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N THE COUNTY COURT OF THE STATE OF OREGON

IN AND FOR THE COUNTY OF WASCO

1 AN ORDINANCE ESTABLISHING PROCEDURES)  
2 FOR THE WASCO COUNTY SHERIFF'S )  
3 DEPARTMENT IN THE IMPOUNDMENT AND )  
4 TOWING OF VEHICLES AND THE BOOKING )  
5 OF INDIVIDUALS INTO THE WASCO COUNTY )  
6 JAIL. )

O R D I N A N C E

THE COUNTY COURT OF WASCO COUNTY, OREGON, DOES ORDAIN AS FOLLOWS:

SECTION 1

PURPOSE AND TITLE

This Ordinance shall be known as the "WASCO COUNTY IMPOUNDMENT,  
TOWING AND BOOKING PROCEDURE ORDINANCE".

It is the intent and purpose of this Ordinance to provide  
guidance to law officers in the towing and impoundment of vehicles  
and inventories of property.

SECTION II

POLICY

A member who, in the line of duty, has a vehicle towed or  
released shall adhere strictly to Department procedures.

SECTION III

PROCEDURE

A. TOWING:

1. Vehicles towed that will be held as evidence by the  
Department shall be towed to the Department's impound lot. The  
member in charge of the investigation shall insure that the  
following is accomplished:

- a. Write the case number on the tow bill. Sign the tow  
bill.

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b. Place a vehicle tag in or on the vehicle bearing case number, type of case, date, and the name of member requesting the tow.

c. Complete a Property Evidence Receipt for the vehicle, noting on the lower portion of receipt that the vehicles is in the impound lot, or another storage area if applicable. Note the location of the forensic science keys to the vehicle.

d. Forward a report stating what forensic science services are required.

e. Except when a search warrant is necessary, conduct a complete inventory of every vehicle towed. Officers shall complete the vehicle inventory form. All valuables in the vehicle shall be completely inventoried with a description of the valuable and an indication of the quantity of the valuables. Indicate the breakdown of all cash, and negotiable checks by coin, currency, and checks. The inventory shall be conducted as soon as practicable and shall include the entire passenger compartment, uncovered hatchback, unlocked glove box(es) and unlocked trunk. The inventories of locked glove box(es) and covered/locked hatchbacks shall be conducted if keys are available or unlocking mechanisms are provided within the vehicle. Remove all items of value that may be stolen or damaged by weather. The inventory is not a search for evidence. Items should be scrutinized to the extent necessary to complete

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1 the inventory. If, during the inventory, an officer locates  
2 a closed and locked container which the officer has probable  
3 cause to believe contains evidence or contraband, the  
4 officer shall seize the container, but should not open or  
5 search the closed and locked container for evidence without  
6 first obtaining a search warrant, or the owner's consent.  
7 Closed containers that are likely to contain valuables  
8 should be opened and their contents inventoried. Examples  
9 of types of containers that are likely to contain  
10 valuables: strong boxes, wallets, purses, credit card  
11 holders, briefcases and checkbooks. A property evidence  
12 receipt for all items seized must be completed. The items  
13 must be placed in an evidence locker. If a non-arresting  
14 officer performs an inventory, the non-arresting officer  
15 will forward a report of the contraband seized.

16 (f) Prepare Property Evidence Receipt Form listing all  
17 items removed from the vehicle for safekeeping. Place the  
18 items in an evidence locker.

19 B. Vehicles not held as evidence shall be towed to a private lot.

20 (1) A hold shall not be placed on any vehicle towed to a  
21 private lot.

22 (2) Prior to the tow, an inventory shall be done according to  
23 the procedures outlined in Section III A(1) (e) in this Ordinance.

24 (3) If the registered owner is not available, reasonable  
25 efforts shall be made to notify the owner of the action taken.

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1 C. Recovered stolen vehicles shall be towed in accordance with  
2 Section III A or B as appropriate. When a stolen vehicle is  
3 recovered on another agency's case, the member shall insure that:

- 4 (1) The original agency is notified of the recovery; and  
5 (2) The original agency makes a determination whether the  
6 vehicle is to be held for forensic science services.

7 D. Vehicles towed incident to arrest shall be towed in accordance  
8 with Section C (1) or (2) above, as appropriate.

9 E. Vehicles towed as a traffic hazard or illegally parked may be  
10 towed. However, if the situation and time allows, the registered  
11 owner of the vehicle should be contacted and advised to remove the  
12 vehicle prior to towing.

13 F. Abandoned Vehicles:

14 (1) Abandoned vehicles on which no citizen complaint has been  
15 received shall be left by the deputy untagged for a period of at  
16 least 10 days, as long as it poses no threat to vehicular  
17 traffic in the area.

18 (2) Abandoned vehicles on which a citizen complaint has been  
19 received shall be tagged on the date the complaint is received.

20 G. Vehicles towed at private request as disabled or involved in  
21 an accident:

22 The member shall contact communications and request a particular  
23 tow company, if particular tow company is specified. If the  
24 vehicle/owner has no preference, the tow truck call list shall  
25 be utilized. The member shall not sign a tow bill for a private

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1 tow request, nor take any action which would make the Department  
2 liable for the tow or storage expenses.

3 H. Releasing of Vehicles:

4 (1) When a member is requested to release a vehicle which has  
5 been towed by the Department, he shall first determine if a hold  
6 is in effect on the vehicle.

7 (2) If there appears to be a hold on the vehicle, the member  
8 may verify the hold by contacting the deputy who placed the  
9 hold, the deputy who presently is handling the investigation,  
10 the District Attorney's Office (if that office is involved), or  
11 any agency which may be involved.

12 (3) If there is no hold and the vehicle is in the impound lot,  
13 the vehicle owner must produce proof of payment of the tow  
14 charges. A Vehicle Release Form shall then be completed by the  
15 member and signed by the owner, and the vehicle may then be  
16 released from the impound lot.

17 (4) If the vehicle is in a private tow lot, a Vehicle Release  
18 Form shall be completed by the member and signed by the owner,  
19 and a copy taken by the owner to the private tow lot.

20 (5) If the vehicle is on hold for processing by the crime lab,  
21 the Vehicle Release Form must be completed with the authority of  
22 the crime lab, the member handling the investigation, or the  
23 District Attorney's Office.

24 (6) If a vehicle owner contends that the vehicle was improperly  
25 towed or that the owner should not be required to pay towing or  
26 storage charges in order to obtain release of a vehicle, the

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1 owner shall be informed that he may have a hearing before the  
2 Sheriff or his designee in order to test whether there were  
3 reasonable grounds and a basis in fact to tow the vehicle. If a  
4 proper factual basis did not exist at the time of the tow, as  
5 determined by the Sheriff or his designee, the vehicle will be  
6 released by the Department without proof of payment, and the  
7 Department shall pay the tow bill.

8 I. BOOKING:

9 Inventory all personal property in the possession of any person  
10 detained. Contraband is retained as evidence and booked into  
11 custody on a property report. Fully list all property on the  
12 Inmate Property Report indicating the type of item and number of  
13 items. Containers likely to contain valuables must be  
14 completely inventoried. Examples of such containers are strong  
15 boxes, wallets, purses, checkbooks, briefcases and credit card  
16 holders. Fully list all cash and negotiable checks listing by  
17 coins, currency and checks. If possible, all cash should be  
18 counted in another person's presence. The person detained shall  
19 be asked to sign the inmate property list. Anything seized as  
20 contraband or evidence shall be reported to the arresting  
21 officer.

22 SECTION IV

23 SEVERABILITY

24 Should any article, section, subsection, paragraph, sentence,  
25 clause or phrase of this Ordinance be declared invalid, such  
26 declaration shall not affect the validity of any other article,

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section, subsection, paragraph, sentence, clause or phrase; and if this Ordinance or any portion thereof should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said Ordinance or such portion thereof was enacted.

SECTION V

EMERGENCY DECLARED


This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance shall take effect on May 18, 1994.

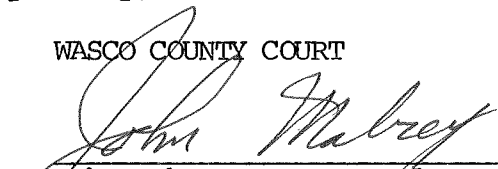
Regularly passed and adopted by an unanimous vote of all members of the County Court of the County of Wasco, State of Oregon, present on this day.

DONE AND DATED this 18th day of May, 1994.

WASCO COUNTY COURT

APPROVED AS TO FORM:

  
Edwin Norton  
Deputy District Attorney

  
John Mabrey, County Judge

  
Scott McKay, County Commissioner

  
C.E. Filbin, County Commissioner

ATTEST:

  
Karen LeBreton  
Wasco County Clerk

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