

Council Business Meeting

January 7, 2020

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| Agenda Item | Report on the First Quarter of Ordinance 3176 | |
| From | Tighe O'Meara | Police Chief |
| Contact | Tighe.omeara@ashland.or.us ; (541) 552-2142 | |

SUMMARY

Staff is coming before Council to give a first quarter update on use of Ordinance 3176.

POLICIES, PLANS & GOALS SUPPORTED

N/A

PREVIOUS COUNCIL ACTION

Council approved Ordinance 3176 and directed staff to return and give quarterly updates.

BACKGROUND AND ADDITIONAL INFORMATION

On August 6, 2019 Council approved Ordinance 3176 that created the misdemeanor offense (Ashland Municipal Code 10.58.200) of failure to provide name and date of birth to a peace officer. Under 10.58.200 it is unlawful to fail to identify yourself if an officer is attempting to issue a citation for a municipal code violation. In order for this legal threshold to be met, two other legal thresholds must have already been met: first, that the officer had reasonable suspicion to stop the person under Oregon Revised Statute 153.039; second that the investigation has established that probable cause exists to believe that a violation occurred.

A police officer's authority to stop someone and investigate the person for a violation is well established under ORS 153.039. Ashland Municipal Code (AMC) 10.58.200 does not enhance that authority. AMC 10.58.200 merely assures that a person complies with an officer's attempt to issue a citation, as is mandated under the City of Ashland Charter Section XIV section 2:

The Chief of Police shall attend all meetings of the City Council, and perform the duties of the Sergeant-at-Arms of that body, watch over, care for and preserve all the City property and good morals of the City; and it shall be his/her duty, and the duty of any and all police officers, to see that all the laws and ordinances of the City, and the provisions of this Charter, are enforced, to file complaint with the City Judge against any persons violating any of the provisions of this Charter, or the laws or ordinances of the City; and a failure or neglect to faithfully perform any or all of such duties shall be cause for removal from office by the City Council.

To date Ashland Police Department has not had to use the authority given to it under Ordinance 3176.

FISCAL IMPACTS

N/A

STAFF RECOMMENDATION

No action from Council is needed. Staff will return with quarterly updates until directed otherwise by Council.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

N/A

REFERENCES & ATTACHMENTS

N/A