

**AN ORDINANCE AMENDING THE BEAVERTON CODE
CHAPTER TWO RELATING TO THE INVENTORY OF PRISONER
PERSONAL PROPERTY**

WHEREAS, Council passed Ordinance 4377 on December 5, 2005, providing for an inventory of prisoner personal property; and

WHEREAS, on May 16, 2012, the Oregon Court of Appeals held, in *State v. Taylor*, that a Umatilla County prisoner inventory search policy requiring police to search all opaque containers found on or in the possession of a prisoner is unconstitutionally overbroad; and

WHEREAS, the City's policy contains provisions similar to the provision struck down by the court in *State v. Taylor*; and

WHEREAS, this ordinance amends Chapter 2 of the City Code to bring the inventory search policy into compliance with state law since the recent court ruling, now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. The Beaverton Code is amended at Chapter 2.08, INVENTORY OF PRISONER PERSONAL PROPERTY, sections 2.08.026(B) Preliminary Safety Inspection and 2.08.035(H) Manner of Inspection, to now read as set forth below:

"2.08.026 Preliminary Safety Inspection.

The purpose of this section is to identify readily-apparent and highly dangerous substances which would normally be brought into the police station and discovered in an inventory upon those premises, but which should not be brought into the Beaverton City Hall building due to the extreme and obvious danger they present to persons and property. This section applies to certain containers listed below in subsection (A) of this section which are inevitably destined for arrival at the police station. This section shall only be triggered when a person is taken into custody by an officer, the officer knows he or she will be transporting the person to the police station (or if to another facility, the officer retains custody of containers that the other facility has rejected), and the officer knows he or she will be conducting the manner of inspection set forth in BC 2.08.035.

A.*****

B. Before entering the police station the officer shall ~~open such a container and~~ conduct a preliminary safety inspection, which is defined as a cursory visual, ~~smell, listen or feel of the and manual inspection designed to identify the~~ following subset of dangerous personal property:

C. – E. *****”

“2.08.035 Manner of Inspection.

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

A. – G. *****

H. Closed containers found on or in the possession of a prisoner shall not be opened absent other articulable facts. ~~and objects therein shall be scrutinized and may be removed to accommodate the inspection.~~

I. *****”

Section 2: Severability. It shall be the legislative intent that if any part of this ordinance shall be held invalid or unconstitutional, the remaining parts of this ordinance shall remain in force and effect.

First reading this 5th day of February, 2013.

Passed by the Council this 19 day of February, 2013.

Approved by the Mayor this 20 day of February, 2013.

ATTEST:


CATHERINE JANSEN, City Recorder

APPROVED:


DENNY DOYLE, Mayor