

**AN ORDINANCE AMENDING THE BEAVERTON CODE
BY ADDING NEW PROVISIONS IN CHAPTER TWO
RELATING TO THE INVENTORY OF PRISONER
PERSONAL PROPERTY, B.C. 2.08.010 THROUGH 02.08.055.**

WHEREAS, Oregon law provides that a local government governing body may protect law enforcement agencies and persons in custody by creating an official inventory process; and

WHEREAS, The City Council observes that the findings and policies listed below support an inventory of prisoner personal property; now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Beaverton Code is amended by adding a new heading and section to be numbered and to read as follows:

“INVENTORY OF PRISONER PERSONAL PROPERTY.

2.08.010 Legislative findings. The City Council observes, among other reasons, that the findings and policies listed below support an inventory of prisoner personal property

A. Beaverton Police Officers are often the first persons in contact with suspects who are taken into custody, bringing such persons physically into the police station.

B. Bringing a prisoner into the police department premises is a vehicle for introducing valuable pieces of property or, alternatively, dangerous property found on a person, into the police department premises.

C. Police officers currently face the risk that suspects in custody may bear or carry dangerous items such as syringes, weapons, objects which could be used as a weapon, or toxic or flammable substances, on their persons or otherwise accessible. An inventory separates a person from dangerous items.

D. An inventory of valuable and dangerous items provides mutual protection, accountability and safeguards when such items are brought into the police department;

2.08.015 Definitions. For the purpose of this ordinance, the following mean:

Attached property – Personal property such as jewelry and other decorative personal objects, for example charms, pins, rings, locketts, watches, necklaces, body piercing jewelry, brooches and similar items, but not including wallets or other containers, to which all of the following apply:

A. The item appears reasonably securely fastened to or about the person's body or an article of clothing by way of friction fit, or by clasps, latches, post and cap, pin back, chain or other recognizable fastening device; and

B. The item need not be removed in order to remove or inspect clothing or other items to effectuate the ends of this ordinance.

Closed container – A container the contents of which are not exposed to view. Includes, but is not limited to, a wallet, backpack, bedroll, fanny pack, purse, suitcase, or food or drink canister.

Container – An item designed to hold other things, or an item which is used or may be used to actually hold other things. The term includes both open and closed containers. Some types of containers may be located within other containers.

Dangerous personal property - Any item of personal property that under the circumstances in which it is possessed is readily capable of causing physical injury, or providing a means of escape, including, but not limited to weapons and toxic, flammable or explosive substances.

Officer – A police officer employed by the City of Beaverton or acting on behalf of the City of Beaverton.

Open container – A container that is unsecured or incompletely secured such that the container's contents are exposed to view, generally including but not limited to, a sack, bag or folder.

Personal property - Every kind of property except land, tenements and fixtures.

Pocket – An external or internal enclosure located on or within an item of clothing or other piece of property, in which items may be located or stored.

Prisoner – A person under lawful custodial arrest or detention, including, but not limited to, a person taken into custody for violation of law or upon a

mental health hold pursuant to ORS Chapter 426, including ORS 426.228; a person taken into custody for treatment of intoxication pursuant to ORS Chapter 430, including ORS 430.399; and a person taken into protective custody pursuant to ORS Chapter 419B, including ORS 419B.150. The term does not include a person issued a criminal citation and released under authority of ORS 133.055 to ORS 133.076 unless the citation and release occurs upon premises of the Beaverton Police Station.

Torso - The trunk of the body; the body exclusive of the head, arms and legs.

Treatment facility - Includes outpatient facilities, inpatient facilities and such other facilities as the Oregon Department of Human Services determines suitable, any of which may provide diagnosis and evaluation, medical care, detoxification, social services or rehabilitation for alcoholics or drug-dependent persons and which operate in the form of a general hospital, a state hospital, a foster home, a hostel, a clinic or other suitable form approved by the Oregon Department of Human Services.

Valuable personal property - Any cash, check, money order or other financial instrument, in any amount; any earring, necklace, non-prescription eyeglasses, ring, watch, bracelet or other similar item of jewelry, regardless of the item's apparent value; and any other item of personal property that the person examining the item reasonably believes has a fair market value of \$500 or more. Attached property is not valuable personal property.

2.08.020 **Purpose**. The inspection and inventory of prisoner property pursuant to this ordinance is intended to:

- A. Protect a prisoner's property while in custody of the city;
- B. Protect the city, its employees and agents against claims or disputes over lost, stolen or damaged property; and
- C. Protect prisoners, city employees and others in the area of a prisoner or a prisoner's property from potential danger.
- D. This ordinance is not intended to diminish any law enforcement activities presently authorized under law.

2.08.025 **Duty to inspect prisoner property**. An officer shall inspect the personal property of every prisoner as provided in this ordinance.

2.08.030 **Timing of inspection**. The inspection of a prisoner's property pursuant to this ordinance shall occur after the prisoner is within the police station and prior to the prisoner being released or transported to another law enforcement agency, correctional facility, or treatment facility. If exigent

circumstances reasonably require that the inspection be delayed, the inspection shall occur as soon as practicable after the exigency has passed.

2.08.035 Manner of inspection. The inspection of prisoner property shall occur in the following manner:

A. Unless otherwise authorized by law, the officer shall not remove the prisoner's blouse, skirt, dress, shirt, pants and/or underwear (including, but not limited to, underpants, T-shirt, bra, slip, nylons and/or pantyhose); provided, however, that if the prisoner is wearing more than one blouse, skirt, dress, shirt or pair of pants, the officer shall remove the outer blouse, skirt, dress, shirt or pair of pants, but shall not remove the blouse, skirt, dress, shirt or pair of pants worn closest to the flesh of the prisoner's torso. Unless otherwise authorized by law, if a prisoner is wearing an article of clothing not described in this subsection, the officer shall not remove the article of clothing if it is worn next to the skin of the prisoner's torso.

B. The officer shall remove:

1. the prisoner's footwear, including the prisoner's socks;
2. the prisoner's headgear, including the prisoner's hat, cap, or helmet; and
3. the prisoner's coat, jacket, vest or other clothing not described in subsection A of this section that is found on or in possession of the prisoner.

C. The officer shall remove the prisoner's accessories (including, but not limited to, any purses, backpacks, wallets, briefcases or fanny packs) that are found on or in possession of the prisoner. The officer shall not remove attached property.

D. The officer shall inspect the waistband and empty the pockets of the clothing worn by the prisoner. The officer shall perform an external patting of the clothing remaining upon the prisoner. An officer of the same sex, if reasonably available, shall visually inspect under the clothing covering the prisoner's side and front abdominal area and back lumbar area above the prisoner's waist.

E. The officer shall empty the pockets of clothing removed from the prisoner's body.

F. Except for attached property, the officer shall remove all items of personal property from the prisoner's removed and remaining clothing.

G. The officer shall remove from and inspect all items of personal property within any open container found on or in possession of the prisoner.

H. Closed containers found on or in the possession of a prisoner shall be opened and objects therein shall be scrutinized and may be removed to accommodate the inspection.

I. The prisoner's footwear, including socks, may be returned to the prisoner after inspection, provided such return does not create an unreasonable risk of harm to the health or safety of the prisoner, the officer, or any other person, or the property of any of them, or the property of the city of Beaverton.

2.08.040 Identification and Safekeeping of Property. As soon as is reasonably possible after the completion of an inspection of prisoner property, an officer shall:

A. Segregate the valuable and dangerous property, but not attached property, identified during the inspection, from the prisoner's other possessions.

B. Make a written list of all valuable and dangerous personal property found on or in the possession of the prisoner. The list shall not include attached property.

C. Note the disposition of each piece of valuable or dangerous personal property, but not attached property, discovered during the inspection by recording who takes or keeps physical custody of each item so discovered.

D. Take reasonable steps to safeguard personal property removed from the prisoner.

2.08.045 Return of Property upon Release or Transfer Personal property kept safe under this ordinance, and not retained upon other grounds, shall be returned in accordance with the following provisions.

A. When the prisoner is released from law enforcement custody, kept property shall be released to the person forthwith, or as soon as practicable after the inventory document is drafted.

B. If a prisoner is transferred to the custody of another law enforcement agency, the kept property and a copy of the inventory may be transferred to the other agency or retained by the city, whichever course appears most expedient under the circumstances.

C. If a prisoner is transported to a hospital or other care facility for treatment of a mental or physical condition, or to a facility such as a detoxification center, the kept property and a copy of the inventory may be transferred to a person at the facility in a position of responsibility over the prisoner, or retained by the city, whichever course appears most expedient under the circumstances.

D If a prisoner is released from Beaverton custody, but the officer reasonably believes the safety of the officer, the prisoner, or a third party is at risk if kept property is returned to the prisoner, the return shall be consistent with current policies, procedures or practices.

E This Ordinance shall not apply when persons are arrested, cited, and released at the scene of a crime. However, any property removed from a person during a stop, arrest or other detention, and which is not seized, should be timely returned to the person in conjunction with release.

F. Property which, for whatever reason, is not returned by operation of the subsections above shall remain with the Police Department for no fewer than 90 days, during which time any policies, procedures or practices currently in effect for property shall be followed.

2.08.050 Distribution of Property Receipts. The City shall maintain the original record of property and its disposition. A copy of such record shall be distributed as follows:

A. To the prisoner or included with prisoner's property.

B. To any person taken into custody to whom the officer must tender a copy pursuant to ORS 133.455.

2.08.055 Adoption of Administrative Policies or Procedures. The Beaverton Police department may adopt administrative procedures, rules or regulations, or establish forms to carry out this ordinance. "

First reading this 14th day of November, 2005.

Passed by the Council this 5th day of December, 2005.

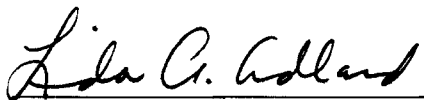
Approved by the Mayor this 6th day of December, 2005.

ATTEST:



SUE NELSON, City Recorder

APPROVED:



ROB DRAKE, Mayor
