

ORDINANCE NO. 1203

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 court decisions, such policy needs to be revised and expressly authorized by City Council;

WHEREAS, the Crook County District Attorney's office has requested that the Prineville City Council establish a policy to provide City of Prineville police officers guidelines for the handling and inventorying of personal property of individuals in the custody of the Prineville Police Department;

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 Section 33.10 of the Code of Prineville is hereby repealed and replaced with the document attached hereto as Attachment A.
2. Attachment B attached hereto is established as the policy of the City of Prineville for the handling and inventorying of personal property in possession of persons in custody of any City of Prineville Police Department officers.
3. All Prineville Police Department officers shall comply with the policies set out in Sections 1 and 2 above.

Passed the by the City Council this ____ day of April, 2014.

City of Prineville

By: _____
Betty J. Roppe, Mayor

ATTEST:

Lisa Morgan, City Recorder

ATTACHMENT A

VEHICLE INVENTORIES

The contents of all impounded vehicles shall be inventoried in accordance with the following procedure:

- (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, the glove box, other accessible areas under or within the dashboard area, 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:
 - 1. 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
 - 2. 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.
- (c) Closed containers located either within the vehicle or any of the vehicle's 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.
- (d) Other closed containers shall be opened and inventoried if the owner acknowledges they contain cash in excess of \$10, valuables or a hazardous material.
- (e) 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.
- (f) 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.
- (g) Tow truck operators are to receive a copy of the tow report.

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 Department against fraudulent claims of lost, stolen, or damaged property.

This policy is also found in Prineville Police Department Policy Manual Section 510.6.

ATTACHMENT B

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Prineville Police Department identification number and information regarding how and when the property may be released.

This policy is also found in Prineville Police Department Policy Manual Section 902.4.1.