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SUBJECT: Stored or Impounded Vehicle Inventory

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I. PURPOSE

To establish guidelines for the inventorying of vehicles stored or impounded by this Department. It is the policy of the Department that any unlocked vehicle which is legally stored or impounded in accordance with this or other procedures is to be inventoried prior to being removed from the location in which it was contacted. This policy is also intended to achieve the following goals:

- (a) Protection of police officers and the Department from claims or disputes concerning allegedly lost or stolen property.
- (b) Protection and preservation of the property for its owner while that property remains in police custody.
- (c) Assurance that inventory searches are conducted within the limits imposed by the Supreme Court of the State of California and the United States Supreme Court.

II. LEGAL STORAGE OR IMPOUND

A vehicle impound is valid if effected under one of the following, in compliance with state codes:

- (a) Following the custodial arrest of the driver. If there are other occupants of the vehicle who are licensed drivers and in satisfactory condition, the arrestee should be given the choice of impoundment, release of the vehicle to a designated occupant, or if legally parked, securing the vehicle at the location. This choice should be explained to the arrestee in the presence of a witnessing officer and the arrestee's choice noted in the police report.
- (b) When the vehicle is determined to be derelict and/or abandoned.

- (c) When the vehicle is recovered stolen property.
- (d) When the vehicle constitutes or contains evidence of a crime.
- (e) When the vehicle itself is found to be in status violation of a state code.

Owners/operators of vehicles whose car(s) are impounded by this agency shall be subject to the authorized Vehicle Impound Release Fee as prescribed in General Order #34.

III. INVENTORY PROCEDURES

- (a) All areas of unlocked vehicles that are accessible without forced entry will be inventoried. If the keys are left with the vehicle, all areas accessible by key will be inventoried. This includes, but is not limited to, the glove box and trunk.
- (b) Any containers found in the vehicle which are not locked or for which a key is present shall be opened and the contents inventoried.
- (c) No inventory, other than listing the contents visible through the window, shall be made of any vehicle impounded to be used or processed for evidence. These circumstances should be treated as a crime scene and inventory will be made by the investigator assigned.
- (d) Should a vehicle be locked at the time of impoundment, the officer will inventory and list only those contents visible without making entry into the vehicle. The officer shall indicate that this method of inventory was used in a written report and no further inventory by this agency will be made.
- (e) The wrecker driver who is effecting the impound shall be responsible for unlocking of the subject vehicle to facilitate towing and is also responsible for completing such inventory as may be required by the employer. The officer shall indicate in the report that the vehicle was unlocked by the wrecker driver.
- (f) All contents of the vehicle discovered through inventory, including property seized as contraband or evidence and property removed for safe keeping, shall be listed in the officer's report. Officers shall notify their supervisors of any unsecured personal property of high value (over \$500) or any property the officer feels may be a target of false accusations, which is discovered in the course of the inventory. Supervisors shall exercise their own discretion in electing to remove such articles for safe keeping.

- (g) Officers shall exercise due care to avoid inflicting damage to the vehicle or its contents during inventory. Upon completion of the inventory, the vehicle and its contents shall be restored to the condition and arrangement existing prior to impoundment, to the extent possible.
- (h) Based on current case law, contraband or evidence discovered during the inventory of a legally impounded vehicle may be admissible in court. Uniform application of this policy is a must. Any evidence seized pursuant to this policy shall be handled, marked, and secured in accordance with established procedures for handling evidence and property.

IV. HOLDS ON VEHICLES

Officers are authorized to place holds or conditions of release on impounded vehicles when the vehicle is evidence of a crime, is stolen, or where lawful ownership is in doubt, as provided by the law. Placement of a vehicle hold requires the approval of the on-duty supervisor.

V. CONCLUSION

Nothing included in this policy is intended to hamper or interfere with the scope of a search which may lawfully be conducted by an officer when such search is based upon consent, exigent circumstances, probable cause, or a warrant; or to interfere with the seizure of a motor vehicle which is being or has been used in the commission of a crime; or the recovery of a motor vehicle which has been reported as stolen or which the officer has probable cause to believe is stolen.

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