

<b>FRAMINGHAM POLICE DEPARTMENT</b>		Next Review Date: Annually
<b>Subject: Motor Vehicle Inventories</b>		Effective Date: 01/13/20; Rev. 12/01/22
<b>Category: 300 – Traffic &amp; Parking</b>		Expiration Date: Indefinite
MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED:		POLICY <b>300-2</b>
Distribution: Sworn Personnel	<b>Issuing Authority</b> <i>Lester Baker</i> <b>Lester Baker</b> <b>Chief of Police</b>	

## General Considerations and Guidelines

Often times a vehicle may be impounded by the Framingham Police Department. A proper inventory system is put into place in order to provide a measure of accountability for items located in the vehicle. Regardless of the reason that a motor vehicle is towed and/or impounded it will be the policy of the Framingham Police Department to routinely inventory the contents of all motor vehicles coming into police custody.

A motor vehicle inventory is an administrative measure designed to:

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

These measures are discussed in Commonwealth v. Garcia, 409 Mass. 675 (1991).

This policy and procedure does not apply to evidentiary searches. 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

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.

The authority to tow a vehicle rests with a Supervisor with a minimum rank of Sergeant. The authority for this action is covered in G.L. c. 10 § 22A, and G.L. c. 85 § 2C.

## Definitions & Special Terms

Impound: To take into custody by the law.

Inspection: 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, console, glove/map box and any containers found therein.

Inventory Report Form: The authorized form for recording items found within a vehicle. The form shall be filled out with as much descriptive information as possible. The forms are stored on the Department's shared "S" Drive. When the forms are completed they are to be reviewed and initialed by the Commanding Officer and archived for storage as part of the incident record.

### I. Procedure

#### A. Motor Vehicle Inventory Process

##### 1. Responsibility

- a. The officer directing that a vehicle be towed, removed, impounded or stored should inspect and inventory the vehicle and its contents. This duty may be transferred to a secondary officer.

##### 2. It is not necessary to conduct an inventory 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.

- b. The vehicle is towed by the Department's tow contractor and the owner or operator accompanies the vehicle being towed.
- c. The vehicle is not to be removed and does not impede traffic flow and is not illegally parked.

### 3. Alternative to Police Towing

- a. When the operator is arrested, and proposes that the vehicle be turned over to a competent person who is not under arrest or otherwise incapacitated, who is properly licensed to operate the vehicle and is present at scene and has his/her license in possession and who agrees to take charge of the vehicle. The officer should allow such arrangement as an alternative to police tow, so long as the operator or owner of the vehicle allows the other person to drive and take custody of the vehicle. 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

- a. The owner or operator of the vehicle, unless arrested, should be asked to remove all valuables from the vehicle prior to police tow to a storage facility. 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

- a. The standard inventory process will consist of an inspection and inventory (see Definitions). Officers are not confined to inventory only items found in plain view.
- b. During an inventory, officers may inspect the glove compartment, the trunk, as well as under the seat and other areas of the vehicle. The inventory shall extend into all areas normally used for storage. The storage area shall include, but not be limited to, the following areas: entire passenger compartment, glove box, console, trunk, trailer (if any), and any passenger area or storage area of van, step van or motor home.
- c. The inventory will extend to all storage areas and compartments that are accessible to the operator and/or passengers.

### 2. Exterior Sequence

- a. The exterior of the vehicle shall be inspected for missing or damaged parts. This inspection is not intended to be a full detailed list of all damage but should cover recent or obvious damage and missing parts.
- b. The following order of inspection is a recommended pattern to help the officer:
  - i. front of the vehicle;
  - ii. right (passenger) side;
  - iii. vehicle rear;
  - iv. left (driver) side;
  - v. surface of the hood;
  - vi. roof (if easily accessible);
  - vii. trunk; and
  - viii. the undercarriage areas (if easily accessible).

### 3. Interior Sequence

The interior shall be inventoried according to the major areas of the vehicle.

- a. The following sequence is recommended: starting with the left front (driver) to the right front (passenger) areas, the visors, dashboard and unlocked glove/map box areas and under the front seats and mats. Next the rear seats from left to right; the area under seats and mats, any rear deck above the back seats, and any space behind the seats shall be inventoried. Lastly, the trunk shall be unlocked and inventoried.

**NOTE:** These are recommendations. We understand that officers in the field may have a method that works better for them in regards to documentation. Often times, newer vehicles have an abundance of storage spaces. Officers should be cognizant of storage areas, including floor storage, center consoles, door pockets and pockets behind seats and any other places items can be stored.

- b. If the glove/map box, center console and/or trunk are locked and the officer cannot open it with a key or from within the vehicle, the location and reason should be noted on the inventory form.
- c. In many vehicles, a locked trunk may be opened from within the vehicle without a key. 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.

#### 4. Valuable Items

- a. Items which appear to be valuable shall be noted on the Inventory Form, depending on their nature and size they may be secured in the vehicle or removed and promptly brought to the station for storage in the temporary evidence locker. Otherwise, all property of a valuable nature shall be placed in the trunk of the motor vehicle if access can be gained and the trunk properly secured; this will provide more secure storage for the owner's property than leaving it in the passenger compartment.

#### 5. Animals

- a. 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.

If animal control is not available, officers will consult with their Supervisor or Commanding Officer to discuss the best course of action.

#### C. Documentation

1. All damaged or missing vehicle parts and items found in the vehicle shall be recorded on the Vehicle Inventory Report form (located in Forms folder on "S" drive). Completed forms shall be attached to, and made a part of, an officer's police report. Such report shall also document all facts, information and circumstances justifying the towing of the vehicle.
2. Property removed from the vehicle shall be listed on the Vehicle Inventory Report form, stating the reason for removal and the items shall be turned into evidence/property officer per protocol. Items may be turned over to an occupant or third party only after inventory is complete and only when appropriate.
3. Should the list of property removed from the vehicle be so large as to make the use of the **Vehicle Inventory Report** form impractical, the officer may list the items on a separate sheet and attach the same to the inventory form.
4. When the officer conducting the inventory search observes an article which, in his opinion, is questionable as to having an apparent valuable nature, he shall list the article.
5. All property inventoried which is of an apparent valuable nature shall be listed in the **Vehicle Inventory Report**.

#### D. Dangerous Items

1. During an inventory an officer may discover an item(s) that raises safety concerns about its storage (i.e. Firearms, explosives, flammable agents, etc.). Any number of items may be considered hazardous and/or dangerous.
2. If any item(s) is discovered that an officer believes may be dangerous in its present state, the Commanding Officer should immediately be advised of the situation.
3. The officer should be cognizant of the immediate safety issues that arise in these situations. Including, but not limited to, perimeter safety and calling for additional resources.

4. Dangerous items shall be noted on the **Vehicle Inventory Report Form**, secured and/or removed according to departmental procedures and promptly brought to the attention of the Evidence/Property Officer.

#### E. Inventory of Containers

1. The presence of all containers and packages shall be noted on the Vehicle Inventory Report form. The officer shall document whether the container is locked or unlocked.
2. All unlocked containers including unlocked containers within other containers, shall be opened, and the contents shall be inventoried separately.
3. Locked Containers
  - a. If the police have a key or combination to a locked container, the locked container shall be opened and inventoried.
  - b. All locked containers which cannot be opened shall not be opened but will be listed on the Vehicle Inventory Report form.
  - c. When there is probable cause that a locked container contains explosives, weapons or other substances that present an immediate danger to the Department or the officer, a search warrant shall be sought unless exigent circumstances make the delay impractical.
  - d. Officers must note findings on the inventory form and in separate incident/police report.

#### F. Discovering Evidence of a Crime

1. Admissibility
  - a. 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
  - a. Contraband, fruits, instrumentalities or other evidence of a crime, which is inadvertently discovered during an inventory search shall be seized and handles accordingly to department policy and procedure.

- b. Once probable cause has been established that there is evidence of a crime the vehicle should be towed to the police station, and;
- c. Although the vehicle can be searched more closely for evidence of the crime under the motor vehicle exception;
- d. The commanding officer should be consulted about obtaining a search warrant.