

REVISE BAN ON TICKET QUOTA FOR TRAFFIC OFFENSES

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House Bill 5287 with House committee amendment
Sponsor: Rep. Richard LeBlanc
Committee: Judiciary

Revised First Analysis (4-8-10)

BRIEF SUMMARY: With some exceptions, the bill would prohibit a police officer from being required to issue a predetermined or specific number of traffic or parking citations.

FISCAL IMPACT: The bill would have no fiscal implications for the state or local units of government.

THE APPARENT PROBLEM:

Even though police departments are generally prohibited by statute from requiring officers to write a specified number of tickets for traffic and parking violations, there are reports circulating about departments that engage in related practices, such as offering prizes to the officer who writes the most tickets in a month or withholding promotions from officers who issue few tickets. In addition, some fear that the lingering state recession, which has shrunk funding for public services, may be an enticement for local governments to increase revenue by encouraging, if not pressuring, police officers to write more tickets. Such practices can undermine the public's perception of police officers as protectors and detract from the officers' mission to focus on public safety. Thus, some believe that an existing exception to the ban on ticket quotas that allows quotas as part of a police officer's evaluation system should be eliminated.

THE CONTENT OF THE BILL:

Currently, the Michigan Vehicle Code (MCL 257.750) prohibits a police officer from being required to issue a certain number of citations for traffic offenses under the code or under local ordinances substantially similar to the code, including parking or standing violations. However, an exception is provided if the issuance of citations is a part of an officer's performance evaluation system and the issuance of citations is not given any greater consideration than any other factor in the evaluation of an officer's performance. In the absence of a performance evaluation system, the issuance of citations cannot be given any greater consideration than any other factor in an officer's performance evaluation.

House Bill 5287 would amend the Michigan Vehicle Code to eliminate the exception described above and to revise the provision.

Under the bill, a police officer could not be required to issue a predetermined or specified number of citations for violations of the state vehicle code or local ordinances, including parking or standing violations. A police officer's performance evaluation system could not require a predetermined or specified number of citations to be issued. An exception would be added to apply to specific traffic units, selective enforcement units, or where federal grant requirements may require a quota.

ARGUMENTS:

For:

In recent years, many municipalities have eliminated their traffic units and now use patrol units to enforce traffic laws in addition to their other duties. Though police departments are prohibited from imposing ticket quotas on officers, there are exemptions for quotas that are part of a system to evaluate an officer's performance (if certain guidelines are followed). However, there have been complaints over many years by police officers of being pressured to write a certain number of tickets or face adverse actions. An officer who is short at the end of the month may feel pressured to overly focus on trying to catch traffic offenders rather than focusing on duties more integral to increasing public safety. For example, in order to meet monthly quotas, officers may feel pressured to ticket for the slightest infraction, such as not signing the back of a vehicle registration.

The public sentiment regarding ticket quotas (whether the quotas actually exist or are just perceived as existing) is that drivers are being targeted as a means for cash-strapped governmental units to increase their funding. Public trust in police agencies is lost when citizens feel they are being used as a funding source. The issuance of traffic tickets should primarily be about improving driver ability and increasing road safety, not about generating revenue for local units facing budget shortages.

Enactment of the bill would address the issue by eliminating ticket quotas from police officer performance evaluation systems. The result would be to restore a police officer's discretion in deciding the appropriateness of issuing (or not issuing) a ticket when making a traffic stop. For instance, an officer could decide to issue a warning instead. Further, the bill as reported from committee would still allow quotas to be imposed on officers for such things as campaigns to increase seat belt use and programs that are tied to federal grants. Traffic units and selective enforcement units would also be exempt from the general ban on imposing ticket quotas on officers.

Against:

The bill may have unintended consequences. For instance, the term "selective enforcement units" would be subject to local interpretation and could therefore encompass many new configurations of units exempt from the ban on ticket quotas. Plus, the bill not only removes the provision that currently requires any quota system to be part of a police officer's evaluation system, it also removes the protection afforded to officers in that the number of tickets issued cannot outweigh other criteria used to evaluate job performance.

Against:

The current law is a compromise between police unions and management dating back to the 1980s and should not be changed. As written, the use of ticket quotas is limited and does not carry more weight than any other single criterion used to evaluate an officer's performance. Enactment of the bill would be little more than using legislation as a means to settle a dispute between labor and management rather than allowing it to be under the purview of the manager or police chief. Besides, imposing ticket quotas as described elsewhere in the analysis is frowned upon by the professional associations representing law enforcement professionals, and incidents involving the improper use of ticket quotas remain an isolated problem; therefore, amending a statute representing a carefully crafted compromise is not the best way to address any problems that arise.

POSITIONS:

A representative of the Police Officers Association of Michigan testified in support of the bill. (3-31-10)

A representative of the National Motorists Association testified in support of the bill. (3-31-10)

The Deputy Sheriffs Association indicated support for the bill. (3-31-10)

A representative of the Michigan Association of Chiefs of Police and the Michigan Sheriffs Association testified in opposition to the bill. (3-31-10)

The Michigan Municipal League opposes the bill. (4-7-10)

The Michigan State Police indicated a position of neutrality on the bill. (3-31-10)

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Fiscal Analyst: Jan Wisniewski

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.