

BROOKINGS ORDINANCE

ORDINANCE NO. 07-O-599

AN ORDINANCE ADDING SECTION 2.30.060 “AUTHORITY OF POLICE DEPARTMENT TO PERFORM CRIMINAL HISTORY RECORDS CHECKS,” TO CHAPTER 2.30, “POLICE DEPARTMENT,” OF TITLE 2, “ADMINISTRATION AND PERSONNEL,” OF THE BROOKINGS MUNICIPAL CODE (BMC), AND DECLARING AN EMERGENCY.

Sections:

- Section 1. Ordinance Identified.
- Section 2. Adds Section 2.30.060
- Section 3. Emergency Clause
- Section 4. Finding of Emergency

The City of Brookings ordains as follows:

Section 1. This ordinance adds Section 2.30.060, “Authority of the Police Department to perform criminal history records checks, to Chapter 2.30, “Police Department,” Title 2, “Administration and Personnel,” of the BMC.

Section 2. Section 2.30.060, “Authority of the Police Department to perform criminal history records checks,” is added to Chapter 2.30, “Police Department,” to read as follows:

Members of the Police Department, when properly trained and authorized to access Law Enforcement Data Systems (LEDS) information by the State of Oregon and the Chief of Police or his/her designee, shall have the authority, as expressed under Oregon Administrative Rules (OAR) number 257-010-0025 (1)(a), “to access criminal history records when the information is to be used for the administration of criminal justice, Criminal Justice Agency employment, or the information is required in order to implement a federal or state statute, local ordinance, Executive Order, or administrative rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct, or other demonstrated and legitimate need.” All requests for criminal history records, whether made by the City for purposes defined by resolution, ordinance, policy, or for criminal justice purposes, shall be handled in compliance with state law.

Section 3. Emergency Clause. It is hereby determined that this ordinance is in the interest of the public health, safety and welfare of the residents of the City of Brookings, and an emergency having been declared to exist, this ordinance shall become effective upon its passage by the City Council and signing by the Mayor.

Section 4. Finding of Emergency. The Council finds that an emergency exists due to non-compliance with state Law Enforcement Data Systems policy which, if this ordinance is not put into immediate effect, could result in the denial of access to information that is necessary to provide emergency dispatch and other vital Police Department services to the residents of the City of Brookings.

First Reading: December 10, 2007
Second Reading: December 10, 2007
Passage: December 10, 2007
Effective Date: December 10, 2007

INTRODUCED AND ADOPTED By the City of Brookings Council and signed by me in authentication of its passage the 11th day of December, 2007.

Mayor Pat Sherman

Attest:

Joyce Heffington, Interim City Recorder