

ORDINANCE NO. 1190

**AN ORDINANCE REPEALING AND REPLACING SECTION 33.10 OF THE
CODE OF PRINEVILLE**

WHEREAS, the City of Prineville has established by Ordinance a policy to provide City of Prineville Police Officers guidelines for determining when and how a motor vehicle inventory should be conducted; and

WHEREAS, as a result of a decision of the Oregon Court of Appeals, such policy needs to be revised;

NOW, THEREFORE, the people of the City of Prineville ordain as follows:

1. Section 33.10 of the Code of Prineville is hereby repealed and replaced with the document attached hereto as Attachment A.

Passed the by the City Council this 22nd day of May, 2012.

City of Prineville

By: 
Betty J. Roppe, Mayor

ATTEST:


Lisa Morgan, City Recorder

ATTACHMENT A

33.10 MOTOR VEHICLE INVENTORIES.

(A) *Purpose.* The purpose of this section is to provide City of Prineville police officers (hereinafter “officer” or “officers”) with guidelines for determining when and how a motor vehicle inventory should be conducted.

(B) *Policy.* A motor vehicle inventory is an administrative measure designed to protect motor vehicles and their contents while in police custody; to protect the Prineville Police Department and the City of Prineville against claims of lost, stolen, or damaged property; and to protect City of Prineville Police Department personnel and the public against injury or damaged property due to hazardous materials or substances that may be in the vehicle. It is the policy of the City of Prineville and the Prineville Police Department to safeguard the above property and interests and to conduct motor vehicle inventories only in accordance with the following procedures.

(C) *Authority to inventory.* An authorized member of the Prineville Police Department shall conduct a motor vehicle inventory without a warrant or probable cause within the scope of this policy as an administrative procedure when:

- (1) The vehicle has been lawfully seized or impounded pursuant to the arrest of the driver; after towing the vehicle for violations or for related enforcement or safety reasons as defined by state law; or
- (2) A vehicle is being towed pursuant to ORS 809.720.

Examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent of discovering evidence of a crime is a search, not an administrative inventory. Officers of the Prineville Police Department shall be guided by the Prineville Police Department’s policy on motor vehicle searches when engaged in these actions.

(D) *Scope of inventory.*

- (1) The inventory should be conducted in the location at which the vehicle is seized, unless limited by reasons of safety or practicality. If the inventory is not conducted in such location it may be inventoried at a later time following the impoundment.
- (2) The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they shall be inventoried before the vehicle is removed, and the owner or operator, if possible, shall be requested to verify the completeness of the inventory by signature.
- (3) A motor vehicle inventory may extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including but not limited to the passenger compartment, glove compartment, console, and any external vehicle container(s) attached to the vehicle, trunk, or any other area of a motor vehicle designed or created to contain items of personal property..
- (4) In order to determine the presence of items of value in the vehicle and to protect these items, closed containers found within the vehicle that may contain items of value or may

contain hazardous items or substances shall be opened for the purposes of the inventory. Closed and locked containers shall not be forced open, but shall be logged on the impound report as such. If the key or lock combination is available, locked containers may be opened and inventoried. Examples of closed containers that may contain items of value or may contain hazardous items or substances shall include, but are not limited to, the following:

- (a) Items such as fanny packs, backpacks, suitcases, briefcases, or other similar items that may contain items of value;
- (b) Camera cases, instrument cases, or other cases that indicate that items of value may be contained within;
- (c) Items such as wallets, purses or money belts that are primarily used to store items of value such as currency or jewelry;
- (d) Containers that may be used to store items of value, such as money, jewelry, or other items of value;
- (e) Containers that may reasonably contain hazardous items or substances, such as medical sharps, caustic or noxious substances, or biohazard materials.

(5) In cases where the container cannot be opened without damaging it, the officer shall take the item for safe keeping if he or she believes the container may contain items of value that cannot be reasonably entrusted to the tow company.

(6) Generally, officers should not open closed and/or sealed containers such as food products, beverages, commercially manufactured items, etc., unless the officer has reason to believe the container contains items different from those depicted by the packaging and only if the items within may be of value and need to be inventoried in order to protect the property interest of the vehicle owner or property owner.

(E) *Property control.* Officers should make every effort to carefully document and secure all items of value contained within the vehicle. Some items will be removed from the vehicle by the vehicle owner or person in control of the vehicle while others will be secured within the vehicle or removed and placed in the Prineville Police Department property system for safekeeping. Generally speaking, **ITEMS OF VALUE** are defined as follows:

- Currency;
- Firearms;
- Jewelry with an estimated value over \$200;
- Other items with an estimated value over \$200;
- Other items of lesser value that the investigating officer believes should be secured or described.

(1) Items secured in the vehicle. Some items of value are too large to be removed and stored within the Prineville Police Department property system. These items include, but are not limited to: sporting equipment, car parts, large toolboxes, etc. In cases where items of value are secured in the vehicle, the investigating officer shall make note of the items in his/her report and bring the items to the attention of the tow company representative. Officers shall also include a general description of all loose items left in the stored vehicle in their report (“...jumper cables, miscellaneous clothing, loose hand tools, canned food items...”)

(2) All items of value that are removed from the vehicle by the investigating officer shall be itemized on the Police Department’s property inventory form and such materials turned over to the control of the property room for safekeeping.

(3) Control and safekeeping of hazardous materials shall be the responsibility of the Prineville Police Department’s designated authority.

(4) Contraband and evidence discovered during the course of a motor vehicle inventory shall be deposited with the evidence custodian in accordance with procedures for control of criminal evidence. Notification of this fact shall be provided to the Prineville Police Department’s designated authority.

(5) Hazardous items. Hazardous items or substances, such as those described in subsection (D)(4)(f) of this section, shall be brought to the attention of the person towing the vehicle, or secured by the investigating officer.