

	HARRISONBURG POLICE DEPARTMENT General Orders	Policy Number: 321
	Chapter: General Operations	Total Pages: 3
	Section: Inventory Searches	Issue Date: 10/10/2023
	Issued By: Kelley Warner, Chief of Police	Effective Date: 10/10/2023
	Replaces: All General Orders Previously Issued Relative to Subject	
VALEAC Standards:		

A. POLICY AND PURPOSE

This policy provides officers with the rules and guidelines for conducting inventory searches. Inventory searches serve as non-investigatory, caretaking functions and are not designed to uncover evidence of criminal activity. The purpose of the inventory search is to protect the property owner from loss, protect the impounding or arresting officer, the Harrisonburg Police Department, and the City of Harrisonburg against false liability claims; and to protect the public from danger by ensuring dangerous items are not left unattended or brought into secure facilities.

Whenever a vehicle is towed under the authority of the Department or any other personal property is taken into Department custody, a thorough and accurate account of the contents of the property shall be made. This accounting process is called an inventory search. Officers shall not engage in inventory searches as a pretext for searching for incriminating evidence.

An inventory search of a vehicle or personal property is distinct from a search incident to arrest. Searches incident to arrest of vehicles or personal property are limited to those areas within the arrestee's immediate control at the time of the search. Typically, once an arrestee has been handcuffed, he is "secured". Therefore, a search of any area other than the person of a handcuffed arrestee would not be within the scope of a search incident to arrest.

B. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

C. PERSONAL PROPERTY INVENTORIES

Performing an inventory search of personal property should not be used as a pretext for an evidence search. Nothing in this policy prevents the search of personal property that would occur for reasons independent of it if it is otherwise justified by law.

If an item of personal property is to be taken with an arrestee to jail an inventory search of that property shall be conducted. The contents of an arrestee's personal property (purse, backpack, suitcase, wallet, coin purses, briefcases, personal organizers, fanny packs, or case designed to carry valuable or possible hazardous materials) shall be documented (identifying each item) via Body Worn Camera prior to going into the booking facility.

Any property located during the inventory process will be documented via Body Worn Camera, turned over the booking facility and identified with the appropriate case number.

D. VEHICLE INVENTORIES

Towing a vehicle to perform an inventory search should not be used as a pretext for an evidence search. Nothing in this policy prevents the towing of a vehicle that would occur for reasons independent of any suspicion that the vehicle may contain evidence if it is otherwise justified by law or this policy.

- a. As per Virginia Code 19.2-80.1, In any case in which a police officer arrests the operator of a motor vehicle and there is no legal cause for the retention of the motor vehicle by the officer, the officer shall allow the person arrested to designate another person who is present at the scene of the arrest and a licensed driver to drive the motor vehicle from the scene to a place designated by the person arrested.
- b. If such a designation is not made, the officer may cause the vehicle to be taken to the nearest appropriate place for safekeeping.

In the event the vehicle is to be towed, the contents of all vehicles towed at the request of department employees shall be inventoried and listed on the inventory report. When reasonably practicable, photographs may be taken to assist in the inventory.

- a. An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, any unlocked glove box, other accessible areas under or within the dashboard area, any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats.
- b. In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in any other type of unlocked compartments that are a part of the vehicle, including unlocked vehicle trunks and unlocked car top containers.
- c. Any locked compartments including, but not limited to, locked glove compartments, locked vehicle trunks, locked hatchbacks and locked car-top containers should be inventoried, provided the keys are available and released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
- d. Closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes except for the following: wallets, purses, coin purses, fanny packs, personal organizers, briefcases, or other closed containers designed for carrying money, small valuables or hazardous materials.

Officers should ask the occupants whether the vehicle contains any valuable or hazardous materials. Responses should be noted in the inventory form. If the occupant acknowledges that any closed container contains valuables or a hazardous material, the container shall be opened and inventoried. When practicable and appropriate, such items should be removed from the vehicle and given to the owner or booked into property for safekeeping.

Any cash, jewelry or other small valuables located during the inventory process will be held for safekeeping, in accordance with the Property and Evidence Unit Policy. A copy of the property receipt should be given to the person in control of the vehicle or, if that person is not present, left in the vehicle.

A copy of the vehicle inventory will be given to the tow truck operator.