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BILL ANALYSIS

Senate Fiscal Agency

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House Bill 4538 (Substitute H-1 as reported with amendment)**Sponsor:** Representative Perry Bullard**House Committee:** Judiciary**Senate Committee:** State Affairs, Tourism, and Transportation**Date Completed:** 10-26-88**RATIONALE**

Reportedly, some law enforcement jurisdictions require, or at least encourage, their officers to meet quotas for issuing traffic tickets. This has been a matter of long-standing concern for both officers and the general public. Many believe that quota systems overemphasize a relatively minor aspect of law enforcement and tend to divert attention from more serious crime-fighting, and that ticket quotas should therefore be prohibited.

CONTENT

The bill would amend the Michigan Vehicle Code to prohibit police officers from being required to issue a certain number of citations for violations of the Code or of substantially corresponding local ordinances, including parking or standing violations, or to satisfy a quota system, during any time period. The issuance of citations could not be assigned greater consideration than any other factor in evaluating a police officer's performance.

The Code provides that a police officer, judge, or district court magistrate is guilty of misconduct in office and subject to removal from office for violating provisions regarding the confiscation of driver's licenses for nonresidents and fees for issuing citations. The bill would extend this penalty to any person employed by the State or a local unit of government but remove reference to the fees for issuing citations.

MCL 257.750

SENATE COMMITTEE ACTION

The Senate Committee adopted an amendment that would delete a provision that allowed a police officer, judge, or district court magistrate to be removed from office for accepting fees for issuing citations. Because of the way the provision was worded, it would also have allowed an officer, judge, or magistrate to be removed from office for violating the bill's prohibition against issuing citations to meet a quota or giving greater consideration to the issuance of citations than to other factors during an evaluation of an officer's performance.

FISCAL IMPACT

According to the Michigan Trooper's Association and the Department of State Police, removing ticket quotas could cause the number of tickets written to decline. There are no specific data available at this time, however, on the actual amount of revenue loss due to the removal of a ticket quota system. The Michigan State Police does not have a ticket quota system at this time.

ARGUMENTS**Supporting Argument**

A survey of officers' representatives conducted by the Fraternal Order of Police indicates that many, if not most, law enforcement jurisdictions in Michigan have some sort of quota system for issuing traffic tickets. Quota systems for traffic tickets can mean that undue attention is given to dealing with minor offenses. By banning ticket quotas and demanding that ticket-issuing be given no greater consideration than any other factor in evaluating an officer's performance, the bill would encourage law enforcement agencies to concentrate on serious crime.

Response: The degree to which ticket quotas exist is a matter of dispute and therefore the degree to which a problem exists is unclear.

Opposing Argument

There are many good reasons why police officers should be writing traffic tickets: officers are supposed to enforce all laws, not just the ones they like; traffic laws are important to public safety; and often criminals are caught during routine traffic checks.

Response: Zealousness in complying with ticket quotas can sometimes lead officers to engage in dangerous activities such as high speed chases. It is perhaps preferable that an officer not meet his or her ticket quota for the month than write the requisite number of tickets at the risk of personal and public safety.

Opposing Argument

The bill would interfere with what is essentially a labor-management decision between the officers and their supervisors. Police managers must not be inhibited from doing their job — to ensure that officers are enforcing the laws — which is measured in one way by the number of traffic citations issued. In fact, the Federal government considers the number of tickets written as one indication that Federal funds are being used properly to address traffic problems.

Response: The bill would not prevent using ticket-writing in evaluating an officer's performance; it would, however, prohibit ticket-writing from being given greater weight than other factors which may have more to do with an officer's effectiveness. Nor would the bill discourage ticket-writing; it simply would ensure that jurisdictions did not hold their officers to arbitrary quotas that may have more to do with generating revenue than fighting crime.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

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