

**HUMAN SERVICES COMMITTEE
MINUTES
June 17, 2014**

Present

Councilor Penny York, Chair
Councilor Mike Beilstein
Councilor Bruce Sorte

Staff

Jim Patterson, City Manager
Jon Sassaman, Police Chief
Jim Brewer, Deputy City Attorney
Carrie Mullens, City Manager's Office

Visitors

Carl Price
Don Davidson

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions • Open carry of weapons (Price, Davidson)	Yes		
II.	Council Policy Review and Recommendation: 92-5.04, "Hate/Bias Violence"			Amend Council Policy 92-5.04, "Hate/Bias Violence" as recommended by staff, amended
III.	Other Business • Pending agenda items	Yes		

Chair York called the meeting to order at 2:00 pm.

CONTENT OF DISCUSSION

I. Visitors' Propositions

Carl Price testified about the Second Amendment to the United States Constitution – right to bear arms (Amendment II). He noted that during a recent Government Comment Corner, Councilor Traber opined that Amendment II was not an individual right or pre-existing right. Mr. Price reported that the US Supreme Court ruled in *District of Columbia v. Heller* that Amendment II protects the individual right to possess a firearm unconnected with service in a militia and to use that firearm for a traditionally lawful purpose such as self-defense within the home. Additionally, the Court ruled in the same case that Amendment II is not dependent on the Constitution for its existence and it shall not be infringed upon.

The *Heller* case was decided after the Oregon open carry law was adopted. The Oregon law has not yet been challenged in court and the consensus is that it will be overturned. Typically, Oregon cities drop these types of cases and settle out

of court. This reaction is a financial burden to cities. He inquired where the money would come from to defend an open carry case.

Mr. Price opined that the Corvallis Police Department does a good job; however, Officers are being asked to stop citizens carrying weapons to determine whether they are obeying Oregon law. Legally, the Officer must have a reasonable suspicion that a crime has been committed to make that determination. Without reasonable suspicion, issues arise similar to the former case against Officer Dodge. The lawsuit involving Officer Dodge was settled last year. If the City had not settled the case, Officer Dodge would have been at personal financial risk because the judge ruled that Officer Dodge was personally responsible for the stop and that he had committed assault by frisking the citizen after making an illegal stop.

Corvallis does not have a violence problem. According to FBI data, in 2012, Corvallis had one murder and many forcible rapes. Statistically, countries that ban firearms experience an increase in rapes. The Corvallis murder was the only murder in Benton County in 2012. Corvallis is one of the safest communities in Oregon.

Corvallis has law abiding citizens exercising their constitutional rights. Someone called the Police Department because they disagreed with another person who was exercising their civil rights in a lawful manner. This is no different or less offensive than someone complaining over someone else praying over their picnic lunch or observing two people of the same gender kissing. Mr. Price said he is astounded that Council is addressing an issue that infringes on citizens' civil rights.

Councilor Beilstein said Oregon law precludes local ordinances on weapons except in a narrow range of application. He inquired about the narrow range.

Mr. Price said the law currently allows a City to prohibit an unlicensed individual from openly carrying loaded weapons. Officers cannot provide a reasonable suspicion that a crime has been committed by observing someone openly carry a weapon. An Officer can always ask a person questions, but they cannot detain the person without reasonable suspicion.

Councilor Beilstein opined that if a citizen observes someone carrying a gun and it scares them, no matter how unreasonable it may seem to others, it is appropriate for an Officer to question the person carrying the gun. The City may not be able to do that legally.

Chair York reminded the audience that this topic is on the Committee's agenda for July 8. She said audience members are welcome to provide testimony about

any topic within the Committee's jurisdiction; however, she prefers not to hold a dialogue until all interested parties are present.

Don Davidson said he does not understand the open carry issue. As a military retiree, he was trained that every weapon is loaded. Trying to differentiate between a loaded and unloaded weapon is futile. This seems like an issue of gun control and infringing on citizens' civil rights. Over the past few years there have been an increasing number of incidents of murders with guns, knives, and other weapons. The news only reports about the guns. Recently in California, three people were killed with a knife and three people were killed with a gun. The reports only spoke about the gun. The end point of gun control is to ban and confiscate guns. If people are concerned about taking innocent lives, abortion should be banned. Council should consider the following:

- In World War II, why did the Japanese choose not to invade the West Coast of the United States?
- Why did the shooter in Colorado pick that specific theater?
- Can a weapon do harm by itself?

II. Council Policy Review and Recommendation: 92-5.04, "Hate/Bias Violence"

Chief Sassaman reviewed the staff report. He noted that the two-year Policy review occurred in December 2013. At that time, this Committee questioned Policy statements related to the Community Alliance for Diversity (CAD) and directed staff to reconnect with CAD to seek their continued involvement as an information and referral source, as well as a vehicle for reporting biased-based complaints. The Committee also directed staff to contact the Commission for Martin Luther King, Jr., Casa Latinos Unidos de Benton County, and the National Association for the Advancement of Colored People. Staff also communicated with the OSU Lesbian Gay Bisexual Transgender Queer outreach and services coordinator. All of the organizations except for CAD expressed an interest in advising the Department on diversity and training materials, and potentially helping to train the Department in the future. CAD declined involvement due to a lack of resources.

Chief Sassaman said the staff report includes information about the Community Police Review Board and Community Policing Forum. The report speaks to the Department's Professional Standards Unit and their training related to internal affairs investigations. The Department has two staff (of only three in Oregon) who have completed advanced and facilitator training at the Museum of Tolerance in Los Angeles. They train other State law enforcement agencies and all Corvallis Police Department staff in "Tools for Tolerance – Perspectives in Profiling."

Chief Sassaman said Policy amendments include removing all language referencing CAD, adding language directing staff to establish ongoing working

relationships with community organizations to advise the Police Department on diversity issues and training, and reformatting language for Council Policy consistency.

Councilor Beilstein said it is unfortunate that CAD can no longer participate. Taking the initiative to connect with other groups is a positive step and reaffirms that the City does not approve of or tolerate hate or bias.

Chair York stated appreciation for staff reaching out to the various groups. She said it makes sense that more than one organization is involved since each interest group has their own perspective.

Chief Sassaman said the Department works hard to demonstrate transparency and respond to community issues while utilizing the right values, ethics, and decision making.

Chair York agreed, and added that as a woman, she sometimes sees issues differently than others or that others do not see. Everyone has friends of other minorities who see things that are not quite so obvious to others. When people work together, their common interests and values are emphasized. Hearing from people with different perspectives enriches diversity.

The Committee unanimously recommends Council amend Council Policy 92-5.04, "Hate/Bias Violence" as recommended.

Following the meeting, staff discovered that an acronym was incorrectly used in the draft amended Policy. Section 5.04.042 should read:

The Corvallis Police Department will work with community organizations representing Corvallis' diversity (e.g., National Association for the Advancement of Colored People, Commission for Martin Luther King, Jr., and Casa Latinos Unidos de Benton County) to advise the Department on diversity issues, including diversity training of Department staff.

III. Other Business

Chair York reviewed the pending Committee agenda items (Attachment 1).

Councilor Sorte requested information about how other communities are responding to the open carry issue in relation to Amendment II and fear. He said he prefers the "soft touch" of the Hate/Bias Violence Policy and how it is being utilized. He noted that he would not allow anyone to carry a weapon in his home.

Councilor Beilstein inquired about the discussion to relocate the Senior Center. He said he assumed this had been discussed with the Parks, Natural Areas, and Recreation Board.

Mr. Patterson said the Senior Center agenda item is a check-in from staff and request for next step direction.

In regards to the Senior Center relocation, Councilor Sorte requested demographic information and facts. He does not support relocating the Senior Center a great distance away. He said the Center humanizes the area and he worries about what will happen in that neighborhood if the Center moves.

Mr. Patterson added that Parks and Recreation Director Emery will have additional information related to trust funds for potential expansion and/or upgrades to the Center.

The next Human Services Committee meeting is scheduled for 2:00 pm on Tuesday, July 8 in the Madison Avenue Meeting Room.

The meeting adjourned at 2:35 pm.

Respectfully submitted,

Penny York, Chair

**HUMAN SERVICES COMMITTEE
SCHEDULED ITEMS**

June 12, 2014

MEETING DATE	AGENDA ITEM
June 17	<ul style="list-style-type: none"> • Council Policy Review and Recommendation: <ul style="list-style-type: none"> • 92-5.04, "Hate/Bias Violence"
July 8	<ul style="list-style-type: none"> • Corvallis Farmers' Market Annual Report • Parks and Recreation Draft Master Plan Recommendation to Relocate Senior Center • Open Carry of Weapons in Parks
July 22	<ul style="list-style-type: none"> •
August 5	<ul style="list-style-type: none"> •
August 19	<ul style="list-style-type: none"> • Social Services Semi-Annual Report
September 2	<ul style="list-style-type: none"> •
September 16	<ul style="list-style-type: none"> • Rental Housing Program Annual Report
October 7	<ul style="list-style-type: none"> • Council Policy Reviews and Recommendations: <ul style="list-style-type: none"> • 93-4.11, "Public Library Policy for Selecting and Discarding Materials"
October 21	<ul style="list-style-type: none"> •
November 4	<ul style="list-style-type: none"> • Council Policy Review and Recommendation: <ul style="list-style-type: none"> • 95-4.08, "Code of Conduct on Library Premises"
November 18	<ul style="list-style-type: none"> •
December 2	<ul style="list-style-type: none"> • 2015-2016 Social Services Priorities and Calendar • Council Policy Reviews and Recommendations: <ul style="list-style-type: none"> • 91-1.03, "Naming of Public Facilities and Lands" • 91-4.01, "Guidelines for Selling in Parks"
December 16	<ul style="list-style-type: none"> •

HSC PENDING ITEMS

- Council Policy Review and Recommendation:
 - 99-4.14, "Use of City Hall Plaza and Kiosk" CMO
- Municipal Code Review: Chapter 5.01, "City Park Regulations" Parks & Recreation
(Alcoholic Beverages in Parks)
- Municipal Code Review: Chapter 9.02, "Rental Housing Code" Community Development
- OSU/City Collaboration Project Recommendations (Action Items Community Development
4-1, 4-3, 4-4, 5-1)

Regular Meeting Date and Location:

Tuesday of Council week, 2:00 pm – Madison Avenue Meeting Room