



BRAINTREE POLICE DEPARTMENT

Policy and Procedure

MOTOR VEHICLE INVENTORY

2018-12

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Revised:

Issuing Authority:

Chief Paul Shastany

Certification Standards: **1.2.4f**

Accreditation Standards:

Optional Accreditation Standards:

Policy

It is the policy of the Braintree Police Department to systematically and thoroughly inventory every motor vehicle that has been ordered towed or impounded to:

- Protect against claims of lost, stolen or vandalized property and
- Protect the public and our officers from dangerous instrumentalities.

See Policy: **Search and Seizures** where the examination of a motor vehicle or its contents is to be conducted with an investigatory motive.

Tow Procedure **1.2.4 f**

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 has properly been transferred to another Braintree Officer.[**1.2.4 f**]

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 his/her report.

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.

Inspection and Inventory Location

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

-Whether the inspection and inventory is conducted at the scene or at another location, they should be conducted within a reasonable period of time after the vehicle was taken into custody.

-Officers should maintain custody of the vehicle until the inventory is complete. When the inventory is to be conducted at another location, the officer should follow the tow truck to the alternate location.

Inspection and Inventory of MV and Containers Within

The inventory process will consist of an inspection and inventory. The exterior of the vehicle 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.), packages or containers that are 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 or item. If the owner or person in charge of the vehicle is available, the officer shall attempt to obtain information to assist him/her in opening the compartment, package or container. If a compartment, package or container cannot be opened without causing significant permanent damage, these areas and items shall not be inventoried and appropriate notations shall be made on the **Motor Vehicle Inventory Form**.

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

-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 compartment of the vehicle, package, or container contains explosives or other substances that present a danger to the public or the Officer, the Officer should consult with the Patrol Supervisor and if one is not working, 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 Policy 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**.

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.

Documentation The Officer ordering the tow will record upon the **Motor Vehicle Inventory Form** a complete listing of the general condition of the vehicle, missing parts and contents of vehicle. Completed forms shall be attached to the Officer's report as well as the external reference file. A record shall be kept with the incident or arrest reports in Records.

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**.

Discovery of Evidence

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:

- Contraband;
- Fruits of a crime;
- Instrumentalities of a crime; or
- Evidence of a crime.

Policy Application and Review

The Chief of Police will ensure that the motor vehicle inventory procedure is administered in good faith and satisfies the requirements of the Fourth Amendment and the Due Process Rights of the Fourteenth Amendment and all relevant case law. The Motor Vehicle Inventory policy will be strictly enforced to avoid discretion in determining the scope of the inventory process.

The Shift Commanders and Patrol Supervisors shall be responsible for the consistent and fair application of this policy on their assigned shifts. The Deputy Chief of Operations shall review department tow logs and inventory reports. Any unresolved complaints by a vehicle owner or tow company shall be forwarded to the Deputy Chief of Administration.

**Braintree Police Department
Motor Vehicle Inventory Record**

Reason for Tow: Accident: _____ Arrest: _____
 Stolen: _____ Other: _____
Date: _____ Time: _____ Location: _____

Plate: _____ State: _____ VIN: _____

Vehicle Year and Make: _____

Owner: _____ Operator: _____

Owner Address: _____

Vehicle condition: _____

Front end-Damage? Yes ___ No ___ Other _____

Rear end-Damage? Yes ___ No ___ Other _____

Passenger sides-Damage? Yes ___ No ___ Other _____

Towing Company: _____

Vehicle interior inventory:

Glove Box _____ Trunk _____

Remarks _____

Property removed from the vehicle? Yes _____ No _____

Items Removed:

Ignition Key Left in Vehicle? Yes _____ No _____

Officers Signature _____

