



**Division of State Patrol
Policy and Procedure**

Number

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Subject

VEHICLE SEIZURES

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Records Management Statement

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1. POLICY

It is the policy of the Division of State Patrol (DSP) to initiate appropriate action for vehicle holds and seizures during law enforcement operations. This policy is a guide for field personnel regarding processes to be followed when holding and/or seizing vehicles for criminal proceedings.

2. BACKGROUND

Periodically, DSP investigations require vehicles to be held for evidentiary purposes. Examples include traffic crash investigations, cases of fraud, theft, and other criminal matters. Vehicles, vehicle parts, and/or vehicle contents held or seized in accordance with this policy shall be safely stored by the Division or at the direction of the Division until no longer needed and released by the investigating officer, prosecutor, or by court order.

3. DEFINITIONS

- 3.A Contraband: Items that are illegal to possess
- 3.B Items of value: Items include, but are not limited to, jewelry, currency, weapons, and other portable items of significant value.
- 3.C Inventory Search: A warrantless search exception to the 4th Amendment which does not extend further than reasonably necessary to identify valuables or other items for safekeeping. Inventory searches are not to be used to avoid the need for a search warrant or as a purposeful means of discovering evidence of a crime.

- 3.D Safekeeping: Property of no evidentiary value in DSP custody with the understanding that the property will be returned to the rightful owner or person of good standing, such as a next-of-kin or surviving relative.
- 3.E Storage Facility (Law Enforcement): A federal, state, county, or local indoor or outdoor storage yard, managed by the jurisdictional agency in which the yard resides.
- 3.F Storage Facility (Private): A private tow company vehicle storage yard that is utilized during an investigation at the direction of a DSP investigating officer or designee.

4. PROCEDURE

- 4.A A motor vehicle is "held" or "seized" when an officer takes custody of the vehicle and either removes it to a law enforcement or a private storage facility to preserve evidence of a potential crime.
- 4.B An "inventory" is an administrative process by which items of property in a seized vehicle are listed and secured. An inventory of a vehicle shall not be used as a substitute for an investigative search.
- 4.C Generally, the DSP will not hold or seize any vehicle when the DSP is an assisting agency.
- 4.D When an officer has probable cause to believe that a vehicle has been used in a crime or is otherwise connected with a crime, the vehicle may be taken into custody and classified as a "seizure of evidence." Vehicle seizures require supervisory approval.
 - 4.D.1 If a vehicle is seized as a part of a DSP investigation, a property number shall be generated. The owner of the vehicle shall be issued an SP4215 property receipt.
 - 4.D.2 A vehicle involved in a minor traffic offense shall not be seized as evidence solely because it was used to commit the traffic offense.
 - 4.D.3 With supervisory approval, an officer shall obtain a search warrant prior to making a "seizure as evidence" whenever the vehicle to be seized is on private property and it is not likely to be removed or tampered with while a warrant is being obtained.

- 4.E The lead investigating officer or designee shall have any seized vehicles removed through the most reasonable means, maintaining the chain of custody by completing the DSP Vehicle Hold/Seizure SharePoint Log and documenting the vehicle's location in the officer's narrative report. The chain of custody log shall be updated each time the vehicle is moved to a different location. The need to escort a seized vehicle to or from a storage facility is dependent on the case status and may require consultation with the presiding prosecutor.
- 4.E.1 The DSP assigned Call for Service (CFS) shall be updated each time the location of the vehicle changes to include:
- 4.E.1.a Authorizing supervisor
 - 4.E.1.b Time/date
 - 4.E.1.c Towing company name
 - 4.E.1.d Any other pertinent information
- 4.F The presiding prosecutor shall be notified by the lead investigating officer or designee as soon as practical to obtain further guidance on the necessity of the vehicle seizure or if the vehicle may be released.
- 4.G A vehicle seized as evidence shall not be released to any person until the presiding prosecutor or the designated DSP officer releases it. This should be done on an expedited basis.
- 4.H A vehicle seized as evidence shall be completely inventoried as soon as practicable unless such inventory may damage or destroy evidence or other safety concerns exist. The process for inventory searches is outlined in section 5 of this policy.
- 4.I Charges incurred during vehicle seizure, such as towing bills or other incidentals shall be attached to the Vehicle Seizure SharePoint Log.
- 4.J Seized vehicles will follow the same case disposition processes as outlined in the DSP Property Management Guide under Policy and Procedure 10-5.

5. INVENTORY SEARCHES OF SEIZED VEHICLES

- 5.A Vehicles seized as outlined in this policy, shall be inventoried. Vehicle inventories shall be done in a safe location where there is adequate time to conduct a thorough search without delaying the movement of traffic.

- 5.B The inventory shall include the passenger compartment, glove compartment, trunk, sleeper berth, trailer, and any containers such as boxes or luggage, whether locked or not. If a container or area is locked, the officer shall use the least invasive method available to access the item at the time of the search.
- 5.C Items of value are to be documented on an SP4215 within the officer's report and returned to the rightful owner or person of good standing, such as a next-of-kin or surviving relative as soon as practical. If no return can be made, the items are to be placed into an evidence/property room for safekeeping and will begin the disposition process.
- 5.D Contraband or evidence shall be seized and placed into evidence for further investigation.

6. USE OF DIVISION STORAGE FACILITIES

- 6.A Any DSP employee seeking to use a DSP Storage Facility must have regional supervisory approval in coordination with the regional evidence program manager which supervises the facility.
- 6.B The lead investigating officer or designee shall make arrangements with a regional supervisor for a tow company to transfer the vehicle to a Division facility such as the Fleet Installation Center or Wisconsin Rapids Yard.
- 6.B.1 If not previously completed, vehicles shall be inventoried as soon as practical upon arrival at a Division Storage Facility by the investigating officer or designee.
- 6.B.2 The officer facilitating the vehicle placement within the DSP Storage Facility should be aware of any obvious safety or environmental concerns and take appropriate action.

This may include removing items from the vehicle which could reasonably be a safety concern over time and be properly disposed of such as flammable materials (fuel cans, and other chemical containers). Examples include leaking fluids and indicating/labeling biohazards.

8. REFERENCES

Wisconsin State Statutes 968.18, 968.19, 968.20, 110.07
DSP Policy & Procedure 4-8 Towing of Abandoned, Disabled, Illegally Parked Vehicles and Vehicles of Persons Arrested
DSP Policy & Procedure 10-5 Physical Evidence and Recovered Property
DSP Property and Management Guide
DSP Supervisory Guidebook