

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 ORDINANCE NO. 878

4 An ordinance repealing Multnomah County Code Section 7.10.325,
5 Subsection (C), and amending the Code by adding Chapter 7.15,
6 concerning law enforcement duties to inventory property; and declaring an
7 emergency.

8 Multnomah County ordains as follows:

9 Section I. Repeal

10 Multnomah County Code Section 7.10.325, Subsection (C), is hereby
11 repealed.

12 Section II. Amendment

13 Multnomah County Code is hereby amended by adding Chapter 7.15
14 thereto, to read as follows:

15 (A) 7.15.010 Purpose.

16 This Chapter is meant to apply exclusively to the process of
17 conducting an inventory of the personal property in an impounded vehicle
18 and the personal possessions of anyone in law enforcement custody and
19 shall not be interpreted to affect any other statutory or constitutional right(s)
20 that law enforcement officers may employ to search or seize possessions
21 for other purposes.

22 (B) 7.15.020 Definitions.

23 For the purpose of this Chapter, the following definitions shall apply:

24 (1) "Valuables" means
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1 (a) cash money of an aggregate amount of \$50 or
2 more; or

3 (b) individual items of personal property with a value of
4 over \$500.

5 (2) "Open container" means a container which is unsecured
6 or incompletely secured in such a fashion that the container's contents are
7 exposed to view.

8 (3) "Closed container" means a container the contents of
9 which are not exposed to view.

10 (4) "Law enforcement custody" means either:

11 (a) the imposition of restraint as a result of an "arrest"
12 as that term is defined in ORS 133.005(1);

13 (b) the imposition of actual or constructive restraint by
14 a law enforcement officer pursuant to a court order;

15 (c) the imposition of actual or constructive constraint
16 by a law enforcement officer pursuant to ORS Chapter 426;

17 (d) the imposition of actual or constructive restraint by
18 a law enforcement officer for purposes of taking the restrained person to an
19 approved facility for the involuntary confinement of persons pursuant to
20 Oregon law.

21 (5) "Law enforcement officer" means any officer of the Office
22 of the Sheriff of Multnomah County.

23 (6) "Sheriff" means the Sheriff of Multnomah County or his
24 designated representative unless this is defined elsewhere in the
25 Multnomah County Code.

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(C) 7.15.030 Inventories of Impounded Vehicles.

(1) The contents of all vehicles impounded by a law enforcement officer will be inventoried. The inventory shall be conducted before constructive custody of the vehicle is released to a third-party towing company except under the following circumstances:

(a) If there is reasonable suspicion to believe that the safety of either the law enforcement officer(s) or any other person is at risk, a required inventory will be done as soon as safely practical; or

(b) 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.

(2) The purpose for the inventory of an impounded vehicle will be to:

(a) promptly identify property to establish accountability and avoid spurious claims to property;

(b) assist in the prevention of theft of property;

(c) locate toxic, dangerous, flammable or explosive substances; and

(d) reduce the danger to persons and property.

(3) Inventories of impounded vehicles will be conducted according to the following procedure:

(a) 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

1 back of the front seat, in any console between the seats, under any floor
2 mats, and under the seats;

3 (b) In addition to the passenger and engine compartments
4 as described above, an inventory of personal property and the contents of
5 open containers will also be conducted in the following locations:

6 (i) any other type of unlocked compartments that are
7 a part of the vehicle including, but not limited to, unlocked vehicle trunks
8 and unlocked car-top containers; and

9 (ii) any locked compartments including, but not limited
10 to, locked vehicle trunks, locked hatchbacks and locked car-top containers,
11 if either the keys are available to be released with the vehicle to the third-
12 party towing company or an unlocking mechanism for such compartment is
13 available within the vehicle.

14 (c) A closed container left either within the vehicle or any of
15 the vehicle's compartments will have its contents inventoried only when:

16 (i) the closed container is to be placed in the
17 immediate possession of a person at the time that person is placed in the
18 secure portion of a custodial facility, law enforcement vehicle or secure law
19 enforcement holding room;

20 (ii) a person requests that the closed container be with
21 him/her in the secure portion of a law enforcement vehicle or a secure law
22 enforcement holding room; or

23 (iii) the closed container is designed for carrying money
24 and/or valuables, including, but not limited to, closed purses, closed coin
25 purses, closed wallets and closed fanny packs.

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1 (d) Upon completion of the inventory, the law enforcement
2 officer will complete a report as directed by the Sheriff.

3 (e) Any valuables located during the inventory process will
4 be listed on a property receipt. A copy of the property receipt will either be
5 left in the vehicle or tendered to the person in control of the vehicle if such
6 person is present. The valuables will be dealt with in such manner as
7 directed by the Sheriff.

8 (D) 7.15.040 Inventories of Persons in Law Enforcement
9 Custody.

10 (1) A law enforcement officer will inventory the personal
11 property in the possession of anyone taken into law enforcement custody
12 and such inventory will be conducted whenever:

13 (a) such person will be either placed in a secure law
14 enforcement holding room or transported in the secure portion of a law
15 enforcement vehicle; or

16 (b) custody of the person will be transferred to another
17 law enforcement agency, correctional facility, or "treatment facility" as that
18 phrase is used in ORS 426.460 or such other lawfully approved facility for
19 the involuntary confinement of persons pursuant to Oregon Revised
20 Statute.

21 (2) The purpose of the inventory of a person in law
22 enforcement custody will be to:

23 (a) promptly identify property to establish accountability
24 and avoid spurious claims to property;

25 (b) fulfill the requirements of ORS 133.455 to the
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1 extent that such statute may apply to certain property held by the law
2 enforcement officer for safekeeping;

3 (c) assist in the prevention of theft of property;

4 (d) locate toxic, dangerous, flammable or explosive
5 substances;

6 (e) locate weapons and instruments that may facilitate
7 an escape from custody or endanger law enforcement personnel; and

8 (f) reduce the danger to persons and property.

9 (3) Inventories of the personal property in the possession of
10 such persons will be conducted according to the following procedures:

11 (a) An inventory will occur prior to placing such person
12 into a holding room or a law enforcement vehicle, whichever occurs first.
13 However, if there is reasonable suspicion to believe that the safety of the
14 law enforcement officer(s), the person in custody, or both are at risk, an
15 inventory will be done as soon as safely practical prior to the transfer of
16 custody to another law enforcement agency or facility.

17 (b) To complete the inventory of the personal property
18 in the possession of such person, the law enforcement officer will remove
19 all items of personal property from the clothing worn by such person. In
20 addition, the officer will also remove all items of personal property from all
21 open containers in the possession of such person.

22 (c) A closed container in the possession of such
23 person will have its contents inventoried only when:

24 (i) the closed container is to be placed in the
25 immediate possession of such person at the time that person is placed in

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1 the secure portion of a custodial facility, law enforcement vehicle or secure
2 law enforcement holding room;

3 (ii) such person requests that the closed
4 container be with him/her in the secure portion of a law enforcement vehicle
5 or a secure law enforcement holding room; or

6 (iii) the closed container is designed for carrying
7 money and/or valuables on or about the person, including, but not limited
8 to, closed purses, closed coin purses, closed wallets and closed fanny
9 packs.

10 (4) Valuables found during the inventory process will be
11 noted by the law enforcement officer in a report as directed by the Sheriff.

12 (5) All items of personal property, neither left in the
13 immediate possession of the person in custody, nor left with the facility or
14 agency accepting custody of the person, will be handled in the following
15 manner:

16 (a) A property receipt will be prepared listing the
17 property to be retained in the possession of the Sheriff and a copy of that
18 receipt will be tendered to the person in custody when such person is
19 released to the facility or agency accepting custody of such person;

20 (b) The property will be dealt with in such manner as
21 directed by the Sheriff.

22 (6) All items of personal property neither left in the
23 immediate possession of the person in custody nor dealt with as provided in
24 Subsection 7.15.040(5) above, will be released to the facility or agency
25 accepting custody of the person so that they may:

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1 (a) hold the property for safekeeping on behalf of the
2 person in custody, and

3 (b) prepare and deliver a receipt, as may be required
4 by ORS 133.455, for any valuables held on behalf of the person in custody.

5 Section III. Emergency Clause

6 This ordinance, being necessary for the health, safety and general
7 welfare of the people of Multnomah County, an emergency is declared and
8 the ordinance shall take effect upon its execution by the County Chair,
9 pursuant to Section 5.50 of the Charter of Multnomah County.

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11 APPROVED this 10th day of April, 1997, being the date of its first
12 reading before the Board of County Commissioners of Multnomah County,
13 Oregon.

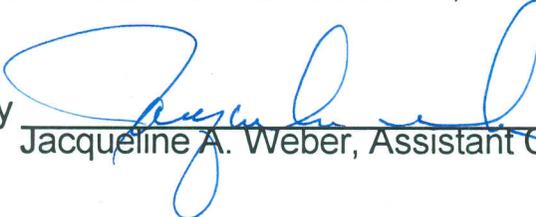


14 BOARD OF COUNTY COMMISSIONERS
15 FOR MULTNOMAH COUNTY, OREGON

16 
17 _____
18 Beverly Stein, Chair

19 REVIEWED:

20 SANDRA N. DUFFY, ACTING COUNTY COUNSEL
21 FOR MULTNOMAH COUNTY, OREGON

22 
23 By _____
24 Jacqueline A. Weber, Assistant County Counsel

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