

GENERAL ORDINANCE NO. 06-1271

AN ORDINANCE REAFFIRMING THE AUTHORITY OF CITY POLICE OFFICERS TO INVENTORY IMPOUNDED AUTOMOBILES, UNDER DESIGNATED CONDITIONS, STATING PURPOSES AND DELINEATING THE OFFICER'S AUTHORITY, AND REPEALING GENERAL ORDINANCE NO. 94-1180

THE CITY COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Section 1. Authorization. The City Council authorizes officers of the City of The Dalles Police Department to conduct inventories of the contents of impounded vehicles under the procedures, conditions, and guidelines set forth in Section 03.103.040 and Section 03.103.160 of the City of The Dalles Police Procedure Manual, copies of which are attached hereto as Exhibit "A". [Section amended by Ordinance 07-1288, approved by City Council December 10, 2007.]

Section 2. Repeal. General Ordinance No. 94-1180 adopted on April 25, 1994, is hereby repealed.

Section 3. Saving Clause. General Ordinance No. 94-1180, repealed by this ordinance, shall remain in force to authorize an inventory search of the contents of impounded vehicles which have occurred prior to the effective date of this ordinance.

Passed by City Council and approved by the Mayor July 24, 2006.

If the owner or someone acting on the owners behalf is unable to take responsibility for the contents of a towed vehicle, the contents and vehicle shall be released to the tow company.

A member requesting a tow truck at accidents shall confirm, by radio, that the truck on the scene is the one that has been dispatched. In no case shall a tow truck arriving on the scene, which has not been sent by a dispatcher, be allowed to take custody of a vehicle.

At the scene of an accident where the operator of the vehicle(s) are not injured and are able to act on their own behalf and request a tow, the investigating officer need not complete a vehicle report. However, on the accident report shall indicate "Private Request".

Vehicles involved in accidents that are towed shall normally be released to a tow company if the owner is unable to say otherwise.

03.103.040 REQUEST FOR TOWS AT CRIME SCENES

Any member of the department causing a vehicle to be towed incidental to an arrest shall complete a vehicle report and attach it to other reports in the case.

Every vehicle towed shall be inventoried. Officers shall complete the inventory section on the vehicle report. All valuables in the vehicle shall be completely inventoried with a description of the valuables 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 practical and shall include the entire passenger compartment, uncovered hatchback, unlocked glove boxes, and unlocked trunk. The inventories of locked glove boxes and covered/locked hatchbacks shall be conducted if keys are available or no unlocking mechanisms are provided within the vehicle. The inventory is not a search for evidence. Items should be scrutinized to the extent necessary to complete the inventory. If, during the inventory, an officer locates a closed and locked container which the officer has probable cause to believe contains evidence or contraband, the officer shall seize the container, but should not open or search the closed and locked container for evidence without first obtaining a search warrant, or the owner's consent. Closed containers that are likely to contain valuables

should be opened and their contents inventoried. Examples of types of containers that are likely to contain valuables are: strong boxes, wallets, purses, credit card holders, checkbooks, and briefcases. A property receipt for all items seized must be completed. Contraband located during the inventory is retained as evidence and forwarded to the property control officer.

If a non-arresting officer performs an inventory, the non-arresting officer will forward to the arresting officer, a report of the contraband seized.

Contents of value shall be forwarded to the property control officer for safekeeping with the appropriate inventory report.

It shall be the responsibility of the officer requesting a tow to complete the vehicle report, indicating on the vehicle report if a "hold" is requested.

Listed below are the types of "holds" to be utilized:

1. Non-hold tow The vehicle is available for release immediately to legal/registered owner upon proof of ownership.

Investigative hold

1. The vehicle is available for release automatically after five (5) days. An officer may approve an earlier release or must submit a written request for a formal hold before the end of the five (5) day time period.
2. The officer shall indicate on a vehicle report, in detail, why and for what purpose an investigative hold is being placed on the vehicle.
3. An investigative hold placed on a vehicle held only for processing shall be released by the investigator after processing is completed.

Formal hold The vehicle shall be towed to the designated storage facilities and held pending written notice of release. Prior to initiating a formal hold request, the officer shall immediately contact a supervisor, who shall review and approve or disapprove the need for placing a formal hold on the vehicle.

The requesting officer shall indicate in the narrative portion of the vehicle report, the nature of the incident causing the hold. Example: Investigative Hit and Run, Sex Crimes, etc.; Formal - Vehicles involved in fatal hit and run, homicide cases and/or vehicles with altered or missing VIN.

All department requested tows shall require a written release form. The release form may be obtained by the public at the records unit.

Any vehicle towed as a hazard, abandoned or used in a commission of a crime shall have a report made. It shall be the responsibility of the records unit to clear the vehicle, once release is given to the owner.

Impounded motor vehicles The impounding and release of court ordered impounded motor vehicles shall be the responsibility of the records unit.

Recovered Stolen Vehicles All recovered stolen vehicles shall be towed unless the owner is at the scene at the time of the recovery. Any deviations from the above requirements must be approved by a supervisor or superior officer. Officers shall verify the vehicles current status by teletype prior to ordering the tow. The tow company currently under contract with the City will be dispatched unless the owner specified a certain tow company at the time the stolen report was signed. The officer shall attempt to notify the owner of the recovery. Indicate on the vehicle report the results of that attempt. An investigative hold shall not be placed on recovered stolen vehicles for other jurisdictions unless a specific request has been received from the jurisdiction reporting the original theft, and a teletype is received by the records unit from that agency.

Whenever a tow has been ordered for a vehicle, and neither the owner or someone acting on his behalf is aware of the action, the officer writing the vehicle report has the responsibility of contacting the records unit, advising them of the towing of the vehicle. The vehicle shall then be entered as an abandoned/impound in the report

03.103.050 REQUESTS FOR TOWS INVOLVING ABANDONED AUTOS

ORS 819.100 as adopted by City of The Dalles Ordinance 92-1149 makes a distinction between vehicles which the officer has reason to believe are disabled or abandoned, and those which are merely parked or left standing upon the right of way.

03.103.130 ABANDONED/HAZARD HEARINGS OFFICER The hearings officer for abandoned or hazard vehicles shall be the Municipal Court Judge or the Municipal Court Clerk.

03.103.140 ASSISTS TO MOTORISTS

Impound vehicle reports shall be required for all vehicles towed under this procedure except for:

Vehicles towed at the request of a motorist who requests a particular towing company.

03.103.150 TOWING OF DEPARTMENT VEHICLES

Members in need of a tow for a disabled department vehicle or simply requiring the assistance of a tow truck shall contact the contracted tow company if assistance is needed. If the department vehicle is disabled and shall require mechanical repair, the following procedure shall be followed:

1. The vehicle shall be towed to appropriate garage unless they direct otherwise.
2. All firearms and chemical weapons, if present, shall be removed from the vehicle.
- 3 Place a copy of the repair order the equipment officer's distribution box.

03.103.160 VIOLATION IMPOUNDS

Officers may impound vehicles for the following violations under authority granted by ORS 809.720

Driving Uninsured - ORS 806.010 in absence of proof of insurance the officer shall make an attempt to prove lack of insurance prior to the tow. Officers shall not tow for violation of ORS 806.011 – Insurance card required.

DUII ORS 813.010 – If the officer has probable cause to believe the operator of a motor vehicle is driving while under the influence of intoxicants.

DWS or DWR ORS 811.175 or 811.182 – If the officer has probable cause to believe the operator of a motor vehicle is driving while suspended or revoked.

Operating Without Driving Privileges – ORS 807.010 – If the officer has probable cause to believe the operator of a motor vehicle is driving without valid driving privileges or is driving while being in violation of license restrictions.

Officers shall not impound vehicles for fail to carry or present license.

Officers shall not impound for violation of expired driving privileges unless 60 days have passed since the expiration.

Officers shall not impound for provisional driving violations.

All vehicles that are impounded must be inventoried and a "towed vehicle report" completed. An inventory shall be conducted noting property of value and the condition of vehicle.

The City shall designate a tow company to be used for all department ordered tows.

The operator of the tow truck must be advised that the vehicle is being impounded and is to be held until such time as they receive written documentation from the city authorizing it's release.

Letter of Notification for Legal/Registered Owner – A letter must be sent by certified mail within 48 hours, not including weekends or holidays, to the registered owner as indicated in the

DMV printout, and the legal owner or lessor. Records shall send this letter.

Informational Card for Operator of Vehicle

An informational card, (titled "IMPOUND VEHICLE NOTICE"), shall be given to the operator of any vehicle being impounded explaining where the vehicle is being taken and what the person needs to do to regain possession of it.

Computer Entries – The vehicle seizure shall have dispatch enter the vehicle in the computer as impounded.

Vehicle Release – Vehicles impounded as violation impounds shall be released when –

1. Proof of ownership is produced

Vehicle Release – Vehicles impounded as violation impounds shall be released when –

- 1. Proof of ownership is produced**
- 2. Valid insurance is shown**
- 3. The person the vehicle is released to shows valid driving privileges.**
- 4. Payment to the City of an administration fee of \$100.00. Payment shall be in the form of cash or certified or cashiers check.**

Copies for the file shall be made of the proof of ownership, proof of valid insurance and valid driver's license. When 1 thru 4 are completed, a written authorization for release shall be issued.

During normal business hours persons shall be directed to municipal court for the release. After hours, the release shall be done by the police department. The release form is the "Impound Release Authorization".

Notice after removal – Notice that the vehicle has been impounded shall be given to the same parties, in the same manner and within the same time limits, as provided in ORS 819.180 for notice after removal of a vehicle.

Hearing Procedures – The person operating the motor vehicle at the time it was towed and impounded, or the owner may request a hearing to contest the validity of the impoundment. The municipal court judge will conduct the hearing. The request for a hearing must be submitted to the municipal court in writing within 5 calendar days after the date of the notice of impoundment was mailed, as evidenced by the postmark, not including Saturdays, Sundays, and holidays.