

SUPREME COURT OF OREGON

State v. Wilcox

374 Or. 498 (2025) · No. S071582 · Decided November 25, 2025

SUMMARY

The Oregon Supreme Court held that, under Article I, section 9, of the Oregon Constitution, police may not search a closed, opaque container that does not disclose its contents while inventorying the property of a person taken into custody on a civil detoxification hold. The court concluded that compliance with an inventory policy does not alone establish constitutional reasonableness and reversed both the Court of Appeals decision and the circuit court judgment.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	James, J.
JURISDICTION	Supreme Court of Oregon
DECIDED	November 25, 2025
DOCKET	S071582
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	On review from the Oregon Court of Appeals, the Supreme Court considered whether police may open and search an opaque closed container pursuant to an inventory policy when the owner is taken into custody on a civil detox hold.
STANDARD OF REVIEW	Constitutional reasonableness under Article I, section 9, of the Oregon Constitution; review of whether an inventory search exceeded the permissible scope of the inventory exception.
PRECEDENTIAL VALUE	published
PARTIES	Jason Thomas Wilcox v. State of Oregon

TOPICS

- search and seizure
- fourth amendment
- suppression of evidence
- warrant requirement
- criminal procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- search and seizure

QUESTIONS PRESENTED

1. Whether Article I, section 9, permits police, pursuant to an inventory policy, to open and search an opaque closed container that does not announce its contents when the container is possessed by a person taken into custody on a civil detox hold.
2. Whether compliance with a properly adopted, nondiscretionary inventory policy is sufficient by itself to establish that such an inventory search is constitutionally reasonable.

HOLDINGS

1. Under Article I, section 9, an inventory search of an opaque closed container that does not announce its contents is unconstitutional when the owner is taken into custody pursuant to a civil detox hold, even if the container may reasonably hold valuables.
2. A statute or ordinance authorizing custody and a properly promulgated inventory policy that affords the executing officer no discretion are prerequisites to invoking the inventory exception, but they do not by themselves establish constitutional reasonableness.

KEY QUOTATIONS

“That is because the policy itself may still offend the Oregon Constitution. In determining whether an inventory policy exceeded the permissible bounds of Article I, section 9, we look to the totality of the circumstances, which can include, but are not limited to, the purposes of the policy, the source of authority for why the individual, or the object, came into police custody, and the privacy rights implicated.” (at 522)

“We see no reason to depart from that well-established line of reasoning in this case.” (at 522)

FACTUAL BACKGROUND

Wilcox went to a police station to report an assault and was later found by officers at a hospital intoxicated, argumentative, and refusing medical treatment. The officers placed him in custody under ORS 430.399 for transport to a detoxification facility, and Wilcox had a backpack with him. During an inventory search, an officer opened the opaque closed backpack and found a butterfly knife; a criminal-history check led to Wilcox's arrest, and a second inventory at the jail revealed another butterfly knife.

PROCEDURAL HISTORY

Police took Wilcox into custody under ORS 430.399 for transport to a detoxification facility and inventoried his backpack, finding a butterfly knife. After a criminal-history check revealed a prior felony conviction, Wilcox was arrested for possession of a restricted weapon, and a second inventory at the jail revealed another butterfly knife. The Court of Appeals initially held the backpack seizure unlawful; the Supreme Court vacated and remanded for reconsideration of the administrative-search issues. On remand, the Court of Appeals held both the seizure and search lawful under an inventory policy. The Supreme Court reversed the Court of Appeals and the circuit court judgment and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case is remanded to the Washington County Circuit Court for further proceedings after reversal of the Court of Appeals decision and the circuit court judgment.

CASES CITED

- State v. Wilcox, 371 Or. 756, 541 P.3d 226 (2023)
- State v. Wilcox, 335 Or. App. 743, 560 P.3d 91 (2024)
- State v. Wilcox, 323 Or. App. 271, 522 P.3d 926 (2022)
- State v. Keller, 265 Or. 622, 510 P.2d 568 (1973)
- State v. Downes, 285 Or. 369, 591 P.2d 1352 (1979)
- State v. Newman, 292 Or. 216, 637 P.2d 143 (1981)
- State v. Atkinson, 298 Or. 1, 688 P.2d 832 (1984)
- State v. Perry, 298 Or. 21, 688 P.2d 827 (1984)
- State v. Okeke, 304 Or. 367, 745 P.2d 418 (1987)
- State v. Lippert, 317 Or. 397, 856 P.2d 634 (1993)
- State v. Fulmer, 366 Or. 224, 460 P.3d 486 (2020)
- State v. Connally, 339 Or. 583, 125 P.3d 1254 (2005)
- State v. McCarthy, 369 Or. 129, 501 P.3d 478 (2021)
- State v. Campbell, 306 Or. 157, 759 P.2d 1040 (1988)
- State v. Bliss, 363 Or. 426, 423 P.3d 53 (2018)
- State v. Castilleja, 345 Or. 255, 192 P.3d 1283 (2008), adhered to on reconsideration, 345 Or. 473, 198 P.3d 937 (2008)
- State v. Salkoski, 299 Or. App. 180, 448 P.3d 718 (2019)
- State v. Edwards, 304 Or. App. 293, 466 P.3d 1034 (2020)
- State v. Mundt/Fincher, 98 Or. App. 407, 780 P.2d 234 (1989)
- State v. Lawrence, 58 Or. App. 423, 648 P.2d 1332 (1982)
- South Dakota v. Opperman, 428 U.S. 364, 96 S. Ct. 3092, 49 L. Ed. 2d 1000 (1976)
- Mozzetti v. Superior Court of Sacramento County, 4 Cal. 3d 699, 484 P.2d 84 (1971)
- State v. Gwinn, 301 A.2d 291 (Del. 1972)