

IMPACT STATEMENT

Legislation title: Set procedure for returning evidence, found property and safekeeping prisoner property (Ordinance; amend Code Section 14C.30.040 and add 14C.20.050).

Contact name: Jason Loos, Deputy City Attorney
Contact phone: 503-823-3120
Presenter name: Jason Loos or Robert Routley

Purpose of proposed legislation and background information:

This legislation is needed to clean up the Code to reflect the procedure for the holding and return of property. Currently there is no Code provision addressing the procedure for holding and returning property held for safekeeping. The second part of the legislation deletes duplicitous language related to the disposition of weapons. Lawful weapons are returned to the lawful owner in the same manner as any other property. Unlawful or unclaimed weapons are destroyed.

Financial and budgetary impacts:

None.

Community impacts and community involvement:

The legislation is cleaning up the Code and does not result in any change to procedure. As such no community input was sought or received.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES: Please complete the information below.
- NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

**REFERRED TO COMMISSIONER OF
FINANCE AND ADMINISTRATION**

ORDINANCE No.

Set procedure for returning evidence, found property and safekeeping prisoner property (Ordinance; amend Code Section 14C.30.040 and add Section 14C.20.050).

The City of Portland ordains:

Section 1. The Council finds:

1. In 2001, Ordinance 175944 was approved by Council with the intent on setting forth procedure for returning evidence, found property and safekeeping/prisoner property. For reasons unknown, the section on safekeeping/prisoner property was left off.
2. Through this Ordinance, the City shall codify the procedure for seizing, storing and disposing of property taken from prisoners and property seized for safekeeping purposes. The procedure set forth in Code will follow current practice.
3. Section 14C.30.040 provides procedures for the disposition of weapons that are outdated and in conflict with other provisions of Code.
4. This Ordinance will delete the conflicting language. The Ordinance will not result in any change to existing procedure. This Ordinance is a housekeeping matter.

NOW, THEREFORE, the Council directs:

- a. City Code Chapter 14C.20 is amended by adding a new section as follows:

14C.20.050 Safekeeping/Prisoner Property.

- A. All lawful property seized or held for safekeeping or caretaking under City Code Section 14C.30.050 or City Code Section 14C.30.060 shall be released to the legal owner of that property upon demand by the legal owner for its return. The Bureau of Police shall make a reasonable attempt to notify the legal owner or rightful possessor of the property that the property can be claimed within 60 days.
- B. Prisoners shall receive a customer copy of a receipt for their legal property being held while in the custody of the City of Portland. This customer copy receipt shall serve as notice to the prisoner that the property is being held by the City of Portland until it can be claimed within 60 days.
- C. Property under this Section not claimed within 60 days from when it was seized or from the date of notice to the owner may be disposed of by the Bureau of Police in a manner provided by law.

- b. Section 14C.30.040, Seizure and Disposition of Weapons is amended as follows:

14C.30.040 Seizure and Disposition of Weapons.

A. The Bureau of Police may seize and take possession of any dangerous or deadly weapon that is possessed unlawfully, or used unlawfully, or used for an unlawful purpose. The weapon may be disposed of by the Bureau of Police in a manner provided by law. ~~The weapon shall be held subject to disposal as provided in this Section.~~

~~B. If it is determined that the weapon was not possessed, carried, or used unlawfully, the weapon shall be released to the lawful owner if he or she files a timely written claim with the Bureau.~~

~~1. A claim is timely if it is filed:~~

~~a. Within 60 days after the weapon was seized, if it was not held for use as evidence, or~~

~~b. Within 60 days after it was released by directive of the Chief of Police or court order, if it was held for use as evidence.~~

~~2. If there is a question as to ownership or right to possession, the weapon shall be released as ordered by the court.~~

~~C. If the name and address of a person entitled to claim possession of a weapon under Subsection B. is known to the Bureau of Police, the Bureau shall give that person notice as provided in Portland City Code 14C.20.~~

~~D. If the weapon is not claimed under the provisions of Subsection B. or was possessed, carried or used unlawfully by the owner, it is a nuisance. Subject to a court order to the contrary, the weapon shall be disposed of as provided in Subsection E. to G.~~

~~E. Subject to approval of the, Property/Evidence Division, if the weapon is a firearm suitable for use by the Bureau of Police, it shall be added to the inventory of the Bureau.~~

~~F. Subject to Subsection C. if the weapon is a shotgun or rifle, it shall be delivered to the Property/Evidence Division, which shall dispose of it in the same manner as surplus property. However, disposal shall be only to persons who have prequalified with the Property/Evidence Division as being licensed to sell firearms at retail.~~

~~G. Any weapon described in Subsection D. that is not disposed of as ordered by the court, or as provided in Subsection E. or F., shall be destroyed by the Property/Evidence Division.~~

Passed by the Council:

Mayor Hales:

Prepared by: Jason Loos

Date Prepared: 10/26/2016

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy

~~1303~~ 1361

Agenda No.
ORDINANCE NO.

Title

Amend City Code to set procedure for returning evidence, found property and safekeeping prisoner property (Ordinance; amend Section Code 14C.30.040 and add Section Code 14C.20.050).

INTRODUCED BY Commissioner/Auditor: Mayor Hales	CLERK USE: DATE FILED <u>11-15-2016</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales 23 Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	Mary Hull Caballero Auditor of the City of Portland By: <u>Susan Parsons</u> Deputy
BUREAU APPROVAL Bureau: City Attorney Bureau Head: Tracy Reeve	ACTION TAKEN: NOV 23 2016 CONTINUED TO 2 P.M. NOV 23 2016 NOV 23 2016 PASSED TO SECOND READING DEC 07 2016 9:30 A.M. DEC 07 2016 <i>Rescheduled to</i> DEC 07 2016 2 P.M.
Prepared by: Jason Loos <i>SL</i> Date Prepared: 10/26/16	DEC 07 2016 REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION
Financial Impact Statement & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>6F</i>	
Council Meeting Date November 23, 2016	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz	
2. Fish	2. Fish	
3. Saltzman	3. Saltzman	
4. Novick	4. Novick	
Hales	Hales	