

ORDINANCE NO. 5293

AN ORDINANCE ESTABLISHING PROCEDURES FOR INVENTORY SEARCHES AND DECLARING AN EMERGENCY.

WHEREAS, the Albany Police Department, in the ordinary course of its duties, is periodically called upon to conduct inventory searches of persons or property, when such persons or property are in police custody.

WHEREAS, the procedures to be employed in conducting inventory searches have heretofore been established by police administration under authority delegated to them by the Albany City Council acting through its Public Safety Committee; and

WHEREAS, recent appellate decisions make it desirable that the City Council formally adopt and approve the aforesaid inventory search procedures.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN S FOLLOWS:


Section 1: The Albany Police Department General Order which is attached hereto as Exhibit "A", and by this reference incorporated herein, is hereby adopted to establish the procedures to be employed by Albany Police Department Personnel, in conducting inventory searches.

Section 2: Emergency Clause. Whereas the peace, health and safety of the citizens is effected by this ordinance, an emergency is hereby declared and this ordinance shall become in full force and effect upon passage by the Council and approved by the Mayor.

Passed by Council: June 11, 1997

Approved by the Mayor: June 11, 1997

Effective Date: June 11, 1997



Mayor

ATTEST:



City Recorder



TITLE: INVENTORY SEARCH PROCEDURES

EFFECTIVE DATE: JUNE 12, 1997

REVISED DATE: JUNE 12, 1997

REPLACES: NEW

POLICY:

Inventory searches are an administrative measure designed to protect property while in police custody; protect the agency against claims of lost, stolen, or damaged property; and to protect departmental personnel and the public against injury or damaged property due to hazardous materials or substances. It is the policy of this department to safeguard the above property and interests by conducting inventory searches in accordance with the law and established procedures.

It is the intent of this procedure to follow all statutes and regulations pertaining to inventory searches and as such, the Albany City Council has approved this General Order by City Ordinance.

PROCEDURES:

A. DEFINITIONS

1. **INVENTORY SEARCHES:** A complete inspection of a vehicle or person when it is in custody of the Albany Police Department.
2. **CONTRABAND:** In general, any property which is unlawful for the person to produce or possess.

B. MOTOR VEHICLE INVENTORIES

1. An authorized member of this department shall conduct a motor vehicle inventory as an administrative procedure without a warrant or probable cause when:
 - a) The vehicle has been lawfully seized or impounded pursuant to the arrest of the driver.
 - b) The vehicle has been lawfully seized or impounded pursuant to State Statutes or City Ordinance.
 - c) The vehicle is being towed for related enforcement or safety reasons as defined by State Statutes or City Ordinances.
2. The contents of all vehicles that are lawfully seized or impounded shall be subject to inventory in accordance with this policy.
3. The inventory search shall be conducted in the location at which the vehicle is seized unless limited by reasons of safety or practicality. If so, it may be inventoried at a later time or location.

4. A vehicle inventory shall extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including but not limited to passenger compartment, trunk, and glove compartment.
5. All closed containers found within the vehicle shall be opened for purposes of the inventory. Closed and locked containers shall not be forced opened but shall be logged on the impound report as such. If a key or lock combination is available, locked containers shall be opened and inventoried.

C. INVENTORY OF PROPERTY ON PERSONS IN CUSTODY

1. A complete inventory search of all property of a person in police custody will be completed when they are brought into the Albany Police Department.
2. To assure the safety and security of the facility, the inventory will include clothing, wallets, purses, or other containers associated with the person in custody. All closed containers will be opened and inspected, including backpacks and other containers. All contraband or evidence will be seized and documented on a property report.

D. DISPOSITION OF PROPERTY

1. All currency located during a vehicle inventory will be documented on the Vehicle Report. Currency in excess of \$20 will be retained and logged into property/evidence and documented on a Property Report.
2. All unattached property valued in excess of \$50 located during a vehicle inventory will be listed on the Vehicle Report.
3. All unattached property valued in excess of \$1,000 and all firearms located during a vehicle inventory will be retained, documented on a Property Report, and logged into the property/evidence room.
4. Contraband and evidence discovered during the course of an inventory search shall be documented on a Property Report and placed into the property/evidence room.
5. Except for contraband or evidence, all property discovered on a person in custody as a result of an inventory search will be returned to the person upon release or turned over to the authority taking custody of the person.

ROUTING:

Chief of Police

Captain

Lieutenants (3)

Unit Supervisors (6)

Administrative Assistant

Briefing Board

Lunch Room (30 days)