

be destroyed at the direction of the court after such property has been provided to the courts as evidence and is no longer required by the procedure at the courts. Any unclaimed or found contraband, illegal drugs, and/or substances shall be destroyed at the direction of the chief of police and certification of destruction shall be placed in the case file jacket relating to such found or unclaimed property.

2.825 Claim by Owner After Sale.

(1) If the property is sold as provided herein, and if within six months after the sale, the owner of the property, including money, files with the city manager a claim for the property, and proves his right to the same, the city manager shall direct that the money or the amount received for the property, less expenses of the sale, shall be paid to the owner from the city treasury. The city manager shall not approve any claims filed more than six months after the sale.

(2) If the property is transferred to the city or other governmental agency, in lieu of sale, it may be claimed by the lawful owner thereof at any time within six months from the transfer to the city, or other governmental agency. The chief of police and the city manager, in disposing of property in the manner provided herein, shall not be liable to the owner thereof.

INVENTORY OF CONTENTS OF ARRESTED PERSONS AND IMPOUNDED VEHICLES

2.830 Purpose.

This chapter is meant to exclusively apply to the process for conducting an inventory of the personal property in an impounded vehicle and the personal possessions of a person in police custody and shall not be interpreted to affect any other statutory or constitutional right(s) that police officers may employ to search persons or search or seize possessions for other purposes. [Section 2.830 added by Ord. 1388 enacted 05-28-96.]

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

(1) Valuable means:

(a) Cash money of an aggregate amount of \$50.00 or more; or

(b) Individual items of personal property with a value of over \$500.00.

(2) Open container means a container which is unsecured or incompletely secured in such a fashion that the container's contents are exposed to view.

(3) Closed container means a container whose contents are not exposed to view.

(4) Police custody means:

(a) The imposition of restraint as a result of an arrest as that term is defined in ORS 133.005(1); or

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

(c) The imposition of actual or constructive restraint by a police officer pursuant to ORS Chapter 426; or

(d) The imposition of actual or constructive restraint by a police officer for purposes of taking the restrained person to an approved facility for the involuntary confinement of persons pursuant to Oregon law.

(5) Police officer means any officer of the West Linn Police Department.

[Section 2.832 added by Ord. 1388 enacted 05-28-96.]

2.834 Inventories of Impounded Vehicles.

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

(a) If there is a reasonable suspicion to believe that the safety of either the police officer(s) or any other person is at risk, a required inventory will be done as

soon as safely practical; or

(b) 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.

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

(a) Promptly identify property to establish accountability and avoid 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 will be conducted according to the following procedures:

(a) 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;

(b) 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:

(i) Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked vehicle trunks and unlocked cartop containers; and

(ii) Any locked compartments including, but not limited to, locked vehicle trunks, locked hatchbacks and locked cartop 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.

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

(d) Upon completion of the inventory, the police officer will complete a report as directed by the Chief of Police.

(e) 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 a person is present. The valuables will be dealt with in such a manner as directed by the Chief of Police.

[Section 2.834 added by Ord. 1388 enacted 05-28-96.]

2.836 Inventories of Persons in Police Custody.

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

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

(b) Custody of the person will be transferred to another law enforcement agency, correctional facility, or "treatment facility" 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 Statutes.

(2) The purpose of the inventory of a person in police custody will 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 or 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 will 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(s) or the person in custody or both 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.

(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 such personal property from all open containers in the possession of such person.

(c) A closed container in the possession of such person will 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; or

(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, closed purses, closed coin purses,

closed wallets and closed fanny packs.

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

(5) 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:

(a) A property receipt will be prepared listing the property to be retained in the possession of the respective police department 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; or (b)

The property will be dealt with in such a manner as directed by the Chief of Police.

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

(a) Hold the property for safekeeping on behalf of the person in custody; and

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

[Section 2.836 added by Ord. 1388 enacted 05-28-96.]

MUNICIPAL LIEN SEARCH

2.850 Municipal Lien Search Fee Established. The purpose of the municipal lien search fee is to recover personnel, material and equipment costs associated with providing information and searching for municipal liens on real property. The city shall charge a uniform fee in an amount set by resolution of the City Council for each property for which a municipal lien search is