

TIGARD MUNICIPAL CODE

Chapter 2.30 POLICE DEPARTMENT

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2.30.010 Established

Primary responsibility for law enforcement is placed with the police department. The police department for the City of Tigard shall consist of a chief of police and as many employees as the city council may designate from time to time. (Ord. 80-70 §1)

2.30.020 Responsibility for Overall Operations

The city manager is responsible for the overall operations of the police department and, with direction from the city council and advice from the police chief, shall formulate lawful policy relating to the goals, objectives, and priorities of the police department and their relationship to general municipal strategies. (Ord. 03-08; Ord. 80-70 §2)

2.30.030 Chief of Police—Appointment and Removal

The chief of police shall be appointed by the city manager. The chief of police shall serve at the

pleasure of the city manager and may be removed by the city manager at any time without cause. (Ord. 03-08; Ord. 86-11 §6; Ord. 80-70 §3)

2.30.040 Chief of Police—Supervision

The city manager shall be the immediate supervisor of the chief of police, and all policies, directives and orders from the city government to the chief of police shall be made by, or transmitted through, the city manager as the chief executive of the city government. (Ord. 03-08; Ord. 80-70 §4)

2.30.050 Chief of Police—Responsibilities and Authority

The chief of police shall establish written, and where possible, quantifiable and measurable, goals and objectives based on policies transmitted to him or her by the city manager and shall be responsible for directing the administration and operations of the police department toward the achievement of these goals and objectives through written policies, procedures and rules, and through personal leadership. The chief of police shall provide for an annual public review and evaluation of all department goals and objectives, and progress made toward their achievement. The chief of police shall recommend to the city manager qualified persons for appointments to all vacant positions within the department other than his or her own, and the chief of police shall have the authority to suspend or dismiss any member of the police department subject to the approval of his or her action by the city manager. (Ord. 03-08; Ord. 80-70 §5)

2.30.060 Authority to Inventory the Personal Effects of a Person Taken into Custody

A. In order to protect the owner's property, safeguard the police department against the assertion of false claims, and protect police

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department members and others when reasonable suspicion exists to believe that any individual's safety is at risk, every person taken into lawful custody by the police department shall have his or her personal effects inventoried. For purposes of this section, the term "custody" shall mean the imposition of actual or constructive restraint by a police officer pursuant to any lawful authority for the purposes of transporting or involuntarily confining a person pursuant to Oregon Revised Statute.

B. The chief of police shall institute regulations describing the manner in which this inventory shall be conducted. These regulations shall eliminate any discretion as to what effects are subject to inventory and shall limit the inventory as follows:

1. All items of personal property shall be removed from the clothing worn by a custodial person.

2. All open containers in possession of the custodial person shall have their contents inventoried.

3. All containers designed for carrying valuables, including, but not limited to, wallets, purses, coin purses, fannypacks, and backpacks, shall have their contents inventoried.

4. Any valuables found during the inventory and not left in the immediate possession of the custodial person shall be detailed in writing on a property receipt filed with the police department.

5. All closed opaque containers found during the inventory shall not have their contents inventoried except as described above, or where the container is to be placed in the custodial person's possession, or where the custodial person requests that the closed opaque container be placed in his or her immediate possession.

C. Nothing in this section shall be construed in any way to limit the police department's ability to conduct any lawful search. (Ord. 96-07)

2.30.070 Authority to Inventory the Contents of Impounded Vehicles

A. In order to protect owners' property, safeguard the police department against the assertion of false claims and protect police department members and others when reasonable suspicion exists to believe that any individual's safety is at risk, every vehicle lawfully impounded shall have its contents inventoried. The inventory shall be conducted before the vehicle is released to a third party except under the following circumstances:

1. If there is reasonable suspicion to believe that any individual's safety will be placed at risk the inventory shall be conducted after such safety concerns are no longer present; or

2. If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory will be done after such investigation is completed.

B. The chief of police shall institute regulations consistent with this section describing the manner in which this inventory shall be conducted. These regulations shall eliminate any discretion as to how an inventory shall be conducted, and shall limit the inventory as follows:

1. All open container contents found throughout the passenger compartments, any unlocked compartments that are part of the vehicle, including but not limited to, unlocked vehicle trunks and unlocked property containers attached to the car, and any locked compartments including, but not limited to, locked vehicle

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trunks, locked property containers attached to the car, if either the keys to these locked compartments are available to be released with the vehicle to a third party, or an unlocking mechanism for such compartment is available within the vehicle shall be inventoried.

2. An inventory of personal property will be conducted throughout the passenger compartments of the vehicle including, but not limited to, accessible areas under or within the dashboard area, in any door or seat pockets, any console between the seats, or under any seat within the passenger compartment.

3. In addition to any of the above-described areas, an inventory of personal property will also be conducted in any unlocked compartment that is a part of the vehicle including, but not limited to, unlocked vehicle trunks and unlocked property containers attached to the vehicle. An inventory of personal property shall be conducted throughout any locked compartments that are part of the vehicle including, but not limited to, locked vehicle trunks, and locked property containers attached to the vehicle, if either the keys are available to be released with the vehicle to a third party or an unlocking mechanism for such compartment is available within the vehicle.

4. Except as otherwise allowed by this subsection, closed opaque containers shall not be opened, but rather shall be inventoried consistent with their outward appearances only. Purses, wallets, fannypacks, backpacks, and other similar items designed to contain valuables shall be opened and their contents shall be inventoried.

5. All items not left in the immediate possession of the arrested person shall be inventoried in writing and kept on file at the police department.

C. Nothing in this section shall be

construed in any way to limit the police department's ability to conduct any lawful search. (Ord. 96-07) ■