

**MERIDIAN TOWNSHIP POLICE DEPARTMENT
GENERAL ORDER**

Subject : IMPOUND AND INVENTORY OF MOTOR VEHICLES	General Order: 706
Effective Date: January 25, 2001 Revision Date: February 5, 2007	Distribution: All Sworn Personnel

I. PURPOSE

This directive establishes procedures for the impound and inventory of motor vehicles.

II. POLICY

Motor vehicles may be impounded to provide for the safety and welfare of the general public. Vehicles are impounded to provide for the safekeeping of the vehicle and its contents, when the owner/operator is no longer able to make reasonable disposition of their property due to arrest or incapacitation.

A motor vehicle inventory is an administrative search which is completed to document the presence of property, valuables, and hazardous materials present in impounded vehicles. A written record is established to protect the contents of the vehicle from loss or theft; and to protect department personnel from injury or claims of lost, damaged, or stolen property.

It is the policy of this department to conduct an inventory search of all motor vehicles impounded or seized by Meridian Township Police Officers, within the guidelines established in this directive.

III. PROCEDURES

A. Authorization to Impound Motor Vehicles (257.252d)

1. A police agency or a governmental agency designated by the police agency may provide for the immediate removal of a vehicle from public or private property to a place of safekeeping at the expense of the registered owner of the vehicle in any of the following circumstances:

- a. If the vehicle is in such a condition that the continued operation of the vehicle upon the highway would constitute an immediate hazard to the public.

Note: The appropriate enforcement action should also be taken.

- b. If the vehicle is parked or standing upon the highway in such a manner as to create an immediate public hazard or an obstruction of traffic.

Note: The appropriate enforcement action should be taken when the operator/owner has not acted promptly to eliminate the hazard.

- c. If a vehicle is parked in a posted tow away zone.
 - Supervisory approval is required to tow, and
 - The appropriate enforcement action must be taken
- d. If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen.
- e. If the vehicle must be seized to preserve evidence of a crime, or if there is reasonable cause to believe that the vehicle was used in the commission of a crime.

Note: Includes incidents involving the loss of human life and forfeiture seizures.
- f. If removal is necessary in the interest of public safety because of fire, flood, storm, snow, natural or man-made disaster, or other emergency.
- g. If the vehicle is hampering the use of private property by the owner or person in charge of that property or is parked in a manner which impedes the movement of another vehicle.
- h. If the vehicle is stopped, standing, or parked in a space designated as parking for persons with disabilities and is not permitted by law to be stopped, standing, or parked in a space designated as parking for persons with disabilities.
- i. If the vehicle is located in a clearly identified access aisle or access lane immediately adjacent to a space designated as parking for persons with disabilities.
- j. If the vehicle is interfering with the use of a ramp or a curb-cut by persons with disabilities.

- 2. Authorization to remove abandoned vehicles from public property is provided within 257.252a. (There is no provision for police to tag abandons on private property.) Follow F-707 for Processing Abandoned Vehicle.

B. Impound Procedures

- 1. Officers should make reasonable attempts to locate the owner/driver prior to impounding a vehicle, unless circumstances dictate otherwise. The owner/driver should be allowed a reasonable length of time to remove the vehicle. Honor the owner's preference for towing service when reasonably possible.
- 2. When the driver of a vehicle is taken into custody, with the permission of the arrested driver, the vehicle may be:

- released to another licensed driver, or
- legally parked at the scene

Note: The officer must be satisfied that the arrested driver is capable of making this decision and that safety will not be compromised.

3. Prior to impound or inventory of any vehicle, the officer must first check to determine if the vehicle has been reported stolen.
4. If the owner or other person who is legally entitled to possess the vehicle arrives at the location where a vehicle is located before the actual towing or removal of the vehicle, the vehicle shall be disconnected from the tow truck, and the owner or other person who is legally entitled to possess the vehicle may take possession of the vehicle and remove it without interference upon the payment of the reasonable service fee, for which a receipt shall be provided.
5. An officer must standby by with the vehicle until the vehicle is turned over to the responding wrecker service.
6. Complete an inventory of all impounded vehicles consistent with the provisions of this directive.
7. LEIN ENTRY- All vehicles towed under the authority and direction of the Police Department must be entered into LEIN as abandoned. Inform the dispatcher to enter the vehicle as abandoned and provide the location where the vehicle will be stored.
8. The contract wrecker service shall be used consistent with the service contracts in effect.
9. Vehicles should be towed to the wrecker service's lot unless circumstances require the use of the Meridian Impound Lot.
 - a. A supervisor must authorize vehicles being placed into the impound lot.
10. Vehicles secured in the Meridian Impound Lot shall have the keys removed and forwarded to the Property Technician. Vehicles should be locked whenever possible to prevent theft.

C. Investigative Holds – Impound Lot

1. Vehicles will only be held for as long as is necessary for furtherance of the investigation. When police possession of the vehicle is no longer required for investigative or evidentiary purposes, the owner will be promptly notified by the investigating officer that the vehicle is ready for release.

2. Release of an impounded vehicle shall only be denied or delayed for the following reasons:

- a. the vehicle is being held as evidence in a crime
- b. the active investigation of the crime or serious injury accident
- c. the processing of forfeiture proceedings against the vehicle
- d. to determine true ownership of the vehicle

Note: Holds shall not be placed on impounded vehicles for lack of “Proof of Insurance” or “No Insurance” charges.

D. Legal Authority to Inventory Motor Vehicles

An officer may conduct a motor vehicle inventory without a warrant or probable cause when the vehicle has been lawfully seized or impounded pursuant to:

- the arrest of the driver; or
- the vehicle is being towed for violations; or
- related enforcement or safety reasons as allowed by law.

E. Responsibility for the Inventory Search

The officer seizing the vehicle, or another officer at the request of the seizing officer, shall be responsible for completing an inventory search.

1. The inventory search shall be documented on the Vehicle Inventory Form.
2. The inventory should be conducted at the location of the seizure unless limited by reasons of safety or practicality.

F. Scope of the Inventory

1. The owner or an authorized operator of the vehicle will be asked to remove, if reasonable, all valuables from the vehicle prior to impoundment. Exception: Vehicles being seized for narcotic or criminal forfeiture proceedings.
2. The inventory shall extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including but not limited to the passenger compartment, trunk, and glove compartment.
3. All closed containers found within the vehicle shall be opened for inventory purposes. Locked containers shall not be forced open without supervisory approval, but shall be logged on the inventory report form as such. (Note: If a key or combination is available, locked containers will be opened and inventoried.)

G. Completion of the Vehicle Inventory Form

1. All appropriate sections of the form must be completed.
2. The officer completing the inventory must obtain the signature of the wrecker driver prior to releasing the vehicle for tow.
3. Distribution of form copies:
 - original (white)-attach to Incident Report
 - first copy (yellow)-forward to Property Technician (attach car keys to this copy when appropriate)
 - second copy (pink)-send to cadet desk for release

H. Documenting/Safekeeping Property

1. All items of evidence, contraband, or items of value greater than ten dollars shall be itemized on the vehicle inventory form.
2. Evidence, contraband, or items of exceptional value discovered during the inventory shall be logged on the inventory form as removed and then entered into evidence.
3. Disposition of hazardous materials shall be the responsibility of the appropriate government entity when the disposal requirements exceed local capability, control or cost.
4. Vehicles Protected for Latent Prints Examination
 - a. Inventory the vehicle to the extent possible at the scene.
 - b. Secure the vehicle in the impound lot or the police storage barn as appropriate.
 - c. Once latent examination is finished the inventory can be completed. If the originating officer is not present then the investigating officer will complete the inventory.

I. Drug Forfeiture/Criminal Enterprise Seizures

1. Impounding a vehicle for the purpose of “drug proceeds for forfeiture” or criminal enterprise requires supervisory review and approval.
2. Upon seizing the vehicle, the officer shall attempt to serve the “Notice of Forfeiture” paperwork to the registered owner of the vehicle as soon is reasonably possible and to the driver of the vehicle if not the same person. It is best to serve every person with a possible interest in the vehicle. Document the service (or non-service) of the forfeiture papers in the Incident Report.
3. Tow the vehicle to the impound lot.

4. Forward forfeiture paper work to the Assistant Chief.

J. Release of Impounded Vehicles

1. Unless necessary to preserve evidence or to process forfeiture actions, vehicles should not be held contrary to the wishes of the owner.
2. Impounded vehicles may only be released to the registered or titled owner (or their verified agent) and only after all legitimate holds have been released. (Note: Insurance companies presenting proof of settlement to a claim may take custody of the vehicle.)
3. The employee releasing the vehicle is responsible for:
 - a. confirming payment of impound and storage fees
 - b. obtaining the signature of the person receiving the vehicle
 - c. canceling the LEIN entry, if any
 - d. signing and dating the inventory form.

K. Complaints of Theft or Damage

An officer who receives a complaint from a vehicle owner about damage to their vehicle or theft of articles or parts from the vehicle shall complete an Incident Report with a copy of that report being promptly forwarded to the Chief of Police.

IV. CANCELLATIONS

This directive creates new procedure so no cancellations are in order.

Authorized by:



David Hall, Chief of Police

Index as:

CALEA:

Impounding Vehicles

Inventorying Vehicles

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1.2.4

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Application: This directive constitutes department policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law.