

ORDINANCE NO. 662

AN ORDINANCE CREATING CHAPTER 2.56 OF THE TROUTDALE MUNICIPAL CODE PERTAINING TO INVENTORIES OF VEHICLES OR PERSONS IN CUSTODY AND DECLARING AN EMERGENCY.

WHEREAS, the City Council desires to establish procedures for conducting an inventory of personal property in an impounded vehicle and on a person in law enforcement custody;

WHEREAS, there are presently no formal procedures for conducting an inventory of personal property in an impounded vehicle or on a person in law enforcement custody;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

SECTION 1: The Troutdale Municipal Code is amended to create a new Chapter 2.56 to read and provide as follows:

Chapter 2.56

INVENTORIES OF VEHICLES AND PERSONS IN CUSTODY

Sections:

- 2.56.010 Purpose**
- 2.56.020 Definitions**
- 2.56.030 Inventories of Impounded Vehicles**
- 2.56.040 Inventories of Persons in Law Enforcement Custody**

2.56.010 Purpose.

This chapter applies exclusively to the process of conducting an inventory of the personal property in an impounded vehicle and the personal possessions of anyone in law enforcement custody and shall not be interpreted to affect any other statutory or constitutional rights that law enforcement officers may employ to search or seize possessions for other purposes.

2.56.020 Definitions.

As used in this chapter, unless the context requires otherwise:

- A. "Chief of police" means the chief of police of the City of Troutdale or the chief's designee.
- B. "Closed container" means a container whose contents are not exposed to view.
- C. "Law enforcement custody" means the imposition of actual or constructive restraint by a law enforcement officer:
 - 1. As a result of an arrest as that term is defined by state law;
 - 2. Pursuant to a court order;
 - 3. Pursuant to ORS Chapter 426 or other provisions of state law relating to the commitment and care of mentally ill or sexually dangerous persons;
 - 4. For purposes of taking the restrained person to an approved facility for the involuntary confinement of persons pursuant to Oregon law; or
 - 5. For the purpose of transporting the restrained person to determine identification to issue a citation.
- D. "Law enforcement officer" means any officer or reserve officer of the Troutdale Police Department.
- E. "Open container" means a container which is unsecured or incompletely secured in such a fashion that the container's contents are exposed to view.
- F. "Valuables" means:
 - 1. Cash money of an aggregate amount of \$50 or more; or,
 - 2. Individual items of personal property with a value of over \$100.

2.56.030 Inventories of Impounded Vehicles.

- A. The contents of all vehicles impounded by a law enforcement officer will be inventoried. The inventory shall be conducted before the vehicle is placed in constructive custody of a towing company, except under the following circumstances:

1. If there is reasonable suspicion to believe that the safety of a law enforcement officer or other person is at risk, a required inventory will be done as soon as safely practical; or
2. If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory will be done after such investigation is completed.

B. The purposes of the inventory of an impounded vehicle will be to:

1. Promptly identify property to establish accountability and to avoid spurious claims to property;
2. Assist in the prevention of theft or vandalism of property;
3. Locate toxic, dangerous, flammable or explosive substances; and
4. Reduce the danger to person and property.

C. Inventories of impounded vehicles will be conducted according to the following procedure:

1. An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle, including, but not limited to, accessible areas under or within the dashboard area, in any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats, and under the seats.
2. In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:
 - a. Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked vehicle trunks, unlocked car-top containers, unlocked glove boxes and unlocked consoles; and
 - b. Any locked compartments including, but not limited to, locked vehicle trunks, locked hatchbacks, locked car-tops, locked glove boxes and locked consoles, if either the keys are available to be released with the vehicle to the towing company or an unlocking mechanism for such compartment is available within the vehicle.

3. A closed container left either within the vehicle or any of the vehicle's compartments will have its contents inventoried only when:
 - a. The closed container is to be placed in the immediate possession of a person at the time that person is placed in the secure portion of a custodial facility, secure portion of a law enforcement vehicle or secure law enforcement holding room;
 - b. A person requests that the closed container be with him/her in the secure portion of a law enforcement vehicle or a secure law enforcement holding room; or
 - c. The closed container is designed for carrying money or valuables including, but not limited to, purses, briefcases, coin purses, wallets and fanny packs.
4. Upon completion of the inventory, the law enforcement officer will complete a report as directed by the chief of police.
5. Any valuables located during the inventory process will be listed on a property receipt. A copy of the property receipt will either be left in the vehicle or tendered to the person in control of the vehicle if such person is present. The valuables will be dealt with in the manner directed by the chief of police.

2.56.040

Inventories of Persons in Law Enforcement Custody.

- A. A law enforcement officer will inventory the personal property in the possession of anyone taken into law enforcement custody and the inventory will be conducted whenever:
 1. The person will be placed in a secure law enforcement holding room or transported in the secure portion of a law enforcement vehicle; or
 2. Custody of the person will be transferred to another law enforcement agency, correctional facility, treatment facility or other facility for the involuntary confinement of persons approved under state law.
- B. The purpose of the inventory of a person in law enforcement custody will be to:
 1. Promptly identify property to establish accountability and avoid spurious claims to property;
 2. Fulfill any requirements of state law for providing receipts for property taken from a person in custody;

3. Assist in the prevention of theft or vandalism of property;
4. Locate toxic, dangerous, flammable or explosive substances;
5. Locate weapons and instruments that may facilitate an escape from custody or endanger law enforcement personnel; and
6. Reduce the danger to persons and property.

C. Inventories of the personal property in the possession of a person in law enforcement custody will be conducted according to the following procedures:

1. An inventory will occur prior to placing such person into a holding room or a law enforcement vehicle, whichever occurs first. However, if there is reasonable suspicion to believe that the safety of the law enforcement officer or the person in custody, is at risk, an inventory will be done as soon as safely practical prior to the transfer of custody to another law enforcement agency or facility.
2. To complete the inventory of the personal property in the possession of such person, the law enforcement officer will remove all items of personal property from the clothing worn by such person. In addition, the officer will also remove all items of personal property from all open containers in the possession of such person.
3. A closed container in the possession of a person in law enforcement custody will have its contents inventoried only when:
 - a. The closed container is to be placed in the immediate possession of such person at the time that person is placed in the secure portion of a custodial facility, law enforcement vehicle or secure law enforcement holding room;
 - b. Such person requests that the closed container be with him/her in the secure portion of a law enforcement vehicle or a secure law enforcement holding room; or
 - c. The closed container is designed for carrying money or valuables including, but not limited to, purses, briefcases, coin purses, wallets and fanny packs.

D. Valuables found during the inventory process will be noted by the law enforcement officer in a report as directed by the chief of police.

E. All items of personal property, which are not left in the immediate possession of the person in custody or left with the facility or agency accepting custody of the person, will be handled in the following manner:


1. A receipt will be prepared listing the property retained in the possession of the chief of police. The receipt will be given to the person in custody when that person is released to another facility or agency;
2. The property will be dealt with in the manner as directed by the chief of police.

F. All items of personal property not left in the immediate possession of the person in custody or retained under TMC 2.56.040E will be released to the facility or agency accepting custody of the person. That facility or agency shall:

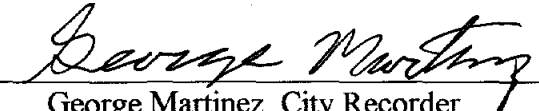
1. Hold the property for safekeeping on behalf of the person in custody; and
2. Prepare and deliver a receipt, as may be required by state law, for any valuables held on behalf of the person in custody.

SECTION 2: Officers are required daily to conduct inventory searches and without immediate enactment of this Ordinance any evidence seized might be inadmissible in court. Therefore, an emergency is declared and this ordinance goes into effect immediately upon its passage by the City Council and execution by the Mayor.

YEAS:	<u>7</u>
NAYS:	<u>0</u>
ABSTAINED:	<u>0</u>


Paul Thalhofer, Mayor

Dated: 6-26-98


George Martinez, City Recorder

Adopted: 6-23-98