





## **POLICIES AND PROCEDURES MANUAL**

	<b>MOTOR VEHICLE INVENTORY</b>	
	<b>POLICY NUMBER: 61-6</b>	<b>ISSUING AUTHORITY</b> 
	<b>EFFECTIVE DATE: January 1, 2025</b>	Christine A. Elow Police Commissioner

### **I. GENERAL CONSIDERATIONS AND GUIDELINES**

The purpose of a motor vehicle inventory is to protect officers against false claims of lost, stolen, or damaged property; to protect officers and the public from harmful items that may have been left or concealed in the vehicle; and to provide for the proper return of personal items to their owners when a vehicle is towed. If in the process of conducting the inventory contraband is discovered in plain view, officers may seize the contraband and consider securing the vehicle and applying for a search warrant or continue with the search under the Motor Vehicle Exception to the Search Warrant Requirement.

A motor vehicle inventory may be referred to as an administrative procedure rather than a search.

### **II. POLICY**

It is the policy of the Cambridge Police Department to:

- A. inventory all impounded motor vehicles brought into the custody of the department;
- B. tow and inventory a motor vehicle when the operator is arrested and the vehicle presents a hazard if left at the location; and
- C. attempt to comply with a motorist's request to dispose of a vehicle when the operator can prove ownership, is not incapacitated, and desires to remove the vehicle in a lawful and reasonable manner.

### **III. DEFINITIONS**

- A. *Closed Container*: A container that is accessible and is either unlocked or has no lock attached.
- B. *Inventory Procedure*: A non-investigatory procedure during which the contents of a motor vehicle are itemized, documented, and stored in a secure location if appropriate, and the condition of the vehicle recorded.

- C. *Locked Container*: A container within the vehicle that is locked and officers do not have access to a key or combination.

## IV. PROCEDURES

### A. Requirement to Conduct a Motor Vehicle Inventory Search

1. An inventory of a motor vehicle shall be conducted on any vehicle ordered towed or taken into the custody of the department except when the driver of the vehicle accompanies the tow truck, in declared snow emergencies, or during seasonal street cleaning.
  - a. Vehicles towed for snow emergencies or street cleaning will be visually inspected for items in plain view and items of value noted in writing on the Tow & Inventory form but not seized.
  - b. If feasible, prior to impounding or towing a vehicle, officers should advise the owner/operator of the impending action. If the owner/operator cannot establish lawful possession of the vehicle, is incapacitated, or exigent circumstances exist, officers need not provide this notice.
2. The inventory will be conducted promptly by an officer at the scene of a tow.
3. If the vehicle is locked and it is not necessary to gain access for a tow or to secure items of high value, the officer will document items in plain view and any damage to the exterior of the vehicle.

### B. Procedures for Conducting Motor Vehicle Inventories

1. The officer conducting the motor vehicle inventory will thoroughly search the entire motor vehicle, including but not limited to the following.
  - a. The glove compartment.
  - b. Any other compartment located within the vehicle that can be accessed, including motor vehicle hides.
  - c. The trunk of the vehicle if access can be gained without causing damage.
  - d. Any container that is not locked and can be opened without causing damage; or is locked and the officer has access to the key or combination; or the motorist/owner is willing to open any locked container.
  - e. All items found in any container shall be inventoried individually, including pill bottles but not their contents, unless circumstances dictate otherwise and with the approval of a supervisor. See *Commonwealth v. White*, 83 Mass. App. Ct. 1127 (2013).
2. If a locked container, glove compartment, or trunk cannot be opened with an available key, combination, or direct access such as a trunk release, officers may force it open if there is

probable cause to believe that a dangerous item is located inside that presents an imminent risk of harm.

3. In the absence of probable cause *and* exigent circumstances, officers must obtain a search warrant to force open a locked glove compartment, trunk, or container discovered during the inventory of the vehicle.
4. Any officer who, while conducting a motor vehicle inventory subsequent to arrest and discovers item(s) of high value that are easily transported, should bring the item(s) to the station to be kept with the prisoner's property.
5. All items of value will be listed on the department's Tow & Inventory form.
6. If during a motor vehicle inventory, officers discover any evidence or contraband, it will be seized and handled according to department policy.
7. The officer conducting an inventory search will also visually inspect the motor vehicle for damage prior to towing the vehicle. Any damage observed by the officer will be noted on the Tow & Inventory form.
8. Papers or documents found in the vehicle or any container within the vehicle may be examined only to the extent necessary to identify the vehicle's owner, remove dangerous items, or determine the value of items found in the vehicle.

#### C. Inventory Report

1. For each inventory of a motor vehicle, the searching officer should include the following information on the Tow & Inventory form.
  - a. Vehicle make, model, color, and registration or Vehicle Identification Number (VIN).
  - b. The circumstances of the incident.
  - c. The name of the tow company.
  - d. The date, time, and location of the inventory; and the name of the officer conducting the inventory.
  - e. The identity of the owner and/or operator of the vehicle.

#### D. Release of Property

1. When a vehicle is released from custody, all property except any seized property, such as contraband, unlawfully possessed weapons, or dangerous items, shall be returned to the owner/operator and recorded in the Automated Records Management System.
2. Department personnel should request from the owner of any property returned a signature on the department property form confirming the receipt of all items.
3. If the owner of the property refuses to attest to the return, such will be noted in the Records Management System.

4. If the owner of the property is unable to retrieve their property, a letter signed by the owner authorizing release to another party is required. Positive identification of the person retrieving the property is also required.

E. Motor Vehicle Inventory After a Crash

1. Officers at the scene of a serious crash, after providing for medical assistance and traffic control, should attempt to locate, inventory, and secure all property belonging to the victims of the crash.