

1 **(3) "Closed container"** means a container whose contents are not exposed to
2 view.

3 **(4) "Police custody"** means either:

4 **(a) The imposition of restraint as a result of an 'arrest' as that term is defined**
5 **at ORS 133.005(1);**

6 **(b) The imposition of actual or constructive restraint by a police officer**
7 **pursuant to a court order;**

8 **(c) The imposition of actual or constructive restraint by a police officer**
9 **pursuant to ORS Chapter 430, or Chapter 419B; or**

10 **(d) The imposition of actual or constructive restraint by a police officer for**
11 **purposes of taking the restrained person to an approved facility for the involuntary**
12 **confinement or detaining of persons pursuant to Oregon Revised Statute or this Code.**

13 **(5) "Police officer"** means any police officer employed or acting at the direction
14 **of or in collaboration with the Lincoln County Sheriff's Office.**

15 **SECTION 4.**

16 **2.086 Inventories of Impounded Vehicles**

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

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

24 **(b) If the vehicle is being impounded for evidentiary purposes in connection**
25 **with the investigation of a criminal offense, the inventory will be done after such**
26 **investigation is completed.**

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

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

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

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

5 (d) Reduce the danger to persons and property.

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

8 (a) An inventory of personal property and the contents of open containers will
9 be conducted throughout the passenger and engine compartments of the vehicle
10 including, but not limited to, accessible areas under or within the dashboard area, in
11 any pockets in the doors or in the back of the front seat, in any console between the
12 seats, under any floor mats and under the seats;

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

16 (A) Any other type of unlocked compartments that are a part of the vehicle
17 including, but not limited to, unlocked vehicle trunks and unlocked car- top
18 containers; and

19 (B) Any locked compartments including, but not limited to, locked vehicle
20 trunks, locked hatchbacks and locked car-top containers, if either the keys are
21 available to be released with the vehicle to the third-party towing company or an
22 unlocking mechanism for such compartment is available within the vehicle.

23 (c) Unless otherwise provided in LCC 2.080 to 2.090, closed containers located
24 either within the vehicle or any of the vehicle's compartments will not be opened for
25 inventory purposes, except a closed container in the vehicle or vehicle compartment
26 will have its contents inventories when:

1 (A) The closed container is to be placed in the immediate possession of such
2 person at the time that person is placed in the secure portion of a custodial facility,
3 police vehicle or secure police holding room;

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

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

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

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

15 **SECTION 5.**

16 **2.090 Inventories of Persons in Police Custody**

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

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

21 (b) Custody of the person will be transferred to another law enforcement
22 agency, correctional facility, or "treatment facility" as that phrase is used in ORS
23 426.460 or such other lawfully approved facility for the involuntary confinement of
24 persons pursuant to Oregon Revised Statute.

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

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

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

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

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

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

7 **(f) Reduce the danger to persons and property.**

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

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

15 **(b) To complete the inventory of the personal property in the possession of such**
16 **person, the police officer will remove all items of personal property from the clothing**
17 **worn by such person. In addition, the officer will also remove all items of personal**
18 **property from all open containers in the possession of such person.**

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

21 **(A) The closed container is to be placed in the immediate possession of such**
22 **person at the time that person is placed in the secure portion of a custodial facility,**
23 **police vehicle or secure police holding room;**

24 **(B) Such person requests that the closed container be with them in the secure**
25 **portion of a police vehicle or a secure police holding room; or**

26 **(C) The closed container is designed for carrying money and/or small valuables**
27 **on or about the person including, but not limited to, closed purses, closed coin purses,**
28 **closed wallets and closed fanny packs.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

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

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

6 **(a) A property receipt will be prepared listing the property to be retained in the**
7 **possession of the respective police department and a copy of that receipt will be**
8 **tendered to the person in custody when such person is released to the facility or agency**
9 **accepting custody of such person;**

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

11 **(6) All items of personal property neither left in the immediate possession of the**
12 **person in custody nor dealt with as provided in subsection (5) of this section, will be**
13 **released to the facility or agency accepting custody of the person so that they may:**

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

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

17 **SECTION 6.**

18 LCC 2.075 is repealed.

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1 **SECTION 7.**

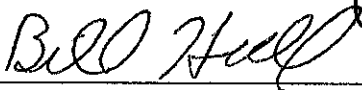
2 This Ordinance being necessary for the immediate preservation of the public peace,
3 health and safety, an emergency is declared to exist and this Ordinance shall take effect upon its
4 passage.

DATED this 22nd day of November, 2006.

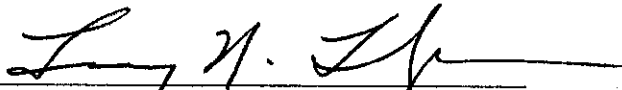
LINCOLN COUNTY BOARD OF COMMISSIONERS



Don Lindly, Chair

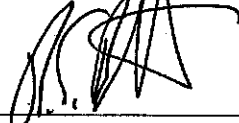


Bill Hall, Commissioner



Terry N. Thompson, Commissioner

ATTESTED TO:



~~Rob. Bovett~~, Recorder
Rob. Bovett

APPROVED AS TO FORM:



Wayne Belmont, County Counsel

Processed, but not drafted by, County Counsel

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