3301.0721(B)(1) and (2).

¹⁰ R.C. 4508.022.

Title		
Content requirements	Peace officers	High school students and driver trainees
Procedures for filing a complaint against or a compliment on behalf of an officer		✓
Demonstrations and role-play in classroom setting, including after-the-fact debriefing, to allow better understanding of how interactions between officers and civilians can and should unfold		✓

HISTORY

Action	Date
Introduced	05-04-20