



HUMAN SERVICES COMMITTEE

Agenda

Tuesday, July 8, 2014
2:00 pm

Madison Avenue Meeting Room
500 SW Madison Avenue

- | | |
|------------------------------------|---|
| Discussion/ Possible Action | I. Corvallis Farmers' Market Annual Report (Attachment) |
| Discussion/ Possible Action | II. Open Carry of Weapons (Attachment) |
| Information | III. Other Business |

Next Scheduled Meeting

Tuesday, July 22, 2014 at 2:00 pm

Madison Avenue Meeting Room, 500 SW Madison Avenue

Agenda

Parks and Recreation Draft Master Plan Recommendation to Relocate Senior Center

Council Policy Review and Recommendation: 99-4.14, "Use of City Hall Plaza and Kiosk"

MEMORANDUM



To: Human Services Committee
From: Karen Emery, Parks and Recreation Director *KE*
Jude Geist, Parks Operations Supervisor
Date: June 19, 2014 *JG*
Subject: Corvallis-Albany Farmer's Market (CAFM) 2013 Annual Report

Issue:

The CAFM Report is scheduled for its annual review before Human Services Committee.

Background:

The 2013 CAFM operated from mid-April to mid-November at three locations in Albany and Corvallis. In Albany, the CAFM operated a Saturday Market at 4th Avenue and Ellsworth Street. In Corvallis, the CAFM operated a Wednesday and Saturday Market on 1st Street in Riverfront Commemorative Park.

Discussion:

Director Rebecca Landis continues to work with a community volunteer board to help oversee the market activities. The Market operates as a state-chartered nonprofit mutual benefit corporation.

The Market continues to bolster economic and community activity by bringing growers and participants into the downtown area. CAFM continues to accept Oregon Trail and debit cards at all three sites, which represents the majority of both dollars and transactions in their wireless system. Additionally, farmers accept "Farm Direct Nutrition Program" (FDNP) coupons, which puts fruits and vegetables in the hands of young parents and seniors who might not be able to afford them; the WIC (Women, Infants and Children) fruit and veggie voucher program; and Supplemental Nutrition Assistance Program (SNAP). Lastly, CAFM invites gleaning groups to pick up surplus produce from vendors to distribute among low-income persons in our communities.

The Corvallis Saturday market opened April 20 and ran through November 23, 2013, from 9am to 1pm. The market averaged 53 vendors per market, up 2 from 2012. The highest daily vendor count was 62. A total of 137 vendors paid membership dues, and nearly all attended at least one market day.

The Corvallis Wednesday market is also located on 1st Street in Riverfront Commemorative Park. The Wednesday market opened April 24 and ran through

November 27, 2013, also from 9am-1pm. The market averaged 23 vendors per market, a slight decline from 2012. The highest daily vendor count was 33.

The Saturday market operated as a street closure from the north end of 1st Street south to one half of the Monroe Avenue block. Market music and special events utilized portions of the Helen M. Berg Plaza's front apron. CAFM and Parks and Recreation have a formal lease agreement, where CAFM provides "weekly area cleanup" and nearby park restroom "incidental custodial services" in exchange for leasing the front apron of Jackson Plaza. The lease agreement also sets up an annual payment of \$1,500. The current lease agreement meets and exceeds the minimums for cost recovery guidelines (90% cost recovery).

The CAFM volunteer coordinator programmed over 100 free events for the 2013 market season by recruiting organizations and individuals who assisted with educational displays, cooking demonstrations, and children's activities. City and County governments are among the organizations using the markets for outreach activities.

Recommendation:

Staff recommends HSC recommend to City Council to accept the 2013 annual CAFM report.

Review and Concur:


James A. Patterson, City Manager


Nancy Brewer, Finance Director

Attachment: CAFM 2013 Annual Report

CORVALLIS - ALBANY FARMERS' MARKETS

2013 Season Annual Report

Introduction

Corvallis-Albany Farmers' Markets (CAFM) is a state-chartered non-profit mutual benefit corporation and is recognized as a 501(c)(6) organization on the federal level. Our mission is to provide highly visible centralized locations in Corvallis and Albany for mid-Willamette and Coast Range agricultural producers and gardeners to market high quality agricultural products directly to consumers.

CAFM operates three farmers' markets in Corvallis and Albany: Corvallis (Saturday & Wednesday) and Albany (Saturday only). Our research indicates that the Albany market, founded in 1978, is possibly the oldest continuing open-air farmers' market in the state. The Wednesday market was founded in 1981. Ten years later the downtown Saturday market in Corvallis was founded.

Although CAFM's membership is largely made up of farmers and gardeners, our activities provide benefits generally to the two communities we serve. The markets we operate are not just places for buying and selling. Each market day is a community event to which everyone is welcome. We consciously strive to create community gathering places, where people come expecting to see friends and family, enjoy free live music and learn about where their food comes from.

All of our markets are located downtown (since 2009), with the intent and result of bolstering economic and community activity downtown. Internationally recognized research methods developed by the Oregon State University Extension Service at our farmers' markets demonstrate that most market attendees come downtown because of the market and end up spending significant amounts of money both with market vendors and at nearby businesses. Most attendees are local, but the markets also have a significant tourism benefit to their communities.

Food assistance programs

CAFM began service for Oregon Trail and debit cards in 2007 and expanded to all three sites in 2008, using wireless card readers and wooden tokens. Oregon Trail use continued to grow, and in recent years SNAP exceeded debit transactions. The 2014 season will reveal whether eased economic conditions will begin to reverse these observed trends. One fact of the modern economy that is unlikely to change: The monetary value of token programs (SNAP, SNAP incentives and debit cards) now exceeds the revenues we collect from vendors to operate our markets.

Starting late in 2010 we launched incentives for SNAP customers to encourage healthy choices. SNAP incentives must come from outside funding sources. These have included Ten Rivers Food Web and private funds granted to Benton County Health Department. In 2014 the market is struggling to run raffles and fund-raising dinners to make incentives available. Federal funds may be available in future seasons, but they will require a match and a regional or statewide sponsor.

Farmers accept Farm Direct Nutrition Program coupons, which put fruits and vegetables in the hands of young parents and seniors who otherwise might not be able to afford them. In 2010 CAFM and other farmers' markets were added to the WIC fruit and veggie voucher program, which is also a grocery store program. The market association also invites gleaning groups to pick up surplus produce from vendors to distribute among low-income persons in our communities.

Events and statistics

Our events coordinator programs 100+ free events at markets by recruiting organizations and individuals who assisted with educational displays, cooking demonstrations and children's activities. City and county governments are among the organizations using our markets for outreach activities.

A total of 137 vendors paid membership dues, and nearly all attended at least one market day. Some participated at all three locations, while others attended one or two of the sites. Several home gardeners and small farms sold exclusively through consignment operations (called Community Tables) designated at each Saturday site.

In Corvallis, the Saturday market began on April 20 and ran each Saturday through Nov. 23 from 9 a.m. to 1 p.m. The market averaged 53 vendors per market, up almost 2 from 2012. The highest daily vendor count was 62. We were able to fit a few more vendors in 2013 through new signs, resulting in better management of stray cars left in our permit area. For 2014 our permit has been extended a bit westward on Monroe Ave. so we need not turn away qualified farmers.

The Saturday market in Corvallis operated as a street closing on the north end of 1st Street, plus an adjacent ½ block of Monroe Ave. Market music and special events used portions of the Jackson Plaza's front apron (the area in line with east side parking stalls).

The market continues to use some city street closing signs, some of which include the Riverfront logo and the words "Riverfront Event." Many of these signs are city property that is stored, transported and placed by CAFM and made available to other entities holding Riverfront events requiring street closings.

Wednesday markets in 2009 moved to the city parking lot at the intersection of 2nd Street and B Avenue after more than two decades at the Benton County Fairgrounds. When the Wednesday market moved downtown, this market's hours were changed to 3 to 7 p.m. to attract after school and after work customers.

A city sewer project scheduled for 2011 required that the market relocate for that season. We re-examined some of the sites considered before the last move and found that a portion of the Saturday site (eliminating the northern section and using Monroe Ave as overflow) was the only viable option. It did require us to switch back to mornings (9 a.m. to 1 p.m.), since nearly half of the spaces face west. The organization decided that parking near 2nd & B was no longer adequate, and the Wednesday market needed to stop moving in order to lessen customer confusion.

In 2013 Wednesday markets began on April 24 and ran through Nov. 27 – a much longer season than most midweek markets. The market averaged almost 23 vendors per market, a slight decline from 2012. The highest daily vendor count was 33.

Albany markets began on April 20 and ran each Saturday through Nov. 23 from 9 a.m. to 1 p.m. The market averaged almost 22 vendors per market, down from 2012. The highest daily vendor count was 35.

In Albany, the market continues to benefit from a relatively new and highly visible downtown location at 4th & Ellsworth in the City Hall parking lot and an adjacent block of 4th Ave. that is shaded by the heritage trees on the east courthouse lawn. The Albany Farmers' Market caters to new and small farm operations that might have a difficult time finding a foothold at larger markets. The Community Table (also available in Corvallis) provides an additional way for backyard gardeners and very small farming operations to try selling at a farmers' market.

The market also benefits from sharing crowds with other events that use the courthouse steps and the terminus of Broadalbin. Proximity to Ellsworth (Hwy. 20) results in customers making unscheduled stops at the market because they saw it while traveling to other destinations. Hours were shifted to 9 a.m. to 1 p.m. for 2007 and have continued in that pattern for succeeding seasons.

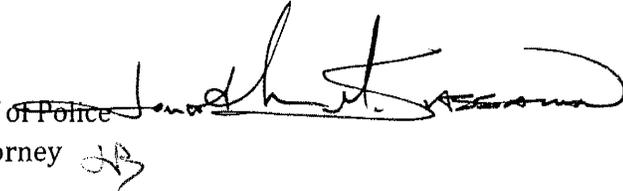
In partnership with Ten Rivers Food Web and Samaritan's InReach clinic, we piloted a small prescription produce program at the Albany Farmers' Market. In 2014 a similar program with Samaritan's Cancer Resource Center is under way in Albany.

Rebecca Landis, Market Director
9 June 2014

Memorandum
Corvallis Police Department
July 1, 2014

To: Human Services Committee

From: Jonathan M. Sassaman, Chief of Police
Jim Brewer, Deputy City Attorney



Subject: "Open Carry" of firearms in public

Issue:

City Council, at the June 2, 2014 Council meeting referred to Human Services Committee the issue of "open carry" of firearms in the public. This staff report addresses legal issues and local authority relative to "open carry" of firearms. (Information for council)

Background:

At the May 19, 2014 City Council meeting, a group of citizens expressed concern about a person carrying a firearm openly in Cloverland Park, possibly within 1000 feet of a school, in possible violation of a federal statute. This group of citizens asked for the City to consider appropriate steps to prohibit "open carry" of firearms. City Council was provided an informational memorandum (attachment 1), containing information about "open carry" and the authority of the Corvallis Police Department to enforce federal law.

Discussion:

The 2nd Amendment of the United States of America Constitution grants the right to people to keep and bear arms which shall not be infringed upon. In 2010, the United States Supreme Court (McDonald v. Chicago) ruled a ban on ownership of handguns within a private home was unconstitutional, affirming the 2nd Amendment applies to States and therefore gun ownership is an individual right and it cannot be taken away by the individual States.

Article I, Section 27 of the State of Oregon Constitution echo's in part the 2nd Amendment and grants the people of Oregon the right to bear arms. The State of Oregon enacted ORS 166.170 which preempts local governments from regulating firearms or enacting civil or criminal ordinances relating to firearms. Any ordinances contrary to ORS 166.170 are void, however the Oregon Legislature did carve out for local governments the authority to enact very narrow laws governing the discharge of firearms and the possession of a loaded firearm in public places with exceptions for public safety officials, those with concealed handgun licenses, military members,

employees of the US Department of Agriculture and other lawful purposes in defense of person and property.

Corvallis Municipal Code 5.03.120.020 restricts the possession of concealed weapons and Corvallis Municipal Code 5.03.120.030 restricts the discharge of weapons within the City of Corvallis. The City does not have an ordinance restricting the possession of a loaded firearm in public.

The 4th Amendment of the United States of America Constitution grants the right of the people to be secure from unreasonable searches and seizures. Police officers who respond to unknown situations with people who "open-carry" a firearm, do not have the unilateral authority to stop, detain and question or search any person because they have a firearm which the general public can observe. A Police officer must have "reasonable suspicion" that a crime or violation of law is about to occur, is occurring or just occurred in order to stop a person. A person who openly carries a firearm, in and of its self, is insufficient cause to stop a person.

Attached are excerpts from a training "power point" (Attachment 2) utilized by the Corvallis Police Department to train staff of laws related to "open-carry" which will be discussed during the meeting.

Attachments:

1. Council request follow-up, dated May 28, 2014
2. Training slides

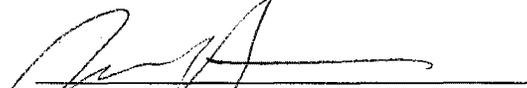
Review and concur:



James A. Patterson, City Manager

*AIC
cm*

Review and concur:



Jim Brewer, City Attorney

1

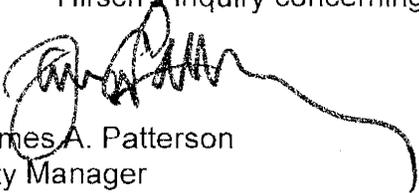
COUNCIL REQUESTS

FOLLOW-UP REPORT

MAY 29, 2014

1. Open Carry of Guns in Parks (Possible City-Wide Ban) (Hirsch)

The attached memorandum from Police Chief Sassaman addresses Councilor Hirsch's inquiry concerning open carry of firearms in City parks.



James A. Patterson
City Manager

To: Mayor and City Council
From: Jon Sassaman, Police Chief
Jim Brewer, Deputy City Attorney JB
Date: May 28, 2014
Subject: Council Follow-up/ "Open- carry" of firearms in public places

Issue:

At the May 19, City Council meeting, a group of citizens expressed concern about a person carrying a firearm openly in Cloverland Park, possibly within 1000 of a school, in possible violation of a federal statute. This group of citizens asked for the City to consider appropriate steps to prohibit "open carry" of firearms. This memorandum is intended to provide some information about "open carry" and the authority of the Corvallis Police Department to enforce federal law.

Background:

In Oregon, any City's ability to regulate firearms is greatly limited by a state law that preempts most regulations:

ORS 166.170 is the State Preemption law. It states:

- 1). Except as expressly authorized by state statute, the authority to regulate in any matter whatsoever the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element relating to firearms and components thereof, including ammunition, is vested solely in the Legislative Assembly.
- 2). Except as expressly authorized by state statute, no county, city or other municipal corporation or district may enact civil or criminal ordinances, including but not limited to zoning ordinances, to regulate, restrict or prohibit the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element relating to firearms and complements thereof, including ammunition. Ordinances that are contrary to this subsection are void.

There are also specific Oregon Revised Statutes where the Legislature grants narrow authority to local jurisdictions:

ORS 166.172 authorizes a City to regulate the discharge of firearms. As such, we have a local ordinance to this effect.

ORS 166.173 authorizes a City to regulate the possession of a **loaded** firearm in public places. A local municipality may regulate, restrict or prohibit the possession of a loaded firearm in public places, with some exceptions. Exceptions include public safety officials and those with concealed handgun licenses.

Under the state law, if someone has a concealed handgun license, they are free to carry a loaded firearm concealed or to "open-carry" it. There is no authority granted to local jurisdictions to prohibit open-carry for someone with a concealed handgun license. The laws grant limited authority to local jurisdictions who desire to regulate loaded firearms in public for people without a concealed handgun license or are

Council Follow-up
"open-carry"

otherwise exempt (e.g. police officer). Even if additional laws are passed, I suspect legal challenges may result and any new law does not grant a greater degree of safety for our officers who are put in the position to engage these situations.

When we receive a call for service about someone openly carrying a firearm, there is currently no specific law in Corvallis granting police officers the unilateral authority to stop, detain, question or search an individual merely because they have a firearm on their hip where people can see it. At this point, there's no reasonable suspicion that a crime or violation of law has occurred. There are many people who have a CHL and choose to open-carry. We do have local ordinances dealing with weapons:

Municipal Code: Section 5.03.120.020 Concealed weapons.

1) No person, other than, with regard to firearms, a person described by ORS 166.260 or licensed pursuant to ORS 166.291 through 166.293, shall carry concealed on or about the person, or carry concealed and readily accessible about the person within any vehicle, any firearm; any gun; any knife having a blade that projects or swings into position by force of a spring, commonly known as a switchblade; any dirk or dagger; any metal knuckles; any nunchaku sticks; any sling shot; or any similar instrument by the use of which injury could be inflicted upon the person or property of any other person.

2) A violation of this Section is a Class B Misdemeanor.

(Ord. 90-10 § 2, 1990; Ord. 82-77 § 111.02, 1982)

Municipal Code: Section 5.03.120.030 Discharge of weapons.

1) No person, other than a police officer or animal control officer, shall fire or discharge within the City any bow and arrow, firearm, or gun.

2) A violation of this Section is a Class A Misdemeanor.

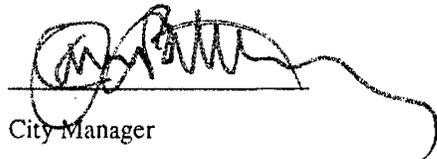
(Ord. 2010-21 § 2, 10/18/2010; Ord. 82-77 § 111.03, 1982) (Ord. 2002-19 § 3, 06/17/2002)

The City Attorney's Office has reviewed local ordinances in the jurisdictions listed in the citizens' letter (Astoria, Beaverton, Multnomah County, Newport, Oregon City, Portland, Salem, Tigard, and Bend). Each of them has carefully followed the state statutory scheme and only banned the open carrying of a loaded firearm, with the statutory exceptions including people with concealed carry permits (who may therefore carry a loaded weapon openly).

Police officers in Oregon do not have jurisdiction or authority to directly enforce federal law. Federal agencies (DEA, ATF, FBI, etc.) with law enforcement authority may do so. Under Oregon's statutory scheme, local governments may not independently create a regulation that echoes the 1000 foot rule. The state has not chosen to do so.

Both the Police Chief and City Attorney are available to answer any questions.

Review and Concur:



City Manager

Council Follow-up
"open-carry"

Carrying Firearms



Legal Issues

Developed By:

- ❖ The Corvallis Police Department
- ❖ The Benton County District Attorney, John Haroldson
- ❖ The Corvallis City Attorney, Jim Brewer

Sources

- Oregon Revised Statutes
- DA Haroldson and CA Brewer, CPD Capt. Hendrickson, Lt. Brewer and Sgt. Mann
- Annual legal update in-service training, DDA Amesbury
- Memorandum: Benton County Sheriff's Office "Notice to Concealed Handgun License Holders",
- Syllabus DISTRICT OF COLUMBIA ET AL. v. HELLER:
<http://www.supremecourt.gov/opinions/07pdf/07-290.pdf>
- Syllabus MCDONALD ET AL. v. CITY OF CHICAGO, ILLINOIS, ET AL:
<http://www.supremecourt.gov/opinions/09pdf/08-1521.pdf>
- Constitution of the United States of America:
<http://www.usconstitution.net/const.html#Am2>
- Oregon Court of Appeals Ruling: OREGON FIREARMS EDUCATIONAL FOUNDATION, v. BOARD OF HIGHER EDUCATION and OREGON UNIVERSITY SYSTEM
- H.R. 218 The Law Enforcement Officers Safety Act of 2004
- S.R. 1132 The Law Enforcement Officers Safety Improvements Act of 2010



Training Objectives

- Protection of the community.
- Ensure stops and arrests for firearms laws are based on sound legal guidance and principles.
- Increase officer safety through awareness and contact procedures.
- Protection of the rights of citizens to carry firearms legally.
- When the opportunity arises, education of citizens regarding carrying firearms.



Firearms are a Tool

- Everyday you work, you are around many other people who are armed.
- You also pass many citizens on the street who are legally armed:
 - Citizens with Concealed Handgun Licenses (CHL).
 - Some people carry firearms openly in public legally; this may cause some people alarm.
- It's the person and actions that can be dangerous; a firearm is a tool that can increase the person's capacity for violence, whether for crime or legal defense.

Issue

- Most citizens just want to exercise their rights peacefully and without calling attention to themselves.
- There is a movement of becoming more educated in firearms carry laws and exercising the ability to carry firearms.
- Some activists are trying to bring this cause to light by engaging in “open carry” of firearms.
- Locally and across the country, these individuals are encountering law enforcement to test our knowledge of the law.
- Being aware of the presence of a firearm is important - remain alert.

The Issues Are Complex



- **Possession of firearms is a legal and a political issue**

Areas Where Firearms are or may be Restricted

- Court Facilities
- Public Buildings
- The grounds adjacent to Public Buildings
- Federal Facilities, including the Post Office and some BLM land
- Tribal Land and Facilities
- Private property where posted

2nd Amendment of the Constitution of the United States

*“A well regulated Militia,
being necessary to the security of a free State,
the right of the people to keep and bear Arms,
shall not be infringed.”*



2nd Amendment of the Constitution of the United States



- Ratified in 1791. Until recently, it was undecided if the 2nd Amendment meant that individuals (without militia membership) have a right to own firearms.
- The issue of individual ownership of firearms was not resolved until 2008 and 2010.
- There will likely still be challenges to any law that restricts possession of firearms and LE will likely be involved.
- Some people may push the issue to get into court.

US Supreme Court 2008: Washington DC v. Heller



- Washington DC had a complete ban on handgun ownership
- The US Supreme Court ruled in this case that the 2nd amendment is an individual right
- “The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home.”
- This ruling only applied to the Federal Government; not to the States.

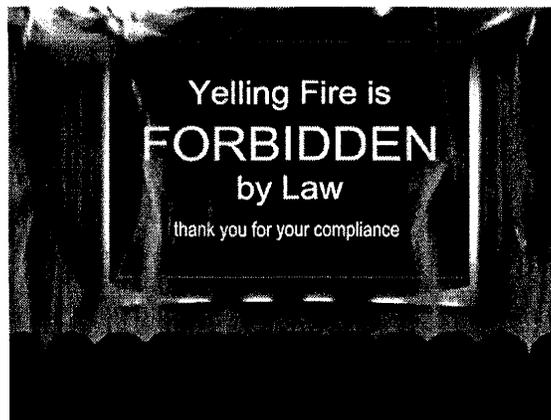
US Supreme Court 2010: McDonald v. Chicago

- In June 2010, the U.S. Supreme Court ruled that a Chicago ban on ownership of handguns within a private home was unconstitutional.
- This ruling means the 2nd Amendment applies to the States (via the “Due Process Clause”); gun ownership is an individual right and it cannot be taken away by the individual States.

2nd Amendment of the Constitution of the United States

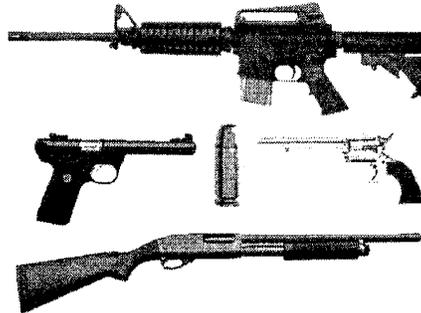
- **HOWEVER....Just like freedom of speech, government has the ability to regulate “time, place and manner” issues**

Example: the freedom of speech does not allow a citizen to yell “FIRE!” in a crowded theater when there is not a fire.



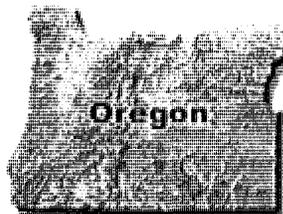
2nd Amendment of the Constitution of the United States

- **Final Assessment on 2nd Amendment: Gun ownership is a fundamental right, BUT some restrictions / limits can be placed on firearms by government.**



State of Oregon Constitution

- **Article I, Section 27. Right to bear arms; military subordinate to civil power.** The people shall have the right to bear arms for the defense of themselves, and the State, but the Military shall be kept in strict subordination to the civil power.



Oregon Statutes

- **166.170 State preemption (summarized). Except where specifically authorized by state statute, only the state legislature may regulate (in any manner) firearms, components and ammunition.** (affirmed by Western Oregon University case of Sept, 2011).
- **166.171-166.276 Allows for some very limited regulation of firearms by cities and counties**

Authority of City to regulate discharge of firearm (ORS 166.172)

- A City may adopt ordinances to regulate, restrict or prohibit the discharge of firearms within the city's boundaries.
 - CMO 5.03.120.030 Discharge of Weapons, regulates, restricts and prohibits the discharge of weapons within the City of Corvallis with exemptions for Police Officers and the Animal Control Officer. Violation of the CMO is a Class A Misdemeanor

Authority of City or County to regulate possession of
loaded firearms in public
(ORS 166.173)

- A city or county may adopt ordinances to regulate, restrict or prohibit the possession of loaded firearms in public places, as narrowly defined by state law.
 - The City of Corvallis does not have a law to this effect.

State v. Christian

- Portland ordinance (PCC 14A.60.010(A)):
- “It is unlawful for any person to knowingly possess or carry a firearm, in or upon a public place, including while in a vehicle in a public place, recklessly having failed to remove all the ammunition from the firearm.”
- 14 exceptions including concealed handgun license

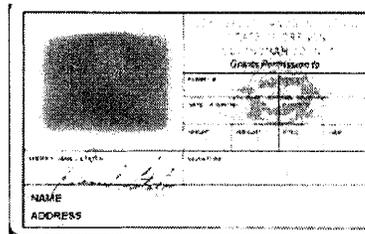
State v. Christian

354 OR 22, 307 P3d 429 (2013)

- Ordinance challenged as violating face of US 2nd Amendment and Oregon Article I, Section 27
- Oregon Supreme Court rules that Portland Ordinance does not violate US or Oregon Constitution.
- Different facts could lead to different result
- No appeal taken to US Supreme Court
- 2013 decision, follows Heller and McDonald

Concealed Handgun License

- If an applicant meets the legislated requirements and pays the required fees, ORS 166.291 requires a sheriff to issue a person a concealed handgun license.
- The applicant must be:
(summarized)
 - 21 years old
 - A resident of that county
 - Trained in firearms safety
 - Not mentally ill
 - Not a “criminal” (see ORS for specifics; many including the person is not free on any form of pretrial release)



Can a CHL Holder “Open Carry”?



Someone with a CHL **CAN OPEN CARRY**; there is no requirement a CHL holder carry concealed.

CHL holders are allowed to carry firearms in some places that non-holders are prohibited from carrying. *(Example: CHL holders can carry in most public buildings, but NOT in courts or federal buildings!)*

An Important Definition to Know

- 166.360 (4) “Public building” means a hospital, a capitol building, a public or private school, as defined in ORS..., a college or university, a city hall or the residence of any state official elected by the state at large, and the grounds adjacent to each such building. The term also includes that portion of any other building occupied by an agency of the state or a municipal corporation, as defined in ORS..., other than a court facility. (As an example, the Corvallis/Benton County Library is a “Public Building”)

Officer May Examine Firearms in Public Buildings

- **166.380 Examination of firearm by peace officer; arrest for failure to allow examination. (1) A peace officer may examine a firearm possessed by anyone on the person while in or on a public building to determine whether the firearm is a loaded firearm.**
- **(2) Refusal by a person to allow the examination authorized by subsection (1) of this section constitutes reason to believe that the person has committed a crime and the peace officer may make an arrest pursuant to ORS 133.310.**

CHL Exemptions

- **166.262 Limitation on peace officer's authority to arrest for violating ORS 166.250 or 166.370. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or (b) or 166.370 (1) if the person has in the person's immediate possession a valid license to carry a firearm as provided in ORS 166.291 and 166.292. [1999 c.1040 §5]**

Tactics when Dealing with Firearms General Guidelines

- Caution and reasonableness are key.
- Your reason for contact must be legally sound; anonymous reports will not/do not justify a stop.
- We don't want to conduct a high-risk custody on everyone who has a gun; the totality of the circumstances will determine the tactics.
- Consider the setting and try not to cause greater alarm than necessary.
- There is no perfect tactic for these situations; Tactics will be suggested, but ultimately the officer on the scene needs to decide the best course of action and be able to justify it



Open Carry in General Public

- Open carry in a public place (but NOT IN A PUBLIC BUILDING, a COURT or a FEDERAL FACILITY) is generally LEGAL. – *Do not stop anyone just for carrying a firearm!*
- Totality of the circumstances MIGHT justify a stop if you have reasonable suspicion of a crime. You don't need "probable cause", just reasonable suspicion. Examples may include specific actions, such as the manner the person is carrying the gun, the person trying to evade being detected, threatening words – but this will be for you to justify and articulate!
- Generalities ("officer safety", "in an area where crime has occurred") will NOT suffice.



CHL Holders



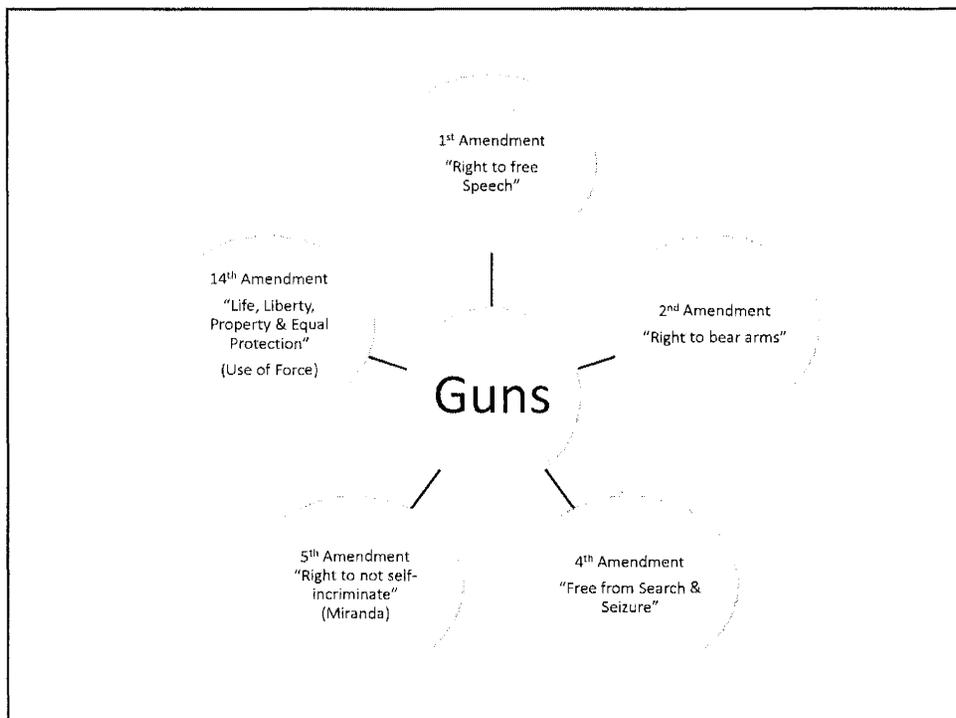
- There is no law that overtly states that a CHL holder has to present it when carrying under that license. You cannot arrest someone for the crime of “Failure to Carry and Present” a CHL (the crime does not exist)
- However, the exemptions from arrest from the carrying crimes only apply if the CHL holder has the CHL in his possession
- Whether or not the person has a CHL is something you may investigate; if the person does not want to show you a CHL, you can only act on what you know
- It is lawful to stop a person if you have reasonable suspicion to believe he is (1) carrying concealed anywhere in public but you don't know he is a CHL holder or (2) carrying a firearm (open or concealed) in a public building and you don't know he is a CHL holder

	No CHL, open carry	Possess CHL, concealed carry	Possess CHL, open carry	On-duty Officer	Off-duty Officer
Public Property (sidewalks, streets, etc)	Yes	Yes	Yes	Yes	Yes
Court Facilities (crt's are not public bldgs)	No	No	No	Yes, unless judge says no	No
Public Buildings (specific list) <i>Officer may inspect firearm per 166.380</i>	No	Yes	Yes	Yes	Yes
Ground adjacent to public buildings	No	Yes	Yes	Yes	Yes
Federal Facilities (Post Office, Buildings)	No	No	No	Yes	No
Natl Forest Service/BLM Land - <i>normally okay, but could be restricted, so check postings and with a ranger</i>	Yes	Yes	Yes	Yes	Yes
Tribal Land and Facilities - Written permission to carry may be obtained from tribal judge	Not without written permission	Not without written permission	Not without written permission	Yes	Not without written permission
Private Property	Yes, unless otherwise posted	Yes, unless otherwise posted	Yes, unless otherwise posted	Yes	Yes, unless otherwise posted



Agency Comparisons

	2013 & 2014 YTD Charges	Procedural Changes based on Ordinance
Astoria Police Dept.	0	No Change
Beaverton Police Dept.	No response	No response
Bend Police Dept.	0	No Change
Multnomah County S.O.	0	No Change
Newport Police Dept.	0	No Change
Oregon City Police Dept.	0	No Change
Portland Police Bureau	153	No Change
Salem Police Dept.	1	No Change
Tigard Police Dept.	2	"Stop" people w/guns



	2011	2012	2013	2014 ytd
# of Firearm Arrest cases	15	11	6	6
# of Open-Carry calls for service	4	1	3	2
# of CHL's in Benton County	2,921			

HUMAN SERVICES COMMITTEE SCHEDULED ITEMS

July 3, 2014

MEETING DATE	AGENDA ITEM
July 8	<ul style="list-style-type: none"> • Corvallis Farmers' Market Annual Report • Open Carry of Weapons
July 22	<ul style="list-style-type: none"> • Parks and Recreation Draft Master Plan Recommendation to Relocate Senior Center • Council Policy Review and Recommendation: <ul style="list-style-type: none"> • 99-4.14, "Use of City Hall Plaza and Kiosk"
August 5	
August 19	
September 2	<ul style="list-style-type: none"> • Social Services Semi-Annual Report
September 16	<ul style="list-style-type: none"> • Council Policy Review and Recommendation: <ul style="list-style-type: none"> • 93-4.11, "Public Library Policy for Selecting and Discarding Materials" • Rental Housing Program Annual Report
October 7	
October 21	
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	
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	

HSC PENDING ITEMS

- | | |
|---|---|
| <ul style="list-style-type: none"> • Municipal Code Review: Chapter 5.01, "City Park Regulations" (Alcoholic Beverages in Parks) • Municipal Code Review: Chapter 9.02, "Rental Housing Code" • OSU/City Collaboration Project Recommendations (Action Items 4-1, 4-3, 4-4, 5-1) | <p>Parks & Recreation</p> <p>Community Development</p> <p>Community Development</p> |
|---|---|

Regular Meeting Date and Location:

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