

ORDINANCE NO. 2017-09

**AMENDING FOREST GROVE CODE CHAPTER 5, SECTION 5.100 AND 5.101,
RELATING TO VEHICLE INVENTORIES AND INVENTORIES OF PERSONS IN
POLICE CUSTODY AND REPEALING ORDINANCE NO. 2009-09**

The City of Forest Grove ordains as follows:

Section 1. Forest Grove Code Section 5.100 and 5.101 is amended as follows:

REPEALING EXISTING LANGUAGE

5.100 ~~Vehicles Inventories.~~

- ~~1) The contents of all impounded vehicles shall be inventoried in accordance with the procedures outlined in the Forest Grove Police Department, Policy Manual, Section 510.5, and shall be made a part of this City Code.~~
- ~~2) One copy of the Forest Grove Police Department, Policy Manual, Section 510.5, shall be kept on file in the office of the City Recorder.~~

5.101 ~~Inventories of Person in Police Custody.~~

- ~~1) Inventories of person in police custody shall be in accordance with the procedures outlined in the Forest Grove Police Department, Policy Manual, Policy 903, and shall be made a part of this Code.~~
- ~~2) One copy of the Forest Grove Police Department, Policy Manual, Policy 903, shall be kept on file in the office of the City Recorder.~~

UNDERLINE INDICATES NEW LANGUAGE

5.100 (35.110) VEHICLE INVENTORIES.

(A) 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, glove compartments, other 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 glove compartments, unlocked vehicle trunks and unlocked car-top containers; and

(b) Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car top containers, provided the keys are available and are 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) Closed containers located either within the vehicle or any vehicle compartments will not be opened for inventory purposes except for the following, which shall be opened for inventory: wallets, purses, coin purses, fanny packs, personal organizers, briefcases or other closed containers designed for carrying money or small valuables, or closed containers which are designed for hazardous materials.

(4) Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of \$10, valuables or hazardous materials.

(5) Any valuables, to include cash in excess of \$10 or property valued at more than \$200, located during the inventory process will be listed on a property receipt and stored in this agency's property/evidence room. 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.

(6) The inventory is not a search for evidence of a crime; however, officers shall seize evidence or contraband located during the inventory. Items should be scrutinized to the extent necessary to complete the inventory.

(7) Tow truck operators are to receive a copy of the tow report.

(B) These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the City against fraudulent claims of lost, stolen, or damaged property.

5.101 (35.111) INVENTORIES OF PERSONS IN POLICE CUSTODY.

(A) This policy is meant to exclusively apply to the process for conducting an inventory of the personal property and possessions of a person in police custody and shall not be interpreted to affect any other statutory or constitutional right(s) that law enforcement officers may employ to search persons or search and seize possessions for other purposes.

(B) PROCEDURES: An officer will inventory the personal property in the possession of a person taken into police custody and such inventory will be conducted whenever:

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

(2) Custody of the person will be transferred to another law enforcement agency, correctional facility, or "treatment facility" as that phrase is used in O.R.S. 430.399 or such other lawfully approved facility for the involuntary confinement of persons pursuant to state law.

(C) The purpose of the inventory of a person in police custody will be to:

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

(2) Fulfill the requirements of O.R.S. 133.455 to the extent that such statute may apply to certain property held by the police department for safekeeping;

(3) Assist in the prevention of theft of property;

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

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

(6) Reduce the danger to persons and property.

(D) 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 a police vehicle, whichever occurs first. However, if there is reasonable suspicion to believe that the safety of either the officer(s) or the person in custody is at risk, an inventory will be done as soon as is 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 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) Inventories of the contents of a closed container in the possession of such person should only be conducted 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, police vehicle, or secure police holding room;

(b) Such person requests the closed container be with them in the secure portion of a police vehicle or a secure police holding room; or

(c) The closed container is designed for carrying money and/or small valuables on or about the person. This includes, but is not limited to, closed purses, closed coin purses, closed wallets, and closed fanny packs.

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

(F) All items of personal property not left in the immediate possession of the person in custody and not 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 respective law enforcement agency 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; and

(2) The property will be dealt with in such manner as directed by the police department.

(G) All items of personal property not left in the immediate possession of the person in custody and not dealt with as provided in Section 5 of this section, 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

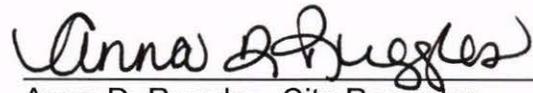
(2) Prepare and deliver a receipt, as may be required by O.R.S. 133.455, for any valuables held on behalf of the person in custody.

Section 2. Ordinance No. 2009-09 is hereby repealed.

Section 3. This ordinance is effective 30 days following its enactment by the City Council.

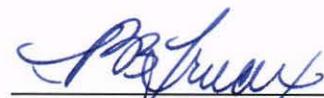
PRESENTED AND PASSED the first reading this 11th day of September, 2017.

PASSED the second reading this 25th day of September, 2017.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 25th day of September, 2017.



Peter B. Truax, Mayor



A place where families and businesses thrive.

CITY RECORDER USE ONLY:	
AGENDA ITEM #:	6
MEETING DATE:	September 11, 2017
FINAL ACTION:	First Reading

Ord 2017-09
Second Reading
9/25/17

CITY COUNCIL STAFF REPORT

TO: City Council

FROM: Jesse VanderZanden, City Manager

PROJECT TEAM: Janie Schutz, Chief of Police; Kevin Ellingsburg, Police Captain

MEETING DATE: September 11, 2017

SUBJECT TITLE: Ordinance Amending City Code relating to Vehicle and Person Inventories

ACTION REQUESTED:	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Order	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion	<input type="checkbox"/> Informational
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X all that apply

ISSUE STATEMENT: Current Forest Grove Administrative Police Policy regarding vehicle inventories (the ability to conduct warrantless searches of vehicles being impounded by law enforcement agencies) and inventories of person(s) (the ability to search a person taken into police custody) is not contained in City Ordinance. The Washington County District Attorney strongly advised all law enforcement agencies in Washington County adopt procedures by their legislative body to reduce challenges in criminal court.

The City Attorney has reviewed and approved the proposed changes. The proposed changes are consistent with other municipalities and in accordance with local, state and federal law.

FISCAL IMPACT: There is no fiscal impact to the City.

STAFF RECOMMENDATION: Staff recommends the City Council adopt the attached ordinance amending Code Sections 5.100 and 5.101 relating to vehicle inventories and inventories of persons in police custody as attached.

ATTACHMENT(s):
Ordinance



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NOTICE OF PUBLIC HEARING PROPOSED ORDINANCE AMENDING FOREST GROVE CITY CODE RELATING TO VEHICLE INVENTORIES AND INVENTORIES OF PERSONS IN POLICE CUSTODY

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold a Public Hearing on **Monday, September 11, 2014**, at **7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to consider adopting an ordinance that would establish procedures for conducting impounded vehicle inventories and inventories of persons in police custody. The proposed ordinance, if enacted by the City Council, would take effect 30 days immediately after enactment unless City Council declares an emergency.

This hearing is open to the public and interested parties are encouraged to attend. A copy of the staff report and proposed ordinance are available for inspection prior to the hearing at the City Recorder's Office or by visiting the City's website at www.forestgrove-or.gov. Written comments or testimony may be submitted at the hearing, e-mailed to aruggles@forestgrove-or.gov, or sent to the attention of the City Recorder's Office, P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116, prior to the hearing. For further information, please call the City Recorder's Office at 503.992.3235.

**Anna D. Ruggles, CMC, City Recorder
City of Forest Grove**

To be published in the NewsTimes on September 6, 2017



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 Phone: 503-684-0360 Fax: 503-620-3433
 E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of the **Forest Grove News-Times**, a newspaper of general circulation, published at Forest Grove, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Forest Grove
Notice of Public Hearing – vehicle inventories
FGNT15915700

a copy of which is hereto attached, was published in the entire issue of said newspaper for

1
 week in the following issue:
September 6, 2017

Charlotte Allsop

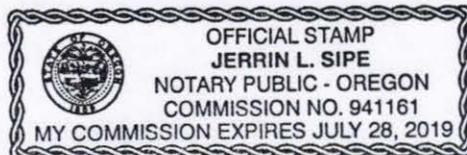
 Charlotte Allsop, Accounting Manager

Subscribed and sworn to before me this September 6, 2017.

Jerrin L. Sipe

 NOTARY PUBLIC FOR OREGON

Acct #298024
 PO #: 20165070
Attn: Anna Ruggles
 City of Forest Grove
 PO Box 326
 Forest Grove, OR 97116
 Size: 2 x 4.45"
 Amount Due: **\$84.96***
 *Please remit to the above address.



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 FOREST GROVE CITY CODE RELATING
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Anna D. Ruggles, CMC, City Recorder
City of Forest Grove

Publish 09/06/2017.

FGNT15915700

Date: SEPTEMBER 11, 2017

Agenda Item: 6.

Subject: PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 2017-09 AMENDING FOREST GROVE CODE CHAPTER 5, SECTIONS 5.100 AND 5.101, RELATING TO VEHICLE INVENTORIES AND INVENTORIES OF PERSONS IN POLICE CUSTODY AND REPEALING ORDINANCE NO. 2009-09

CITY COUNCIL MEETING

Request to Testify at Public Hearing

Public Hearings – Public hearings are held on each matter required by state law or City policy. Anyone wishing to testify should sign-in for the Public Hearing prior to the meeting. The Mayor or presiding officer will review the complete hearing instructions prior to testimony. The Mayor or presiding officer will call the individual or group by the name given on the sign-in form. When addressing the Mayor and Council, please move to the witness table (center front of the room). Each person should speak clearly into the microphone and must state their first and last name and provided a mailing address for the record. All testimony is electronically recorded. In the interest of time, Public Hearing testimony is limited to three minutes unless the Mayor or presiding officer grants an extension. Written or oral testimony is heard prior to any Council action.

Please sign-in below to testify.

PROPONENTS: *(Please print legibly)*

First & Last Name:

Address:

City, State & Zip Code:

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Date: **SEPTEMBER 25, 2017**

Agenda Item: **6.**

Subject: **CONTINUE PUBLIC HEARING FROM SEPTEMBER 11, 2017: SECOND READING OF ORDINANCE NO. 2017-09 AMENDING FOREST GROVE CODE CHAPTER 5, SECTIONS 5.100 AND 5.101, RELATING TO VEHICLE INVENTORIES AND INVENTORIES OF PERSONS IN POLICE CUSTODY AND REPEALING ORDINANCE NO. 2009-09**

CITY COUNCIL MEETING

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