

GENERAL ORDER XLIII

**SUBJECT: MOTOR VEHICLE INVENTORIES**

**EFFECTIVE DATE: REVIEW DATE: 03-01-2015**

**NOTE:** This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department and then only in a non-judicial administrative setting.

**I. PURPOSE**

The purpose of this policy is to provide officers with guidelines for determining when and how a motor vehicle inventory should be conducted.

**II. POLICY**

A motor vehicle inventory is an administrative measure designed to protect motor vehicles and their contents while in police custody; to protect the agency against claims of lost, stolen, or damaged property; and to protect departmental personnel and the public against injury or damaged property due to hazardous materials or substances that may be in the vehicle. It is the policy of this law enforcement agency to safeguard the above property and interests and to conduct motor vehicle inventories only in accordance with the following procedures.

**III. PROCEDURES**

A. Legal Authority to Inventory

1. An authorized member of this agency may conduct a motor vehicle inventory without a warrant or probable cause when
  - a. the vehicle has been lawfully seized or impounded pursuant to the arrest of the driver; after towing the vehicle for violations, or for related enforcement or safety reasons as defined by state law, and
  - b. when officers conduct the inventory within the scope of this policy as an administrative procedure.
2. Examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent of discovering evidence of a crime is a search, not an administrative inventory. Officers shall be guided by this agency's policy on motor vehicle searches when engaged in these actions.

B. Scope of Inventory

1. The contents of all motor vehicles that are lawfully seized and/or impounded by this agency shall be subject to inventory in accordance with the provisions of section III-A of this policy.
2. An inventory should be conducted in the location at which the vehicle is seized unless limited by reasons of safety or practicality. If so, it may be inventoried at a later time following impoundment.

3. The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they shall be inventoried before the vehicle is removed, and the owner/operator shall be requested to verify the completeness of the inventory by signature.

4. A motor vehicle inventory may extend to all areas of the vehicle in which the personal property or hazardous materials may reasonably be found, including but not limited to the passenger compartment, trunk and glove compartment.

5. All closed containers found within the vehicle shall be opened for purposes of the inventory. Closed and locked containers shall not be forced open but shall be logged on the impound report as such. If a key or lock combination is available, locked containers may be opened and inventoried.

#### C. Property Control

1. Any non-evidentiary items seized shall be itemized on this agency's property inventory form and such materials turned over to the control of the property/evidence room for safekeeping.

2. Control and safekeeping of hazardous materials shall be the responsibility of this agency's designated authority.

3. Contraband and evidence discovered during the course of a motor vehicle inventory shall be deposited with the evidence custodian in accordance with procedures for control of criminal evidence.

Notification of this fact shall be provided to the agency's designated authority.

#### D. Authority

This policy is issued by the authority of the Chief of Police. Any policy additions, deviations or revisions shall be made only at the direction of the Chief of Police.

By authority of:

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Jeffrey S. Head, Chief of Police