

Proposed Ordinance 3176

- Definitions
- Standing laws
- Proposed ordinance
- How we have used such a tool in the past
- Other concerns and steps to address those concerns
- Going forward

DEFINITIONS RELEVANT TO DISCUSSION
OF PROPOSED ORDINANCE NO. 3176

Evidence Standards:

- Reasonable Suspicion: "Reasonable suspicion" means that a police officer holds a belief that is reasonable under all the circumstances existing at the time and place the peace officer acts. "Reasonable suspicion" by itself does not provide grounds for taking a person into custody.
- Probable Cause: "Probable cause" means that a substantial and objective basis exists for a person to believe an offense has been committed. This standard is more stringent than the "reasonable suspicion" standard required for a police officer to make a stop.

DEFINITIONS RELEVANT TO DISCUSSION
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Types of Offenses:

- Violation: Unlawful conduct for which a person can be stopped, questioned, and issued a citation but can be punished only by a fine or other non-incarceration (for example, community service). A police officer must have “reasonable suspicion” to make a stop and must have “probable cause” to issue a citation.
- Crime: Unlawful conduct for which a person can be stopped, questioned, taken into custody, and lodged at the county jail. (A misdemeanor or felony). A police officer must have “reasonable suspicion” to make a stop and must have “probable cause” to take the person into custody.

ORS 153.039 STOP AND DETENTION FOR VIOLATION

(1) References traffic code

(2) An enforcement officer may stop and detain any person if the officer has reasonable grounds to believe that the person has committed a violation.

(3) Except as provided in subsection (4) of this section, the period of detention may only be as long as is necessary to :

(a) Establish the identity of the person

(b) Conduct any investigation reasonably related to the violation; and

(c) Issue a citation for the violation

(4) References traffic code

Ashland City Charter Article XIV Sec 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 the ordinances of this City.

Proposed Ordinance

**The word “stop” does not appear
anywhere in this ordinance**

- It shall be unlawful for a person to knowingly fail to provide the person's name and date of birth to a peace officer having PC to believe that the person has committed a violation.
- This offense would be the lowest level misdemeanor possible

Until 2 years ago this was a non-issue

- Interfering with a peace officer used to cover this
- McNally ruling changed that-**but does not contradict this ord**
- This proposed ordinance does not contradict McNally

Arrests from 1/1/2010 thru 12/31/2016

McNally ruling came out in April 2017

- Calls for service 119,390
- Cases pulled 24,211
- Arrests made 11,363
- Arrests for Disorderly Conduct 757
- Arrests false info to police 114
- Number of muni code violations issued 3,722
- Arrests for Interfering with a Peace Officer for refusing to identify yourself: 36
 - Of those 36, over 6 years, 4 were indicated to be African American and 1 Pacific Islander
 - Tracking someone's homed status is more problematic

Oregon Traffic Code

- ORS 807.570 Failure to carry a license or to present a license to a police officer
 - (1) A person commits the (Misd.) offense of failure to carry/present....
 - (b) does not present and deliver such license to a police officer when requested under any of the following:
 - (A) Being lawfully stopped or detained when driving a vehicle.
- The proposed ord. is similar.
 - The officer must have already stopped you to investigate a violation (allowed under state law, mandated by city charter) and the officer must have PC to believe you committed that violation.

Concerns that have been raised

- This will target People of Color
 - Whether a law is applied inequitably is a function of how any rule is implemented, not (generally) of the fact that the rule exists-STOP program
- This will target the homeless community
 - This rule holds people accountable for their actions, not for their status. If a violation doesn't occur in the first place, this rule is not applicable
- This rule will negatively impact members of the transgender community
 - This issue is not unique to this rule, and the answer rests with training officers to be aware of this situation- we are working on bringing training to the department

What we have already done

- Implicit Bias Training
 - Are we responding to behavior we have seen, or are we being controlled by our subconscious
- Procedural Justice Training
 - We need to respect all ppl, neutrality, dignity
- Tactical Ethics
 - Engaging all members of the community in a partnership, recognizing that all ppl have different perspectives

Suggested addition to use of force report

- Report out on how this law has been applied each May when APD presents info on use of force, crime rates and the ELEA