

DEKALB POLICE DEPARTMENT

Subject: **Motor Vehicle Inventories**

Effective Since: 8-21-03

Revision Effective: 1-1-19

Reference Material: IACP Research Papers

ILEAP Standards Covered: NA

Policy #: **406.1**

Originally Issued As: General Order # 45 of 9-20-99

FTO Training Task: # 18

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PURPOSE: The purpose of this policy is to provide officers with guidelines for determining when and how a motor vehicle inventory should be conducted.

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 this law enforcement agency to safeguard the above property and interests and to conduct motor vehicle inventories only in accordance with the following procedures.

DEFINITION: Motor Vehicle: 625 ILCS 5/1-146: Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs.

PROCEDURES:

A. Legal Authority to Inventory

1. **An authorized member of this agency may conduct a motor vehicle inventory without a warrant or probable cause when the vehicle has been lawfully seized or impounded**, which includes but is not necessarily limited to:
 - a. Upon arrest of the operator for being unlicensed or DUI.
 - b. When the vehicle was used as a major instrument in a crime.
 - c. When the vehicle contains evidence of a crime that cannot be processed at the scene and must be secured to maintain its evidentiary integrity.
 - d. Recovered stolen vehicles.
 - e. For purposes of investigation following a motor vehicle crash.
 - f. Following an arrest or crash, when the vehicle cannot be legally parked and sufficiently secured at the scene.
 - g. For the intention of initiating forfeiture proceedings when the vehicle is used in the commission of a crime as specified by state law.
 - h. When the ownership of the vehicle is not able to be determined due to license plates that do not match, a VIN number that has been removed, replaced, or modified.
 - i. When the vehicle, because of faulty equipment, is determined to be a hazard if operated
 - j. Vehicles determined to be abandoned.
 - k. Vehicles left on the roadway that impede traffic or otherwise create a hazard.
2. **Officers conduct the inventory within the scope of this policy as an administrative procedure, not as an investigative measure** . Officers intending to search a secured, impounded vehicle for evidentiary reasons should obtain a search warrant.
3. Examination of the contents of a motor vehicle pursuant to a criminal investigation with the intent of discovering evidence of a crime is a search, not an administrative inventory; see Policy 406.2. Officers shall be guided by applicable state and federal decisions on motor vehicle searches when engaged in these actions.

B. Scope of Inventory

1. The contents of all motor vehicles that are lawfully seized and/or impounded by this agency shall be subject to inventory in accordance with this policy.

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2. Inventories are conducted for the following reasons:
 - a. Determining whether there is any personal property in the vehicle that needs to be protected from loss or damage while the vehicle is impounded;
 - b. Protecting the department against claims that property was lost, stolen, or damaged while the vehicle was in departmental custody; and
 - c. Protecting departmental personnel and the public against injury or damage due to toxic, explosive, flammable, or otherwise hazardous substances that may be contained in the vehicle.
3. An inventory should be conducted in the location at which the vehicle is seized unless limited by reasons of safety or practicality. If so, it may be inventoried at a later time following impoundment.
4. The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they shall be inventoried before the vehicle is removed, and the owner/ operator shall be requested to verify the completeness of the inventory by signature.
5. A motor vehicle inventory may 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.
6. All closed containers found within the vehicle can be opened for purposes of the inventory. Closed and locked containers shall not be forced open but shall be logged on the tow/inventory report as such. If a key or lock combination is available, locked containers can be opened and inventoried.

C. Property Control

1. All items of value shall be itemized on this agency's property tow and/or property inventory form; significantly valuable materials should be turned over to the owner or retained in the confines of the property/evidence room for safekeeping.
2. An impounded vehicle, when stored at Area 6, should be issued a property inventory number and shall be affixed to the vehicle, as well as the case number.
3. If hazardous materials are discovered in a vehicle, a supervisor should be notified. Officers should follow standard care when encountering hazardous materials. If necessary, a designated hazardous material authority will assist in the identification and removal of hazardous materials. See Policy 407.6.
4. Contraband and evidence discovered during the course of a motor vehicle inventory shall be retained as evidence in accordance with procedures for control of criminal evidence. Documentation of evidence retention should be made on an inventory sheet or property sheet and included with the written report.

Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police .

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.