

ASHLAND TIDINGS

Ashland council aims to cool conversation on contentious ordinance

by Allayana Darrow of the Ashland Tidings Friday, September 4th 2020



file photo Ashland police Sgt. Hector Meletich asks a group to move away from an area near the Plaza.

ASHLAND — Discussion over the status of a controversial city ordinance establishing an offense for failing to provide names and birth dates to a peace officer has been postponed seven months by a unanimous vote of the Ashland City Council.

Ordinance 3189 repeated language from a 2019 ordinance that lapsed Aug. 16 of this year without having resulted in a citation. Council members, holding a virtual meeting Tuesday, have set April 5, 2021 for the continuation of talks over the law.

City Attorney David Lohman said the ordinance was written originally in response to concerns from the Ashland Police Department, related to incidents when a person appeared to violate a city ordinance and after a warning and repeated illegal conduct, refused to give their name to an officer for a citation.

No one was cited under the ordinance last year, Lohman said, but APD maintains its value as a motivating factor for compliance.

Certain individuals essentially forced the ordinance into reality by encouraging passive resistance with officers, which generated angst and urged the ordinance forward, Councilor Dennis Slattery said Tuesday. In the long run, if interactions between the public and police force run smoothly on this front, perhaps the ordinance is unnecessary, he said.

"I think it's just a prudent thing to do to lower the temperature and allow us to get onto some other city business," said Councilor Steve Jensen, who moved to postpone review to April 2021.

Jensen included in his motion a request for APD to assemble pertinent data relative to citation issuance and identification compliance, so the next Ashland City Council may make measured judgments on the ordinance's efficacy.

Mayor John Stromberg initially postponed council action until Oct. 20, after he proposed establishing a working group of citizen organizations and leaders to provide feedback. In a public explanation released Sept. 1, Stromberg wrote the Ashland Culture of Peace Commission could be a strong contributor.

"Current apprehensions about police-community relations nationwide have made it difficult to analyze this ordinance in the thoughtful, inclusive manner characteristic of this council at its best," he wrote in a statement shared Tuesday with council during his absence.

Lohman said the Oct. 20 date was proposed to signal to the community that the issue would not be lost in other city business. However, Jensen said he wanted to "clean up discourse" and rest the topic without dragging an unclear end goal through council meetings.

ACPC co-founder Irene Kai said Stromberg's attempt to broaden discussion during this time of national discourse was intentional and represents a positive sign for police-community relations going forward.

While premature to discuss a specific opinion on the ordinance now, ACPC Executive Director David Wick said the mayor's statement is spot on as far as pushing the community — through thoughtful dialogue — to define what they want from a small town police force today. The coronavirus pandemic brought an unexpected period of halted activity and now communities must reenvision what's possible and what citizens desire of their leaders, he said.

Given the controversy surrounding the ordinance in 2019, the council set a sunset date of one year before revisiting its necessity, Lohman said.

Though APD issued zero citations under 3176 over the past year, innumerable reasons may contribute to why the public stopped engaging in passive resistance to the point of citation — the issue may come back with more frequency depending on unknown circumstances, he added.

Lohman emphasized the issue would be best handled in the state Legislature so municipalities could operate under clearer guidance. The April 2021 review was partially set with the hope state legislators would prioritize the issue in January. Recent case law that describes protections under political protest led to some confusion about the applicability of state statutes in everyday encounters with officers and minor city code violations.

When the ordinance was in effect, a person was not required to provide any documentation such as a drivers license or passport, only their name and birth date verbally. Giving a false name and birthday to a police officer is illegal — providing some built-in incentive to be truthful, Lohman said.

At the time 3176 passed, the council addressed concerns about people whose public name differs from their given name and who may not wish to share a birth name in front of their peers, Lohman recalled. O'Meara vowed to train officers on such sensitive situations and allow for some discretion in conversations leading to possible citation.

During the Tuesday meeting, several councilors agreed that because noncompliance was not a prominent issue over the past year, the council could postpone discussion until APD brings a direct concern back to the group or April 5, 2021 arrives.