

CHAPTER 212
Law Enforcement Duties to Inventory Property

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212.01 PURPOSE.

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

Further, this ordinance is meant to protect the county and its officers and employees from the very real possibility of false claims related to the theft of personal property incident to vehicle impoundment or arrest. It will also have the effect of protecting citizens from the theft of their property while in the control of the county. With the unfortunate increase in the illegal use and manufacture of drugs, comes a growing concern that containers carried within vehicles and on the person of individuals lawfully detained might contain toxic, flammable or explosive substances. This fear is confirmed by the recent increase in the number of homemade bombs found in the valley. The county is justifiably concerned with the safety of its officers and employees and of the public and has the duty to protect against harm when possible.

There is a further concern with the safety and integrity of the county's detention facilities. Due to lack of space and the cost of security, it is not possible to secure personal property stored for those in custody in vaults or places where absolute security can be guaranteed. Thus, for all of the reasons set out above, it is necessary to inventory the contents of all containers that can be opened without resort to force.

It is also true that people being detained often carry with them containers storing food and other perishable items. It is essential to maintain sanitary conditions within the county's detention facilities, thus making it necessary to open containers that can be opened without the use of force in order to search for perishable items and reduce the possibility of attracting rats and other vermin.

(E. Ord. 98-14. Passed 4-29-98; P. Ord. 98-15. Passed 4-29-98.)

212.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply:

- (a) Open Container - means a container which is unsecured or incompletely secured in such a fashion that the container's contents are exposed to view.
- (b) Closed Container - means a container, the contents of which are not exposed to view.
- (c) Law Enforcement Custody - means either:
 - (1) The imposition of restraint as a result of an "arrest" as that term is defined in ORS 133.005(1);
 - (2) The imposition of actual or constructive restraint by a law enforcement officer pursuant to a court order;
 - (3) The imposition of actual or constructive constraint of an individual pursuant to ORS 430.399.
 - (4) The imposition of actual or constructive restraint by a law enforcement officer for purposes of taking the restrained person to an approved facility for the involuntary confinement of persons pursuant to Oregon law.
- (d) Law Enforcement Officer - means the Sheriff or any Deputy Sheriff of Jackson County and probation officers employed by Jackson County having the powers of peace officers as set out in ORS 137.620.
- (e) Other County Personnel Authorized to Carry out Inventory Searches - means the director of a detoxification center or other treatment facility as those terms are defined in ORS 430.306 and the juvenile director or these individuals' designees.
- (f) Sheriff - means the Sheriff of Jackson County or his designated representative.
- (g) Personal Property - means all property other than real property or an interest in real property.

(E. Ord. 98-14. Passed 4-29-98; P. Ord. 98-15. Passed 4-29-98.)

212.03 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 constructive custody of the vehicle is transferred to a third-party towing company except under the following circumstances:

- (1) 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
- (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 purpose for the inventory of an impounded vehicle will be to:

- (1) Promptly identify property in order to reduce and tend to prevent the assertion of false claims against the county;
- (2) Protect the owners' property while in police custody and assist in the prevention of theft of property;
- (3) Locate toxic, dangerous, flammable or explosive substances; and
- (4) Reduce the danger to persons 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 and unlocked car-top containers; and

- B.** Any locked compartments including, but not limited to locked vehicle trunks, locked hatchbacks and locked car-top containers, if either the keys are available to be released with the vehicle to the third-party 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 the closed container is designed for carrying money and/or valuables, including but not limited to closed purses, closed coin purses, closed wallets, closed fanny packs and backpacks, and unlocked suitcases, attach or brief cases. The contents of locked suitcases, attach or brief cases shall be inventoried if and only if the key to the suitcase is available to be released with the vehicle to the third-party towing company.
- (4) Upon completion of the inventory, the law enforcement officer will complete a report as directed by the Sheriff or appropriate department director.
- (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 such manner as directed by the Sheriff or appropriate department director.

(E. Ord. 98-14. Passed 4-29-98; P. Ord. 98-15. Passed 4-29-98.)

212.04 INVENTORIES OF PERSONS IN LAW ENFORCEMENT CUSTODY.

(a) A law enforcement officer or other county personnel authorized to carry out inventory searches will inventory the personal property in the possession of anyone taken into law enforcement custody and such inventory will be conducted whenever:

- (1) Such person will be either placed in a secure law enforcement holding room or transported in a law enforcement vehicle; or
- (2) Custody of the person will be transferred to another law enforcement agency, correctional facility, or "detoxification" or "treatment facility" as those phrases are defined in ORS 430.306 or such other lawfully approved facility for the involuntary confinement of persons pursuant to Oregon Revised Statute.

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

- (1) Promptly identify property in order to reduce and tend to prevent the assertion of false claims against the county;

- (2) Fulfill the requirements of ORS 133.455 to the extent that such statute may apply to certain property held by the law enforcement officer for safekeeping;
 - (3) Protect the owners' property while in police custody and assist in the prevention of theft 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;
 - (6) Reduce the danger to persons and property; and
 - (7) Locate perishable items which may endanger the health and safety of those inside a custodial facility by attracting rats and other vermin.
- (c) Inventories of the personal property in the possession of such persons will be conducted according to the following procedures:
- (1) An inventory will occur prior to placing such person into a holding room or law enforcement vehicle, whichever occurs first. However, if there is reasonable suspicion to believe that the safety of the law enforcement officer(s), the person in custody, or others are 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 or other county personnel authorized to carry out inventory searches will remove all items of personal property from the clothing worn by such person. In addition, all items of personal property will be removed from all open containers in the possession of such person.
 - (3) A closed container in the possession of such person 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 a law enforcement vehicle or a secure law enforcement holding room;

- C.** The closed container is designed for carrying money and/or valuables on or about the person, including but not limited to closed purses, closed coin purses, closed wallets, closed fanny packs and backpacks and unlocked suitcases, attached or brief cases; or
- D.** When a closed container is to be stored by the county while the person from whom it is taken is in law enforcement custody inside a jail, juvenile detention facility or detoxification center. Only those closed containers that can be opened without the use of force shall be opened and their contents inventoried. Those containers that are locked without access to the key and those containers that are taped and secured in a fashion which would require the removal of the securing mechanism, may not be opened unless there is an independent statutory or constitutional purpose for opening the container.
- (d) Valuables found during the inventory process will be noted by the individual doing the search in a report as directed by the Sheriff or appropriate department director.
- (e) All items of personal property, neither left in the immediate possession of the person in custody, nor left with the facility or agency accepting custody of the person, will be handled in the following manner:
- (1) A property receipt will be prepared listing the property to be retained in the possession of the county and a copy of that receipt will be tendered to the person in custody when such person is released to the facility or agency accepting custody of such person;
 - (2) The property will be dealt with in such manner as directed by the Sheriff or appropriate department director.
- (f) All items of personal property neither left in the immediate possession of the person in custody nor dealt with as provided in Subsection 212.04(e) above, will be released to the facility or agency accepting custody of the person so that they may:
- (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 ORS 133.455, for any valuables held on behalf of the person in custody.
- (E. Ord. 98-14. Passed 4-29-98; P. Ord. 98-15. Passed 4-29-98.)