

# Legislative Analysis

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## REVISE BAN ON TICKET QUOTA FOR TRAFFIC OFFENSES

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House Bill 5287 as enrolled  
Public Act 226 of 2010  
Sponsor: Rep. Richard LeBlanc  
House Committee: Judiciary  
Senate Committee: Judiciary (Discharged)

### Second Analysis (1-14-11)

**BRIEF SUMMARY:** The bill would prohibit a police officer from being required to issue a predetermined or specific number of traffic or parking citations, including as part of a police officer's performance evaluation system.

**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.

***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.

***Against:***

The bill may have unintended consequences. For instance, as written, the bill removes the protection previously afforded to police officers in that the number of tickets issued could not outweigh other criteria used by police administrators to evaluate an officer's job performance. The enrolled version of the bill also eliminates a House committee amendment intended to preserve eligibility for certain grant programs by allowing the imposition of ticket quotas on officers for such things as campaigns to increase seat belt use and programs that are tied to federal grants.

***Response:***

The committee amendment that was struck from the enrolled bill had other problematic language in it. For example, the amendment would have allowed ticket quotas for specific traffic units and selective enforcement units. Many police agencies still have

traffic units and including an exemption for such units would have weakened the intent of the legislation. The term "selective enforcement units" was argued by some as being too vague and thus subject to local interpretations that could encompass many new configurations of units able to escape the ban on ticket quotas.

***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 this 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.

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