

		Policy & Procedures				No. 5.01			
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Standards 41.4.1 61.4.3

POLICIES AND PROCEDURES

GENERAL CONDITIONS AND GUIDELINES

Motor vehicles which are towed, removed, impounded or stored at the direction of a Canton Police officer or placed in the custody of the police department, shall be inspected and inventoried as hereinafter specified.

This policy and procedure does not apply to searches conducted for the purpose of discovering evidence.

The purpose of said inventory shall be as follows:

1. To protect the owner's property while it remains in the custody of the Tow Company under the direction of the Canton Police Department.
2. To protect this department from groundless claims of disputes over lost or stolen property.
3. The protection of the police officers and general public from potential danger.

PROCEDURES

I. Whenever a motor vehicle, as defined in Chapter 90, Section 1 is ordered towed by a Canton Police Officer, or comes into custody of the Canton Police Department, the Shift Commander shall be notified.

II. All appropriate statutes and Town By-Laws will be complied with regarding the towing of motor vehicles.

III. At the time that the vehicle is being towed, a 'Motor Vehicle Inventory Record' form shall be completed indicating all the required information. This will be submitted and reviewed by the Shift Commander who shall initial same.

IV. Completed inventory forms shall be filed by date to allow for ease in searching for existing forms. In addition, when a report is generated in which a vehicle's inventory was required, a second copy of the completed form shall be attached to and made part of the officer's police report. Such report shall document all facts, information and circumstances justifying the impoundment of the vehicle.

V. Vehicles Subject to Inventory

- A. Any vehicle that is towed, removed, impounded or stored at the direction of a police officer, or is placed in the custody of the Canton Police Department is to be inspected and inventoried. **61.4.3 (1D)**
- B. An inventory need 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 on their own.
 - 2. The vehicle is not to be removed and does not impede traffic flow and is not illegally parked.

VI. Inventory Process

- A. 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 officer.
- B. Whenever the inspection and inventory at the scene are not safe or practical, they may be conducted at a storage facility. In either case, they should be conducted within a reasonable short period of time.
- C. The standard inventory process will consist of an inspection of the exterior and interior of the vehicle, including the glove box and trunk, for damaged or missing parts, as well as a search of the interior to locate and record all contents.

D. Officers shall examine:

1. The exterior of the vehicle for signs of damage;
2. The passenger compartment, including the glove box;
3. The trunk; and
4. Any other place in the vehicle or its attachments/trailer where valuables or other personal property may be kept (including “hidden compartments”).

E. The officers are to inventory the contents of the motor vehicle in a caretaking function and record on the ‘Motor Vehicle Inventory Record’ form all the contents.

F. The inventory is to encompass only those areas and items where a motorist is likely to store personal possessions.

G. All damaged or missing vehicles parts as well as contents found in the vehicle will be recorded on the ‘Motor Vehicle Inventory Record’ form.

H. When, in the opinion of the impounding officer, any property should be removed from a vehicle, the officer shall, with the approval of his supervisor, remove the property from the vehicle and transport it as soon as possible to the station.

1. Such property shall be listed on the ‘Motor Vehicle Inventory Record’ form stating the reason for removal and shall be placed immediately in a temporary evidence locker located in the evidence room.
2. Officers have the discretion to turn over items from an impounded vehicle to an occupant or a third party only after an Inventory Record form is completed.
3. Should the list of property removed from the vehicle be so large as to make the use of the ‘Motor Vehicle Inventory Record’ form impractical, the officer may list the items on a separate sheet and attach the same to the form.

VII. Inventory of Containers

A. The presence of all containers and packages shall be noted on the inventory form, documenting whether they were closed or locked.

B. Containers that appear to have valuables in them shall be removed and safeguarded in a temporary evidence locker. If the container appears to be suspicious or dangerous a supervisor should be notified and the protocol for handling dangerous and suspicious packages should be followed. A report shall be attached to the officer’s inventory form explaining the details necessitating such action.

VIII. Unlocked Containers

- A. Unlocked containers shall be opened to examine the container for any personal property.
- B. Contents located shall be noted on the inventory report form.

IX. Locked Containers

- A. In the event that the trunk and/or compartments are locked, a notation to that fact must be made on the report.
- B. If the keys or the combination to either the trunk or compartments are available and lawfully obtained from the motorist/or vehicle owner, they shall be utilized to unlock it for the purpose of taking an inventory of contents. The motorist/owner may be willing to open the container upon request.
- C. If a locked container cannot be opened in the manner indicated above, officers may force it open if they have *probable cause* to believe that a dangerous item is located inside.
- D. In the absence of probable cause and exigent circumstances, officers must obtain a search warrant in order to open a locked container discovered during the inventory of a vehicle.

X. Discovering Evidence of a Crime 41.4.1 F

- A. While the purpose for an inventory of a motor vehicle is not to discover evidence of a crime, such evidence is admissible so long as the inventory is conducted in accordance with this policy and procedure.
- B. Any article discovered as a result of an inventory may be seized if it is deemed to be:
 - 1. Contraband;
 - 2. Fruits of a crime; or
 - 3. Instruments of a crime.
- C. Any evidence discovered during an inventory shall be included on the inventory form as well as documented in an incident report.

XII. Mandatory Towing of a Motor Vehicle

A motor vehicle will always be towed where the operator is suspected of or charged with OUI alcohol and/or drugs or under the influence of any substance. Under Melanie's Law, the vehicle will remain impounded for 12 hours.

The vehicle will be towed even if it is lawfully parked or there is someone at the scene who would normally qualify as a competent operator.