



CITY OF PORTLAND, OREGON



Bureau of Police

Charlie Hales, Mayor

Michael Reese, Chief of Police

1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000 • Fax: 503-823-0342

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**DATE:** November 14, 2013  
**TO:** Portland City Council  
**FROM:** Dave Benson, Police Evidence and Property Supervisor  
**SUBJ:** Amend Previous Council Agenda Item 1080

Please amend Previous Agenda Item 1080 as follows:

Ordinance – Findings Section number 6. should now read as follows:

“6. It is necessary to amend Code Section 14C.20.040 to remove a dollar limit on the undisputed amount to be returned by cash and to update language reflecting the fund in which this money is managed.”

Exhibit A shall now read as follows:

“14C.20.040 Evidence Property.

A. All property received by the property/evidence division as evidence shall be held subject to use as evidence in the appropriate court(s). Currency received by the division may be held as cash or deposited into a trust fund. Upon final disposition of the case(s) for which such property was seized as evidence, the Bureau of Police shall make a reasonable attempt to return all lawful property still held by the property/evidence division to its legal owner or rightful possessor. The property/evidence division may return currency in the form of cash.

B. The Bureau of Police shall make a reasonable attempt to give notice to the legal owner or rightful possessor that the property will be released to him or her. The notice shall state that the legal owner or rightful possessor has 60 days within which to claim the property at the Bureau of Police. All property received from the property/evidence division requires the signature of the legal owner or rightful possessor.

C. Upon attempted notice, if property is not claimed within 60 days, the property may be disposed of by the Bureau of Police in the manner provided by law. ~~The return of undisputed claims for money equal to or in excess of \$100.00 shall first be deposited into the General Fund and then shall be paid out from said Fund to the legal owner or rightful possessor.~~ Payment on disputed claims shall be authorized either by an appropriate court order approved by the City Attorney or by ordinance.”

Similarly, the Financial Impact and Public Involvement Statement language under “2) Purpose of the Proposed Legislation” shall be amended to remove language referring to a dollar limit on the return of undisputed returns of evidence funds.

All other aspects of Previous Agenda Item 1080 are unchanged.

Portland, Oregon  
**FINANCIAL IMPACT and PUBLIC INVOLVEMENT STATEMENT**  
**For Council Action Items**

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Elizabeth Gardiner		2. Telephone No. 823-0363	3. Bureau/Office/Dept. Police/Fiscal Svcs.
4a. To be filed (date): October 23, 2013	4b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		5. Date Submitted to Commissioner's office and FPD Budget Analyst: October 23, 2013
6a. Financial Impact Section: <input checked="" type="checkbox"/> Financial impact section completed		6b. Public Involvement Section: <input checked="" type="checkbox"/> Public involvement section completed	

**1) Legislation Title:**

\*Amend Evidence Property procedures for the return of undisputed claims for money (Ordinance; amend Code Section 14C.20.040)

**2) Purpose of the Proposed Legislation:**

This item would amend City Code to allow for Evidence Funds paid back in cash. Current City Code states that amounts over \$100 must be paid back in check, but many persons who receive these returns are unable to cash a paper check. The code change also updates the language to more accurately reflect the way in which these funds are processed.

**3) Which area(s) of the city are affected by this Council item? (Check all that apply—areas are based on formal neighborhood coalition boundaries?)**

- City-wide/Regional       Northeast       Northwest       North  
 Central Northeast       Southeast       Southwest       East  
 Central City  
 Internal City Government Services

**FINANCIAL IMPACT**

**4) Revenue: Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If so, please identify the source.**

No revenue to the City will be generated or reduced as a result of this legislation.

**5) Expense: What are the costs to the City related to this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years. If the action is related to a grant or contract please include the local contribution or match required. If there is a project estimate, please identify the level of confidence.)**

There are no related costs to the City for this legislation.

**6) Staffing Requirements:**

- **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation?** *(If new positions are created please include whether they will be part-time, full-time, limited term, or permanent positions. If the position is limited term please indicate the end of the term.)*

No positions will be created, eliminated or re-classified in the current year as a result of this legislation.

- **Will positions be created or eliminated in future years as a result of this legislation?**

No positions will be created or eliminated in future years as a result of this legislation.

*(Complete the following section only if an amendment to the budget is proposed.)*

**7) Change in Appropriations** *(If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Fund Center column if new center needs to be created. Use additional space if needed.)*

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

**[Proceed to Public Involvement Section — REQUIRED as of July 1, 2011]**

PUBLIC INVOLVEMENT

**8) Was public involvement included in the development of this Council item (e.g. ordinance, resolution, or report)? Please check the appropriate box below:**

- YES:** Please proceed to Question #9.  
 **NO:** Please, explain why below; and proceed to Question #10.

The Property Evidence Division has determined that it would be most beneficial to return evidence money in cash form, as many of the rightful owners have difficulty in cashing checks. No public involvement was sought, as changing the City Code to make this possible is an internal City process.

**9) If "YES," please answer the following questions:**

- a) What impacts are anticipated in the community from this proposed Council item?**
- b) Which community and business groups, under-represented groups, organizations, external government entities, and other interested parties were involved in this effort, and when and how were they involved?**
- c) How did public involvement shape the outcome of this Council item?**
- d) Who designed and implemented the public involvement related to this Council item?**
- e) Primary contact for more information on this public involvement process (name, title, phone, email):**

**10) Is any future public involvement anticipated or necessary for this Council item? Please describe why or why not.**

The bureau does not anticipate that any future public involvement will be necessary.

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MICHAEL REESE, Chief of Police