



CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF SUZANNE C. TOWNSEND

CASE NO. 1080223

DESCRIPTION OF VEHICLE: Ford Expedition (OR BBHQ)

DATE OF HEARING: August 12, 2008

APPEARANCES:

None

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole, and receiving Exhibits 1 through 15 into the record without objection, finds as follows:

The towing officer's report (Exhibit 10) stated that the officer stopped the appellant's vehicle for a traffic offense. The appellant's daughter, Sean Townsend, was driving. When the officer saw an open purse located on the vehicle's front seat, he could see a clear plastic baggie containing a crystal-like substance in the purse. Next to the baggie was a plastic container containing pills. Through his training and experience, the officer recognized the crystal-like substance as methamphetamine. He also recognized the container containing pills (of different colors and sizes) to be a common method of carrying when holding prescription pills illegally. The officer arrested Ms. Townsend for possession of a controlled substance for methamphetamine and for prescription pills.

The appellant stated (Exhibit 1) she thought the tow was invalid because her daughter was told the tow was because she did not have proof of insurance and she was not given an opportunity to find it in the vehicle. In addition, the Notice of Impoundment did not list the vehicle's correct VIN number, and the officer indicated an incorrect statute: unlawful delivery of an imitation controlled substance, ORS 475.912 (Exhibit 12).

Notice requires that an appellant is told what the legal basis for the tow was. The officer cited the correct statute, PCS (Possession Controlled Substance) for methamphetamine, in the Notice of Impoundment, and the officer's report narrative clearly described possession of methamphetamine. This was sufficient notice to the appellant as to why the vehicle was towed. The illegal drug charge was a sufficient basis for the tow. It is irrelevant whether the officer also told Ms. Townsend that the vehicle was towed for no proof of insurance. Finally, indicating an incorrect VIN number on the Notice of Impoundment does not invalidate the tow provided the information as a whole on the notice clearly indicates which vehicle was towed.

Given these circumstances, this was a valid tow. Please note the relevant City Code sections below concerning this matter.

**16.30.220 Towing Without Prior Notice.**

(Amended by Ordinance Nos. 165980, 170912, 176352, and 176442, effective May 1, 2002.) Any authorized officer may, without prior notice, order a vehicle towed, when:

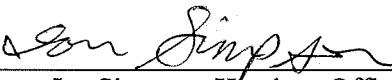
L. A police officer has probably cause to believe that the vehicle has been used or is possessed for the purpose of being used to commit or conceal the commission of one or more of these offenses:

2. Unlawful delivery of imitation controlled substance (ORS 475.991), Unlawful possession, delivery, or manufacture of controlled substance (OR 472.992), Unlawful distribution of controlled substance to minors (ORS 475.995), Unlawful manufacture or delivery of controlled substance within 1,000 feet of school (ORS 475.999), or any attempt, solicitation, or conspiracy of one of these offenses.

Therefore, it is ordered that all towing and storage charges against the vehicle shall remain the responsibility of the vehicle's owner.

This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: August 22, 2008  
IS: cb/rs

  
Ian Simpson, Hearings Officer

Bureau: Police  
Tow Number: 20459

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter (w/duplicates of same letter faxed attached)	Townsend, Suzanne C.	Received
2	Tow desk report	Hearings Office	Received
3	Hearing notice	Hearings Office	Received
4	Tow hearing info. sheet	Hearings Office	Received
5	Towed Vehicle Record	Police Records	Received
6	OK to Release	Police Records	Received
7	Driver's License	Police Records	Received
8	Vehicle Release	Police Records	Received
9	LEDS printout	Police Records	Received
10	Custody Report	Police Records	Received
11	Special Report	Police Records	Received
12	Notice of Impoundment Towing	Police Records	Received
13	Property/Evidence Receipt	Police Records	Received
14	Property/Evidence Receipt	Police Records	Received
15	Rescheduled hearing notice	Hearings Office	Received