

# EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



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Action: Adoption of An Ordinance Concerning Citation Authority of  
University of Oregon Department of Public Safety and Amending Section  
4.035 of the Eugene Code, 1971

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Meeting Date: November 8, 2010  
Department: Police  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 4  
Staff Contact: Captain Richard Stronach  
Contact Telephone Number: 541-682-5252

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## ISSUE STATEMENT

The City Council is scheduled to take action on proposed amendments to Eugene Code (EC) 4.035, which provides citation authority to University of Oregon Department of Public Safety (UODPS) officers to enforce sections of the Eugene Code. The proposed amendment will allow University of Oregon (UO) public safety officers to issue citations for violations when the public safety officer has probable cause to believe that the person to be cited committed the violation on property owned or leased by the University of Oregon.

## BACKGROUND

In 2003, the Eugene City Council adopted EC 4.035, which permitted University of Oregon's Department of Public Safety officers to issue citations for offenses of the Eugene Code punishable as a violation when those crimes occurred on UO property in the presence of the public safety officer. This eliminated the need for a Eugene police officer to respond every time a UODPS officer witnessed the applicable violations. ("Violations" were defined in EC 4.035 as "an act made unlawful by the code that is punishable by a fine but not punishable to a term of imprisonment.")

On November 9, 2009, the council adopted Ordinance No. 20443, amending EC 4.035 to extend the authority of public safety officers to cite individuals for certain misdemeanor crimes found in the Eugene Code. UODPS officers already had authority to issue certain citations under provisions of the Oregon Revised Statutes and Oregon Administrative Rules, but Eugene needed to grant authority before citations could be issued for offenses included in the Eugene Code. An intergovernmental agreement (IGA) between the University and the City of Eugene identified those violations and misdemeanors for which public safety officers could issue citations. Beginning this fall, the University of Oregon eliminated its contract with the Eugene Police Department (EPD) for one remaining officer of the former Campus Unit. Previously, EPD had a campus unit that included three officers and a sergeant that were available for call response and follow-up investigations.

## Authority to Issue Citations Based on Probable Cause under the Eugene Municipal Code

The proposed amendment to EC 4.035 is necessary to remove the restriction on UODPS officers to be present to issue citations for crimes that were committed on University property. Permitting UODPS

officers to use probable cause to investigate reports of certain criminal behavior and issue citations based upon probable cause would eliminate the need to call the EPD simply to issue a citation. One goal of expanding the UODPS citation authority in 2009, was to lessen the impact on the City to investigate low-level crimes occurring on campus properties or properties under university control. After a year of successful implementation of Ordinance No. 20443, both the UODPS and the Eugene Police have noted that without granting the authority to arrest on probable cause this goal cannot be fully realized. Oregon Revised Statute (ORS) 352.385 already grants commissioned public safety officers, such as UODPS public safety officers, the authority to issue citations based on probable cause, but as it is now written, EC 4.035 does not grant this authority for violations or crimes in the Eugene Code.

An example of a common situation where UODPS and EPD would benefit from the change in citation authority to include arrests on probable cause would be a case where UODPS receives a report of a stolen laptop computer. The UODPS is notified by the University when a reported stolen computer is accessing the University network and the location is pin-pointed on campus. Officers from UODPS contact the person using the stolen computer on campus in the Erb Memorial Union (EMU), and after interviewing the subject, learn the individual actually stole the computer. Even though UODPS did not witness the actual theft, they developed *probable cause* to believe the suspect did take the computer by the subject admitting to the crime and also by the subject being in possession of the stolen computer. As the ordinance stands now, after performing all of these steps, UODPS officers would still need to contact EPD, explain the probable cause for the offense, and then have the EPD officer come to the University to issue the citation. This is a duplication of scarce public resources.

### **Citation Data**

From January 1, 2010, through October 5, 2010, the UODPS issued 386 citations; 155 of the total were for Minor in Possession of Alcohol, 65 for Possession of Less than One Ounce of Marijuana, and 50 for Consumption of Alcohol on an Unlicensed Premises. Please see Attachment “B” for a statistical report of violations and crimes addressed by the UODPS through their citation authority. It should be noted that this amendment to EC 4.035 only gives UODPS officers the authority to issue citations for crimes; they will not be transporting and lodging offenders.

### **Quick Triple Bottom Line Review**

When the proposal to amend the Eugene Code to give UODPS the authority to issue citations based upon probable cause is viewed through a quick triple bottom line analysis, these impacts are recognized:

- Environmental health is addressed when unnecessary gasoline consumption and extra vehicle trips to the University of Oregon campus are eliminated. If the proposed amendment to EC 4.035 is adopted by the council, in those cases where UODPS can cite individuals through probable cause, EPD will not be required to join the UODPS officers for what is essentially a paper work function.
- The primary economic benefit to the Eugene community and Oregon taxpayers to be gained through the proposed amendment will be the elimination of duplicated workload. UODPS is able to perform the function of investigating and charging individuals for a crime without an EPD officer needing to come along behind and duplicate the work already done.
- The primary social equity benefit is the increased ability of UODPS to provide policing that is culturally aligned with the campus community. Some differences in the priority of crime responses are culturally-based, for example the laptop theft discussed above would not reach the level of priority of response for an EPD detective due to the dollar threshold for EPD

investigations. On campus, the crime is one that would be prioritized for UODPS response. By aligning the authority of UODPS officers with justice and overall livability values of the University, the change to E.C. 4.035 provides a social equity benefit.

### **RELATED CITY POLICIES**

The City of Eugene has previously granted authority to the UODPS officers to enforce certain municipal violations and misdemeanor crimes if there is cause for them to do so, including some violations for which there are no comparable offenses under State law, such as violation of the City's noise ordinance.

The City Council has two vision statements that are reflected in this proposal: Safe Community – a community where people feel safe, valued and welcome; and Effective, Accountable Municipal Government – a government that works openly, collaboratively, and fairly with the community to achieve measurable and positive outcomes.

### **COUNCIL OPTIONS**

- (1) Adopt the ordinance as presented;
- (2) Modify the ordinance and adopt it; or
- (3) Reject the ordinance.

### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends Option 1, adopting the ordinance as presented and amending Eugene Code 4.035.

### **SUGGESTED MOTION**

I move to adopt Council Bill 5036 concerning citation authority of University of Oregon Department of Public Safety and amending Section 4.035 of the Eugene Code, 1971.

### **ATTACHMENTS**

- A. Draft Ordinance to Amend Section 4.035 of the Eugene Code
- B. Statistical Report from University of Oregon Department of Public Safety

### **FOR MORE INFORMATION**

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Staff E-Mail: [linda.m.phelps@ci.eugene.or.us](mailto:linda.m.phelps@ci.eugene.or.us)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CONCERNING CITATION AUTHORITY OF UNIVERSITY OF OREGON DEPARTMENT OF PUBLIC SAFETY AND AMENDING SECTION 4.035 OF THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Section 4.035 of the Eugene Code, 1971, is amended to provide as follows:

**4.035 Department of Public Safety of University of Oregon – Citation Authority.**

- (1)** Public safety officers of the University of Oregon are authorized to issue citations for violations of this code if[:] ***the public safety officer has probable cause to believe that the person to be cited committed the violation on property owned or leased by the University of Oregon.***
  - ~~[(a) The violation occurs on University of Oregon property in the presence of the public safety officer;~~
  - ~~(b) The public safety officer has reasonable grounds to believe that the conduct observed constitutes a violation of this code; and]~~
  - (e2)** ~~[The city manager has approved]~~ ***The authority granted by subsection (1) of this section may be exercised only pursuant to*** an intergovernmental agreement with the University of Oregon specifying the sections of this code for which citations may be issued ~~[to persons allegedly in violation of the section]~~ and containing such terms as the city manager determines are appropriate.

Section 2. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

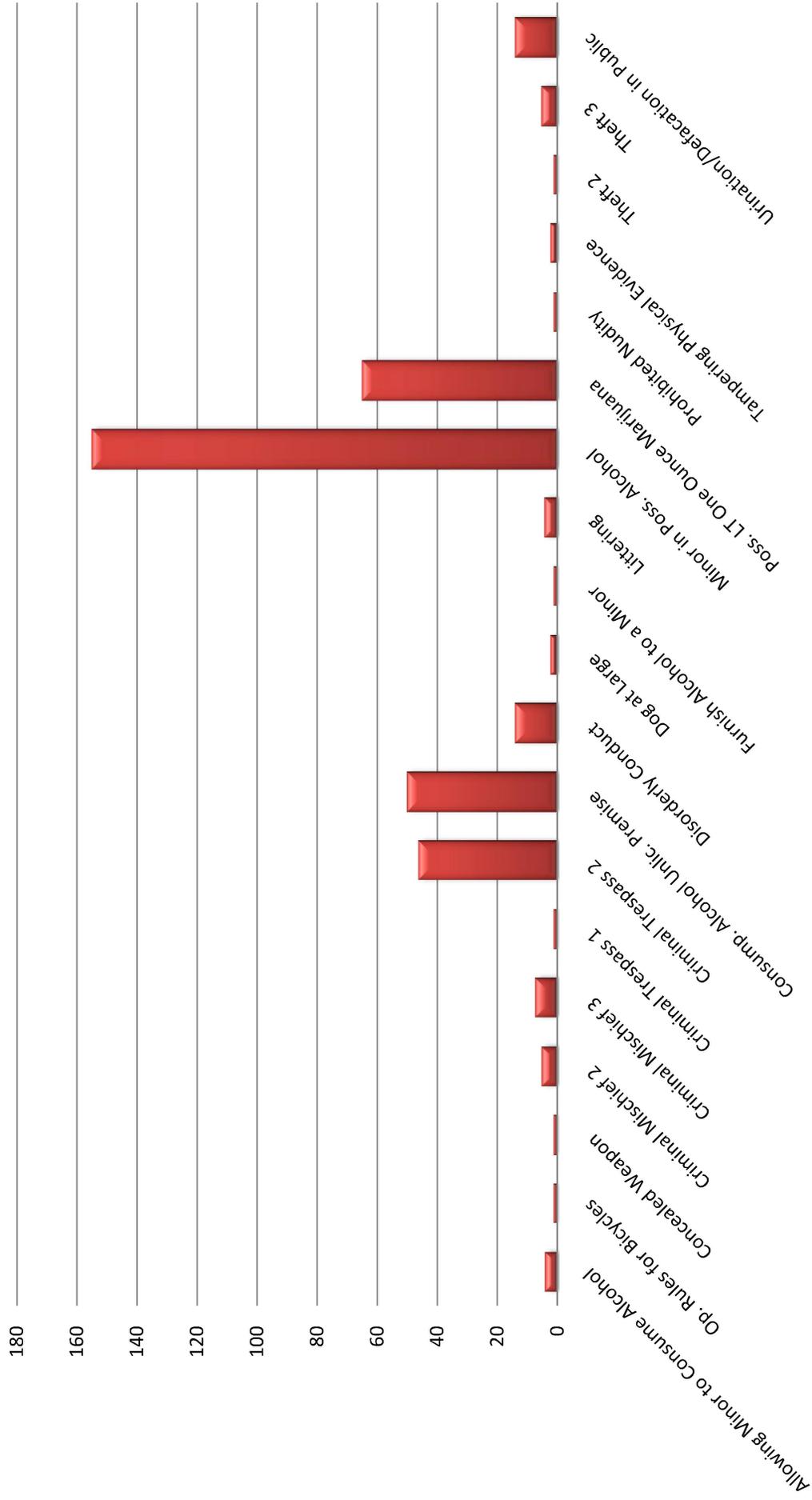
**Passed by the City Council this**  
\_\_\_\_ day of \_\_\_\_\_, 2010

**Approved by the Mayor this**  
\_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
**City Recorder**

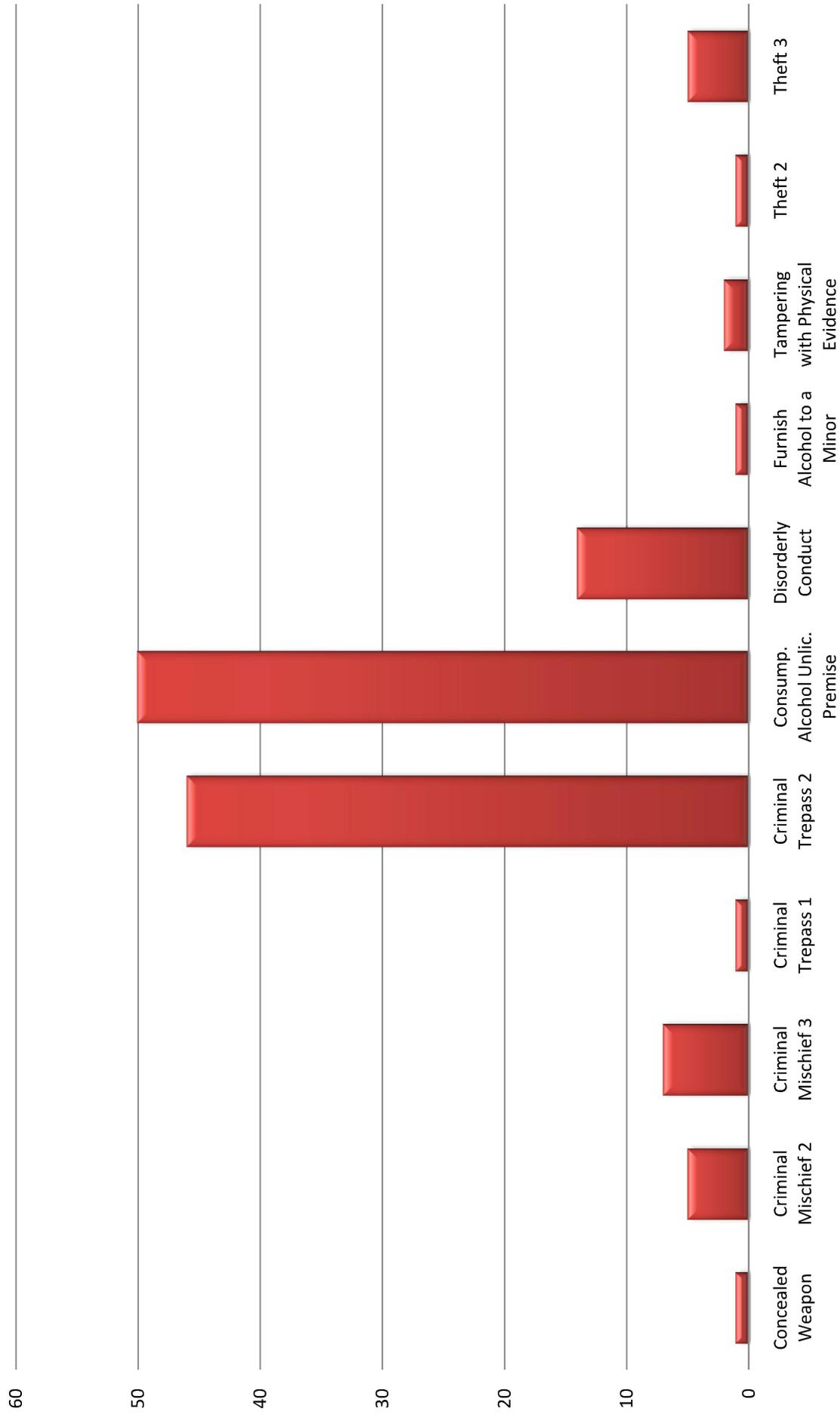
\_\_\_\_\_  
**Mayor**

# All UODPS Citations 01/01/2010 - 10/05/2010



■ All UODPS Citations 01/01/2010 - 10/05/2010

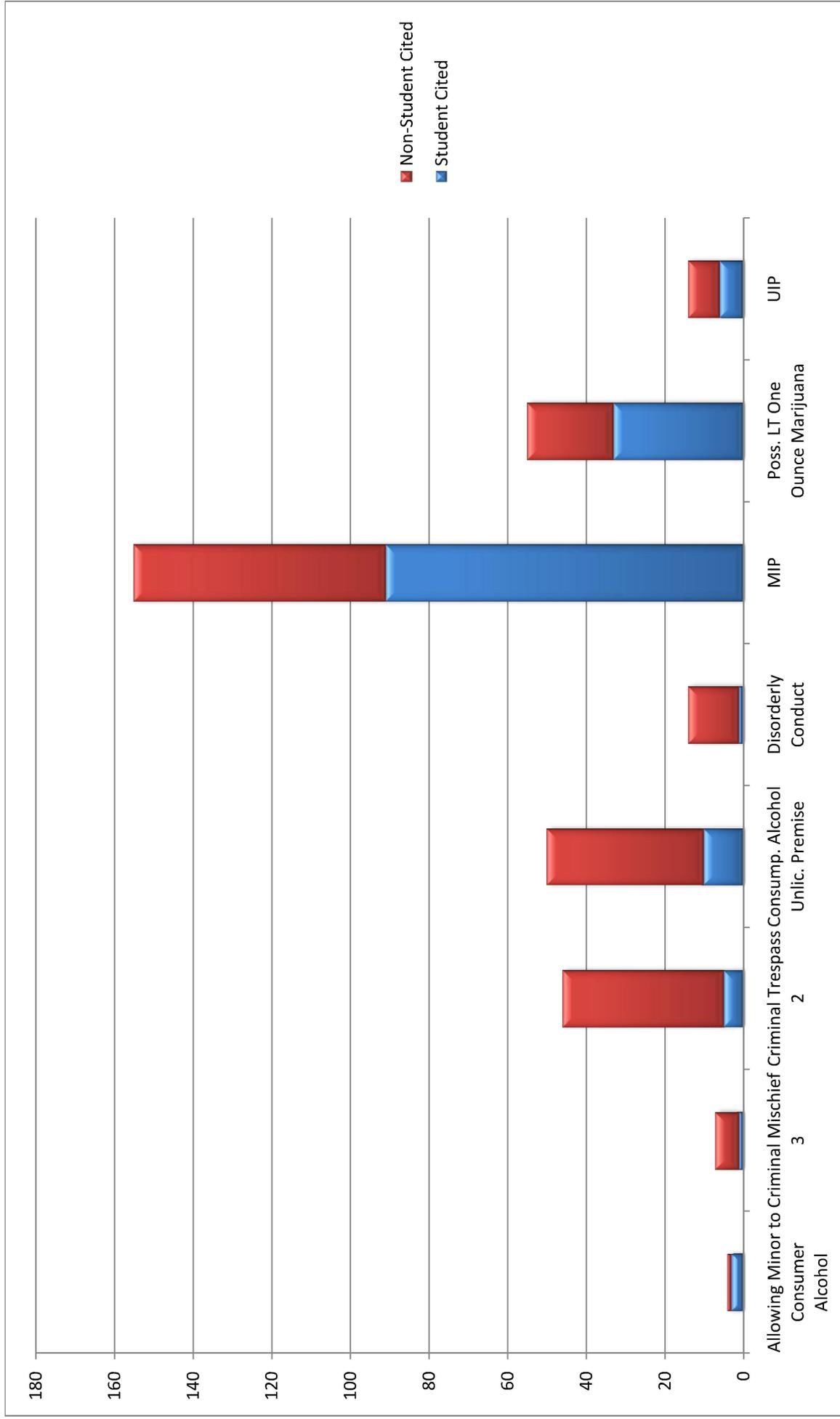
# UODPS Misdemeanor Citations 01/01/2010 - 10/05/2010



■ UODPS Misdemeanor Citations 01/01/2010 - 10/05/2010

# COMMON UODPS CITATIONS – STUDENT V.S NON-STUDENT

01/01/2010 – 10/05/2010



# ALL UODPS CITATIONS – STUDENT V.S NON-STUDENT

01/01/2010 – 10/05/2010

