



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

1900 S.W. 4th Avenue, Room 3100
Portland, Oregon 97201
Telephone: (503) 823-7307
FAX: (503) 823-4347
TDD (503) 823-6868

HEARINGS OFFICER'S ORDER

APPEAL OF VERONICA AMADOR

CASE NO. 1080288

DESCRIPTION OF VEHICLE: Chrysler Concorde (OR 601CFM)

DATE OF HEARING: September 18, 2008

APPEARANCES:

Ms. Veronica Amador, Appellant

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole, and receiving Exhibits 1 through 5 and 9 through 16 into the record without objection, finds as follows:

The Hearings Officer found that documentation provided by the appellant (Exhibits 15 and 16) was sufficient to show that she owns the subject vehicle.

The appellant objected to Exhibits 6, 7, and 8, arguing that they were not relevant to the case. Exhibit 6 contained the results of an alcohol breath test. The Hearings Officer could not determine who the breath test results were for, and kept it out of the record because it did not appear to be relevant. Exhibits 7 and 8 indicate a different vehicle from the subject vehicle. The Hearings Officer found that Exhibits 7 and 8 were not relevant to the case.

The officer's report (Exhibits 9 through 13) stated that the appellant's vehicle matched the description of a vehicle that was believed to have been involved in a hit and run accident with another vehicle, and was believed to have been driven by a man who attacked and robbed another person with a gun. Another officer a few blocks away reported a shooting and seeing two men running into the appellant's brother's home. The officer thought the two men might match the description of men involved in the hit and run and robbery incidents. The vehicle was towed as evidence.

The appellant stated during the hearing that the vehicle should not have been towed because it had been parked on the curb in front of her brother's house during the time that the hit and run and robbery took place. She also stated that while her vehicle was being towed, she told an officer at the scene that it was her vehicle. The appellant stated that the two men the officer saw at her house did not enter her house. The city code allows an officer to tow a vehicle without notifying the owner first if the officer reasonably believes that the vehicle is, or contains, evidence of a crime. The Hearings Officer finds that the officer had a reasonable belief that the vehicle was evidence of a crime. The vehicle appeared to match the description of the vehicle reportedly involved in a hit and run and a robbery. The gunfire

and possible suspects in the area of the appellant's brother's house indicated that the appellant's vehicle might be the vehicle the officers were looking for.

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:

G. A police officer reasonably believes that the vehicle or its contents constitute evidence of any offense, if such towing is reasonably necessary to obtain or preserve such evidence;

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: September 19, 2008
IS: rs


Ian Simpson, Hearings Officer

Bureau: Police
Tow Number: 25039

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Amador, Veronica	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Ownership letter	Hearings Office	Received
6	Towed vehicle record	Police Bureau	Rejected
7	Formal Hold	Police Bureau	Rejected
8	Breath test form	Police Bureau	Rejected
9	DMV Crash Report	Police Bureau	Received
10	Police vehicle accident check list	Police Bureau	Received
11	Investigation Report (2 pgs)	Police Bureau	Received
12	Continuation Report (3 pgs)	Police Bureau	Received
13	Special Report (non-connect)	Police Bureau	Received
14	Instruction sheet/property inventory	Police Bureau	Received
15	Copy of letter stating "will be" purchasing vehicle	Amador, Veronica	Received
16	Copy of Oregon Vehicle Certificate of Title for Robert Golden	Amador, Veronica	Received