



Somerville Police Department 	TYPE: GENERAL ORDER		POLICY NUMBER: 129	
	Subject: Motor Vehicle Inventory			
	Issuing Authority: David Fallon Chief of Police		Signature:  Effective Date: March 11, 2020	
		Number of Pages: Page 1 of 6		
Accreditation Standards (5th Edition) 1.2.4(f), 61.4.3			<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised <input type="checkbox"/> Amended	
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Purpose

A motor vehicle inventory is an administrative measure designed to:

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

This policy and these procedures do not apply to searches conducted for the purpose of discovering evidence. Consult the department's policy regarding Searches and Seizures where the examination of a motor vehicle or its contents is to be conducted with an investigatory motive.

Policy

When authorized to remove vehicles, officers will remove vehicles to a safe place in order to ensure the security of the vehicle and the safe and efficient flow of traffic. This policy is designed to: protect the owner's property, protect officers against claims of lost/stolen items, protect officers from dangerously concealed items, and protect the public against hazardous roadway obstructions. [1.2.4(f)]

Any vehicle that is towed from public or private property for following reasons shall be inventoried: [61.4.3(b)]

- A. **Traffic Safety:** the vehicle interferes with the movement of traffic or creates safety problems, e.g., abandoned, snow emergency, illegally or improperly parked, involved in a crash. [61.4.3(a)]

- B. Evidentiary:** the vehicle was used in the commission of a crime, as an instrument of a crime, or is a recovered stolen vehicle.
- C. Statutory:** the vehicle is subject to statutory forfeiture or lawful seizure pursuant to a government interest, e.g., search warrant, unregistered, uninsured.
- D. Arrest:** The vehicle is towed pursuant to a lawful arrest of the operator.

Definitions

Inspection: To the extent possible, an examination of the exterior and interior of the vehicle for damaged or missing parts.

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 box.

Procedures

1. Inventory Process:

- A. Responsibility:** The officer directing that a vehicle be towed, 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 been properly transferred to another officer.
- B. When Not to Inventory:** An inventory shall not be conducted in the following situations:
 - 1. 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.
 - 2. The vehicle is towed by the department's tow contractor and the owner or operator accompanies the tow.
 - 3. The vehicle is not to be removed and does not impede traffic flow and is not illegally parked.
- C. 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 shall allow this 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 the officer's report.

D. Removal of Property by Owner: After the completion of the motor vehicle inventory, 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. Items removed shall also be notated in the motor vehicle inventory as "Items removed by owner or operator."

E. Location of Inventory:

1. Whenever the inspection and inventory at the scene are not safe or practicable, they may be conducted at another location.
2. Whether the inspection and inventory are conducted at the scene or at another location, they should be conducted within a reasonably short period of time after the vehicle was towed.
3. Officers must maintain custody of the vehicle until the inventory is complete. Whenever practicable, the Officer initiating the tow should follow the tow truck to the new location where the inventory is to be conducted. If circumstances dictate, another Officer may follow the tow truck to the new location and secure the vehicle for the inventory.

2. Sequence of Inspection and Inventory:

A. Process: The standard inventory process will consist of an inspection and inventory.

B. Exterior Sequence: The exterior of the vehicle shall be inspected for missing or damaged parts. The following areas shall be inspected if circumstances permit:

1. Front of the vehicle
2. Right passenger side
3. Vehicle rear
4. Left driver side
5. Surface of the hood
6. Roof
7. Trunk
8. Undercarriage areas
9. Tires

C. Interior:

1. The interior shall be inventoried according to the major areas of the vehicle. If circumstances permit, the following sequence is recommended but not required: starting with the left front (driver) to the right front (passenger) areas, inventory the visors, dashboard, unlocked glove 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.

2. If the glove 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 Tow Card.
3. In many vehicles, a locked trunk may be opened from within the vehicle. In these vehicles, the trunk shall be opened and inventoried.
4. For vehicles where the trunk is locked and no key is available, but the trunk may be accessed by folding down the rear seat, if circumstances permit, this shall be done and the trunk's contents inventoried.
5. When an officer has probable cause that a locked trunk or glove 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. See Search and Seizure Policy.

D. Valuable Items: Items which appear to be valuable shall be noted on the Motor Vehicle Inventory Form, secured and/or removed according to departmental procedures and promptly brought to the attention of the Street Supervisor and the Evidence/Property Officer. Removable items shall be removed from the vehicle.

E. 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.

F. Documentation:

1. All damaged or missing vehicle parts and items found in the vehicle shall be recorded on the Motor Vehicle Tow Card. When what has been discovered has some bearing on criminal charges, this information shall be made a part of an officer's police report. This report shall document all facts justifying the towing of the vehicle.
2. Property removed from the vehicle shall be listed on the Motor Vehicle Tow Card, stating the reason for removal, and shall be immediately turned over to the department's Evidence/Property Officer if practicable or secured in an evidence locker with the appropriate property tag.
3. Should the list of property removed from the vehicle be so large as to make the use of the Motor Vehicle Tow Card impractical, the officer may list the items on a separate sheet and attach it to the Motor Vehicle Tow Card.
4. The inventory and vehicle damage information shall be relayed to the E-911 Clerk to be entered into CAD.

5. After entering the inventory and vehicle damage information on the Motor Vehicle Tow Card, the E-911 Clerk shall submit the Tow Card to the Console Operator, who will file the card numerically by plate number. After the vehicle owner, or his/her designee, has properly signed for the Tow Card, the Console Operator shall remove one half of the Tow Card and provide to the vehicle owner or his/her designee, which shall be used to reclaim the subject vehicle from the tow lot. The Console Operator shall store the other half of the Tow Card to be picked up by the Traffic Clerk. The Departments half of the Tow Card shall be retained for a minimum of three (3) years in accordance with the Commonwealth of Massachusetts Records Retention Manual. [61.4.3(c)]

G. Dangerous Items: Dangerous items shall be noted on the Motor Vehicle Tow Card, secured, and/or removed according to departmental procedures and promptly brought to the attention of the Evidence/Property Officer.

3. Inventory of Containers:

- A. Documentation:** The presence of all containers and packages shall be noted on the Motor Vehicle Tow Card. The officer shall note whether the container is closed and/or locked.
- B. Unlocked Containers:** All unlocked containers shall be opened, and the contents shall be inventoried separately.
- C. 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 Motor Vehicle Tow Card. 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 impracticable.

4. Discovering Evidence of a Crime:

- A. Admissibility:** While the purpose for an inspection and inventory of a motor vehicle is not to discover evidence of a crime, evidence may be found inadvertently and is admissible so long as the motor vehicle inventory is conducted in accordance with this policy and procedure.
- B. Seizure:** 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. Instruments of a crime

C. Report: In the event evidence is seized pursuant to this policy the officer shall:

- 1.** Note on a NIBRIS report what items were seized and from what location of the vehicle the items were seized.
- 2.** A copy of the tow card shall be included with the NIBRIS report.