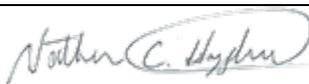


5.03 MOTOR VEHICLE INVENTORY



MOTOR VEHICLE INVENTORY

POLICY & PROCEDURE NO. 5.03	SECTION TRAFFIC	PAGES: 5	ISSUE DATE: August 15, 2023
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED: 41.4.1(F)		EFFECTIVE DATE: August 15, 2023	REVISION DATE:
ISSUING AUTHORITY: 			

I. GENERAL CONSIDERATIONS AND GUIDELINES

A motor vehicle inventory is an administrative measure designed to protect the motor vehicle as well as any personal property contained in such vehicle, while protecting the police against claims arising from property allegedly lost or stolen while in police custody. It also protects 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 the department's policy and procedure entitled Searches and Seizures where the examination of a motor vehicle or its contents is to be conducted with an investigatory motive.

II. POLICY

Motor vehicles that 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

III. DEFINITIONS

IV. PROCEDURES

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 properly been transferred to another officer.

An inventory shall not be conducted where 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 at the time the car is towed.

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 and who agrees to take charge of the vehicle, the officer should allow such arrangement as an alternative to police tow provided he can verify that proposed operator is properly licensed. 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 their report.

LOCATION OF INSPECTION AND INVENTORY

Whenever the inspection and inventory at the scene are not safe or practical, they may be conducted at a storage facility, Police Headquarters, or another convenient location.

1. Whether the inspection and inventory is 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.
2. Officers should maintain custody of the vehicle until the inventory is complete. When the inventory is to be conducted at a storage facility, the officer should follow the tow truck to the storage facility.

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SEQUENCE OF INSPECTION AND INVENTORY

The standard inventory process will consist of an inspection and inventory. The exterior of the vehicle, including the undercarriage areas, shall be inspected for missing or damaged parts.

The contents of the vehicle shall be inventoried, including all containers whether they are open or closed. The officer should take care to inspect all areas of the vehicle including but not limited to the visors, dashboard, glove compartment, under all seats and mats, any deck areas, any space behind the seats, and any and all openings, ducts, vents and other compartments. The trunk shall be unlocked and inventoried.

Any compartment (trunk, glove box, console, etc.) that is locked or otherwise secured shall be opened with a key or by any other manner that will not cause significant permanent damage to the vehicle. If a compartment cannot be opened without causing significant permanent damage, these areas shall not be inventoried and appropriate notations shall be made on the Motor Vehicle Inventory Form.

1. In many vehicles, a locked trunk may be opened from within the vehicle. In these vehicles, the trunk shall be opened and inventoried.
2. 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.

When an officer has reason to believe that a locked trunk, glove compartment or other area of the vehicle contains explosives or other substances that present a danger to the public or the officer, the officer should consult with the shift commander and seek permission to open the locked container. If opening the container can present an immediate danger to the officer or the public the shift commander should consider utilizing resources such as a bomb technician or other specialist.

If the officer has probable cause to believe that contraband or evidence of a crime is concealed within the vehicle, the officer should conduct a search in accordance with the department's policy and procedure entitled Searches and Seizures. Following the search for evidence, an inventory of the vehicle must still be conducted as directed by this policy.

Valuable items shall be noted on the Motor Vehicle Inventory Form. Items of an unusual value may be removed from the vehicle and secured at the police station in accordance with the department policy on Lost and Found Property.

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When there is a live animal in the vehicle, the Animal Control Officer shall be notified to take charge of the animal, unless the owner or operator of the vehicle makes other arrangements.

INVENTORY OF CONTAINERS

The presence of containers and packages, including those within other containers and packages, shall be noted on the Motor Vehicle Inventory Form. The officer shall document whether the container is closed or locked. All unlocked containers shall be opened and the contents shall be inventoried.

Any container that is locked or otherwise secured shall be opened with a key or by any other manner that will not cause significant permanent damage to the property. If the owner or person in charge of the vehicle is available, the officer shall attempt to obtain information to assist them in opening the container.

All containers that cannot be opened without causing significant damage shall be noted on the Motor Vehicle Inventory Form. When an officer has reason to believe that a locked container, that they have been unable to open, may contain explosives or other substances that present a danger to the public or the officer, the officer should consult with the shift commander and seek permission to force open the locked container. If opening the container can present a danger to the officer or the public the shift commander should consider utilizing resources such as a bomb technician or other specialist.

DOCUMENTATION

All damaged or missing vehicle parts and items shall be recorded on the Motor Vehicle Inventory Form. Completed forms shall be attached to the officer's report and submitted to the shift commander for approval.

Property removed from the vehicle shall be listed on the Motor Vehicle Inventory Form. Should the list of property removed from the vehicle be so large as to make the use of the Motor Vehicle Inventory Form impractical, the officer may list the items on a separate sheet and attach the same to the Motor Vehicle Inventory Form.

Dangerous items removed from the vehicle shall be noted on the Motor Vehicle Inventory Form.

Discovering Evidence of a Crime

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While the purpose of an inspection and inventory of a motor vehicle is not to discover evidence of a crime, such evidence is admissible if it is discovered during an inventory conducted in accordance with this policy and procedure.

Any article discovered as a result of a motor vehicle inventory may be seized if it is deemed to be:

1. Contraband;
2. Fruits of a crime;
3. instrumentalities of a crime; or
4. evidence of a crime.