
	<b>LEXINGTON POLICE DEPARTMENT</b>  <b>POLICY AND PROCEDURE GENERAL ORDER</b>	Distribution	General Order Number
		ALL PERSONNEL	<b>5.28</b>
		Original Issue Date	Reissue/Effective Date
		01/06/2024	01/06/2024
Order Title:  <b>Motor Vehicle Inventory Procedure</b>		CALEA Accreditation Standard:	Section
		1.2.4	<b>5</b>
		Rescinds: OPR 07-09	
Section Title <b>PATROL FUNCTIONS</b>		 <b>Angela M. Greene, Chief of Police</b>	

*This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.*

### **I. PURPOSE**

The purpose of this policy is to provide officers with guidelines for conducting an inspection and inventory of motor vehicles towed, or in the custody of, the Lexington Police Department.

### **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 the Lexington Police Department to safeguard the above property and interests and to conduct motor vehicle inventories in accordance with the following procedures. This is an administrative procedure and does not apply to searches conducted for the purpose of discovering evidence.

### **III. DEFINITIONS**

Motor Vehicle: all vehicles constructed and designed for propulsion by power other than muscular power including such vehicles when pulled or towed by another motor vehicle.

Inspection: An examination of the exterior and interior of a motor vehicle for damaged or missing parts.

Inventory: An examination of all areas of a motor vehicle in which personal property may reasonably be found, including but not limited to the passenger compartment, trunk, glove box and any other compartment designed to hold property. Inventory procedures shall also include opening unlocked containers found within the vehicle for the purpose of inspecting the condition of property and inventorying items contained within. Locked containers may be opened if normal means of unlocking them are readily available and is not likely to damage the container or contents.

#### **IV. PROCEDURES**

##### **A. Inspection and Inventory**

1. A detailed inspection and inventory shall be conducted of all motor vehicles that are towed, removed, impounded or stored at the direction of a police officer or placed in the custody of the department. Such inspection and inventory shall be the responsibility of the officer who has ordered the towing, removal, impoundment, or storing of such vehicle. In those instances where a vehicle has been placed in the custody of the department an officer shall be assigned by the shift supervisor for the purposes of conducting an inspection and inventory of the vehicle.
2. An inspection and inventory of a motor vehicle can be delayed in those instances when such inspection and inventory cannot be safely completed due to road conditions, traffic, weather or other circumstances which makes the inspection and inventory of the motor vehicle at the scene impracticable. In such cases an inspection and inventory will be conducted as soon as practicable.
3. The inventory officer will complete a *Motor Vehicle Inventory Form* and submit this along with any other related documents for review by the shift supervisor. After review and approval by a supervisor the original form will be forwarded to Records and a copy shall be forwarded to the Property Officer. Additional copies shall be filed with any incident report associated with the towing, removal, impounding, storage or custody of the vehicle.
4. In conducting an inspection and inventory the officer shall note all missing and/or damaged parts as well as listing all personal items and valuables found within the vehicle. An officer shall open all unlocked containers and inventory the contents. If the container is locked and no ordinary means are available to open the container it shall be described and listed as a single unit.
5. If during the course of such vehicle inspection and inventory an officer has probable cause to suspect that a locked container contains material that may present a hazard to public safety, the officer may open such container in a safe and expeditious manner. Such opening and the reason for it shall be noted on the Lexington Police Department inventory form.

6. If during the inspection and inventory of the vehicle contraband and/or evidence is located it shall be seized and inventoried in compliance with General Order 6.05: *Property and Evidence Control*. If during the inspection and inventory of the vehicle, hazardous material is located it shall be handled in a manner consistent with the nature of the material, i.e. proper storage, summoning of fire department or bomb disposal technicians.
7. If probable cause to believe the vehicle holds contraband, evidence or fruits of a crime develops during an inventory search, the inventory search shall cease and the officer shall apply for a search warrant.
8. Any money or articles of value that cannot be secured by the tow company shall be taken for safekeeping by the officer and forwarded to the property officer in compliance with General Order 6.05: *Property and Evidence Control*.

B. Removal of Property

The operator, owner, or person having custody of such vehicle may remove item(s) which are not evidence in a criminal matter and that are legally possessed by them from the vehicle. If ownership of an item is in doubt and cannot be readily established, the property should remain with the vehicle.

C. Exceptions to Inspection and Inventory

An inspection and inventory shall not be conducted in those instances when:

1. The vehicle is towed at the owner's request by the owner's requested tow firm;
2. The owner has requested that the vehicle be locked and remain where it is; or
3. The vehicle is removed from the scene by an authorized third party.