

MOTOR VEHICLE INVENTORY

POLICY & PROCEDURE NO. 5.03	ISSUE DATE: 14 Nov 2011
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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 1.2.4(f)	REVISION DATE: _____

I. GENERAL CONSIDERATIONS AND GUIDELINES

A motor vehicle inventory is an administrative measure designed to:¹

- Protect the motor vehicle as well as any personal property contained in such vehicle;
- Protect the police and tow contractor against claims arising from property allegedly lost or stolen while in police custody; and
- Protect department personnel and the public from injury or property damage due to dangerous items or substances that may be contained in the vehicle.

This policy and procedure does not apply to searches conducted for the purpose of discovering evidence. Consult **PP 1.08 Search and Seizure** where the examination of a motor vehicle or its contents is to be conducted with an investigatory motive.

II. POLICY

It is the policy of this department that motor vehicles which are lawfully towed, removed, impounded or stored at the direction of police officers or placed in the custody of the police department shall be inspected and inventoried according to the procedures in this policy.²

III. DEFINITIONS

- A. *Impound*: To take into custody of the law.³

Note: Although the leading cases state that inventories are only justified when a vehicle has been lawfully impounded, neither the U.S. Supreme Court nor the Massachusetts state courts have defined this term.

- B. *Inspection*: An examination of the exterior and interior of the vehicle for damaged or missing parts.
- C. *Inventory*: An examination of all areas of the vehicle in which personal property may reasonably be found, including but not limited to the passenger compartment, trunk, and glove/map box.

IV. PROCEDURE 1.2.4(F)

A. *Inventory Process*

1. **RESPONSIBILITY**: The officer directing that a vehicle be towed, removed, impounded or stored, or the officer acting on behalf of the department in accepting custody of a vehicle, shall inspect and inventory the vehicle and its contents unless the responsibility for the same has been properly transferred to another officer.
2. **WHEN NOT TO INVENTORY**: An inventory shall not be conducted in the following situations:
 - a. The vehicle is disabled, either by mechanical failure or as a result of damage resulting from a motor vehicle accident, where the owner and/or operator is present and makes satisfactory arrangements to have the vehicle removed by someone other than the department's on-call tow company.
 - b. The vehicle is towed by the Department's tow contractor and the owner or operator accompanies the tow.
 - c. The vehicle is not to be removed and does not impede traffic flow and is not illegally parked.
3. **ALTERNATIVE TO POLICE TOW**: When the operator is arrested, and proposes that the vehicle be turned over to an identified person who is not under arrest or otherwise incapacitated, who is properly licensed to operate the vehicle, and who agrees to take charge of the vehicle, the officer should allow such arrangement as an alternative to police tow. When the officer does not permit the third party to take charge of the vehicle, the reasons for ordering the tow shall be articulated in his/her report.
4. **REMOVAL OF PROPERTY BY OWNER**: The owner or operator of the vehicle, unless arrested, should be asked to remove all valuables from

the vehicle prior to police tow. Items not removed shall be inventoried.

5. LOCATION OF INVENTORY

- a. Whenever the inspection and inventory at the scene are not safe or practical, they may be conducted at a storage facility.
- b. Whether the inspection and inventory are conducted at the scene or at a storage facility, they should be conducted within a reasonably short period of time after the vehicle was taken into custody.
- c. Officers must maintain custody of the vehicle until the inventory is complete. When the inventory is to be conducted at a storage facility, the officer must follow the tow truck to the storage facility.

B. Sequence of Inspection and Inventory

1. PROCESS: The standard inventory process will consist of an inspection and inventory (*see Definitions*).
2. EXTERIOR SEQUENCE: The exterior of the vehicle shall be inspected for missing or damaged parts. The following order of inspection is recommended:
 - a. Front of the vehicle;
 - b. Right (passenger) side;
 - c. Vehicle rear;
 - d. Left (driver) side;
 - e. Surface of the hood;
 - f. Roof;
 - g. Trunk;
 - h. Undercarriage areas; and
 - i. Tires.
3. INTERIOR
 - a. The interior shall be inventoried according to the major areas of the vehicle. The following sequence is recommended: starting with the left front (driver) to the right front (passenger) areas, inventory the visors, dashboard, unlocked glove/map box areas, and under the front seats and mats. Next, the rear seats from left to right, the area under the seat mats and seats, any rear deck above the back seats, and any space behind the seats shall be inventoried. Lastly, the trunk shall be unlocked and inventoried.

- b. If the glove/map box and/or trunk are locked and the officer cannot open them with a key or from within the vehicle, these areas shall not be inventoried and appropriate notations made on the Motor Vehicle Inventory Form.
 - c. In many vehicles, a locked trunk may be opened from within the vehicle. In these vehicles, the trunk shall be opened and inventoried.
 - d. For vehicles where the trunk is locked and no key is available, but the trunk may be accessed by folding down the rear seat, this shall be done and the trunk's contents inventoried.
 - e. When an officer has probable cause that a locked trunk or glove/map box contains explosives, weapons or other substances that present an immediate danger to the public or the officer, a search warrant shall be obtained unless exigent circumstances make the delay impractical. (Consult **PP 1.08 Search and Seizure.**)
4. VALUABLE ITEMS: Items which appear to be valuable shall be noted on the Inventory Control Sheet, secured and/or removed according to departmental procedures and promptly brought to the attention of the Evidence/Property Officer. Removable items shall be removed from the vehicle. See Section IV.D.2 below.
5. ANIMALS: When there is a live animal in the vehicle, animal control shall be notified to take charge of the animal, unless the owner or operator of the vehicle makes other arrangements.
6. DOCUMENTATION
- a. All damaged or missing vehicle parts and items found in the vehicle shall be recorded on the Everett Police Tow Report. An Evidence/Property Report may also be used to inventory additional items as required. Completed forms shall be attached to and made a part of an officer's police report. Such report shall document all facts, information and circumstances justifying the towing of the vehicle.
 - b. Property removed from the vehicle shall be listed on the Everett Police Tow Report and/or Evidence/Property Report, stating the reason for removal, and shall be immediately turned over to the department's Evidence/Property officer.
 - c. Should the list of property removed from the vehicle be so large as to make the use of the Everett Police Tow Report impractical, the officer may list the items on a separate sheet and attach the same to the Everett Police Tow Report.

7. DANGEROUS ITEMS: Dangerous items shall be noted on the Everett Police Tow Report, secured and/or removed according to departmental procedures and promptly brought to the attention of the Evidence/Property Officer. Removable items shall be removed from the vehicle. See Section IV.D.2 below.

C. Inventory of Containers

1. DOCUMENTATION: The presence of all containers and packages shall be noted on the Everett Police Tow Report. The officer shall document whether the container is closed or locked.
2. UNLOCKED CONTAINERS: All unlocked containers shall be opened, and the contents shall be inventoried separately.
3. LOCKED CONTAINERS: If a key or lock combination is available, locked containers shall be opened and inventoried. All locked containers which cannot be opened shall be noted on the Everett Police Tow Report. When there is probable cause that a locked container contains explosives, weapons or other substances that present an immediate danger to the public or the officer, a search warrant shall be obtained unless exigent circumstances make the delay impractical.

D. Discovering Evidence of a Crime

1. ADMISSIBILITY: While the purpose for an inspection and inventory of a motor vehicle is not to discover evidence of a crime, such evidence may be found inadvertently and is admissible so long as the inventory search is conducted in accordance with this policy and procedure.
2. SEIZURE: Any article discovered as a result of a motor vehicle inventory may be seized if it is deemed to be:
 - a. Contraband;
 - b. Fruits of a crime; or
 - c. Instruments of a crime.

¹ *Com v. Tisserland*, Mass.App.Ct. 383, 363 N.E.2d 530 (1977)

² *Com v. Bishop*, 402 Mass. 449, 523 N.E.2d 779 (1988).

³ Black's Law Dictionary, sixth ed.