

FILED
WASCO COUNTY

2009 JUL -2 P 28

KAREN LEBRETON COATS
COUNTY CLERK

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IN THE COUNTY COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF WASCO

AN ORDINANCE AMENDING PROCEDURES)
FOR THE WASCO COUNTY SHERIFF'S) AMENDED
OFFICE IN THE IMPOUNDMENT AND) ORDINANCE
TOWING OF VEHICLES AND THE BOOKING) #09-006
OF INDIVIDUALS INTO THE REGIONAL)
JAIL.)

THE COUNTY COURT OF WASCO COUNTY, OREGON, DOES
ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE & TITLE

This Ordinance shall be known as the "WASCO COUNTY
IMPOUNDMENT, TOWING AND BOOKING PROCEDURE ORDINANCE".

It is the intent and purpose of this Ordinance to provide guidance to
law officers in the towing and impoundment of vehicles and inventories of
property.

SECTION 2. POLICY

A member who, in the line of duty, has a vehicle towed or released
shall adhere strictly to Department procedures.

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2009-0266 (8)

1 SECTION 3. PROCEDURE

2 Personal Property Inventory provisions shall exclusively apply to the
3 process for conducting an inventory of the personal possessions of a person
4 in police custody and shall not be interpreted to affect any other statutory or
5 constitutional rights that police officers may employ to search persons or
6 search or seize possessions for other purposes.

7 The Sheriff may adopt additional Department policies governing
8 inventories that are consistent with this Ordinance, federal law and Oregon
9 law.
10

11 INVENTORIES OF IMPOUNDED VEHICLES

12 (1) The contents of all vehicles impounded by a police officer shall be
13 inventoried. The inventory shall be conducted before constructive
14 custody of the vehicle is released to a third party towing company
15 except under the following circumstances:

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

19 (b) If the vehicle is being impounded for evidentiary purposes in
20 connection with the investigation of a criminal offense, the
21 inventory will be done after such investigation is completed.
22

23 (2) The purpose for the inventory of an impounded vehicle shall be to:
24

25 (a) Promptly identify property to establish accountability and avoid
26 spurious claims to property;

- (b) Assist in the prevention of theft of property;
- (c) Locate toxic, flammable or explosive substances; or
- (d) Reduce the danger to persons and property.

(3) Inventories of impounded vehicles shall be conducted according to the following procedures:

- (a) Deputies shall utilize a Vehicle Inventory Checklist to aid in each inventory;
- (b) 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 on the doors or in the back of the front seat, in any console between the seats, under any floor mats, under the seats, and under any after-market seat cover or dash cover;
- (c) In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers shall also be conducted in the following locations:
 - (i) Any other type of unlocked compartments that are a part of the vehicle including, but not limited to unlocked vehicle trunks and unlocked car-top containers; and
 - (ii) Any locked compartments including, but not limited to, locked vehicle trunks, locked hatchbacks and locked car-

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1 top containers, if either the keys are available to be
2 released with the vehicle to the third-party towing
3 company or an unlocking mechanism for such
4 compartment is available within the vehicle.

5 (d) Unless otherwise provided in this article, closed containers
6 located either within the vehicle or any of the vehicle's
7 compartments will not be opened for inventory purposes.

8 (e) Upon completion of the inventory, the police officer will
9 complete a report as directed by the Sheriff.

10 (f) Any valuables located during the inventory process shall be
11 listed in a property receipt. A copy of the property receipt shall
12 either be left in the vehicle or tendered to the person in control
13 of the vehicle if such person is present. The valuables will be
14 dealt with in such a manner as directed by the Sheriff.

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17 INVENTORIES OF PERSONS IN POLICE CUSTODY

18 (1) A police officer shall inventory the personal property in the
19 possession of a person taken into police custody and such
20 inventory shall be conducted whenever:

21 (a) Such person will be either placed in a secure police holding
22 room or transported in the secure police holding room or
23 transported in the secure portion of a police vehicle; or

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

(2) The purpose of the inventory of a person in police custody shall be to:

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

(b) Fulfill the requirements of ORS 133.455 to the extent that such statute may apply to certain property held by the police officer for safekeeping; or

(c) Assist in the prevention of theft of property; or

(d) Locate toxic, flammable or explosive substances; or

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

(f) Reduce the danger to persons and property.

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

(a) An inventory will occur prior to placing such person into a holding room or a police vehicle, whichever occurs first.

However, if reasonable suspicion to believe that the safety of either the police officer or the person in custody or both are at risk, an inventory will be done as soon as safely practical prior

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to the transfer of custody to another law enforcement agency or facility.

(b) To complete the inventory of the personal property in the possession of such person, the police 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.

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

- (i) 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, police vehicle or secure police holding room;
- (ii) Such person requests that the closed container be with them in the secure portion of a police vehicle or a secure police holding room; or
- (iii) The closed container is designed for carrying money and/or small valuables on or about the person including, but not limited to, purses, coin purses, wallets and fanny packs; or the contents of the closed container are visible to the officer they can be identified as valuables and the

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1 contents cannot be adequately inventoried without
2 opening the container.

3 (4) Valuables found during the inventory process will be noted by the
4 police officer in a report as directed by the Sheriff.

5 (5) All items of personal property neither left in the immediate
6 possession of the person in custody nor dealt with previously, will
7 be released to the facility or agency accepting custody of the
8 person so that they may:

9 (a) Hold the property for safekeeping on behalf of the person in
10 custody, and

11 (b) Prepare and deliver a receipt, as may be required by
12 ORS 133.455, for any valuables held on behalf of the person in
13 custody.
14

15 SECTION 4.

16 NORCOR is specifically authorized by the Wasco County Court to
17 adopt any inventory policy regarding persons placed in its custody that it
18 deems necessary and reasonable to insure the safety of inmates and
19 corrections staff, and that are within the purposes of this policy, which are set
20 forth in Section III (2).
21

22 SECTION 5. SEVERABILITY

23 Should any article, section, subsection, paragraph, sentence, clause
24 or phrase of this Amended Ordinance be declared invalid, such declaration
25 shall not affect the validity of any other article, section, subsection,
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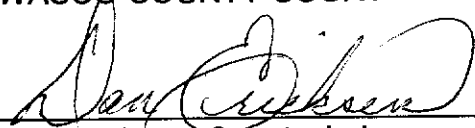
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paragraph, sentence, clause or phrase; and if this Ordinance or any portion thereof should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said Ordinance or such portion thereof was enacted.

That the Wasco County Impoundment, Towing and Booking Procedure Ordinance shall take effect on September 29, 2009, which is 90 days after its adoption.

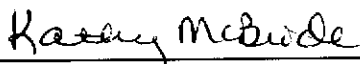
Regularly passed and adopted this 1st day of July, 2009.

WASCO COUNTY COURT

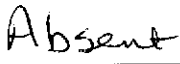


Dan Ericksen, County Judge

ATTEST:



Kathy McBride
Administrative Assistant

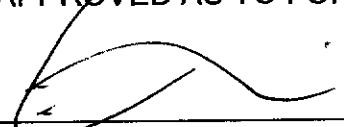


Sherry Holliday, County Commissioner

APPROVED AS TO FORM:



Bill Lennox, County Commissioner



Eric J. Nisley
District Attorney

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