

## Vehicle Use

### 703.1 PURPOSE AND SCOPE

- (a) The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Oakley to provide assigned take-home vehicles.

### 703.2 POLICY

- (a) The City of Oakley Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

### 703.3 GENERAL OPERATIONS

- (a) Smoking is not permitted in any City vehicle
- (b) Department vehicles may only be operated by members that possess a valid California Driver's License (CDL). Members who are required to operate a vehicle as part of their employment shall advise their supervisor any time their CDL status is no longer valid or is compromised in any manner. A supervisor may randomly verify the member's CDL status at any time.
- (c) Vehicle operators will observe the courtesies of the road and practice defensive driving procedures and fuel conservation measures.
- (d) Vehicle operators, under normal circumstances, shall observe all State and local law governing the use of motor vehicles.
- (e) Every parked vehicle shall be safe and parked in accordance with State and local law. Vehicles will be parked with tires turned against the curb when a curb exists.

### 703.4 USE OF VEHICLES

#### 703.4.1 VEHICLE ASSIGNMENTS

- (a) The Fleet Manager is responsible for making vehicle assignments prior to the start of each shift change. The Fleet Manager will distribute this list to all officers and retain a copy of the vehicle assignment roster for two years. Shift Supervisors will ensure that officers are using their assigned vehicle unless that vehicle is unavailable. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the assignment roster and in their MDC notes.

#### 703.4.2 OTHER USE OF VEHICLES

- (a) Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall notify the Shift Supervisor. A notation will be made on the shift assignment roster

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indicating the member's name and vehicle number. When an available vehicle is used for emergency assistance, no annotation is required.

- (b) This subsection does not apply to those who are assigned to vehicle transportation duties to and from the repair or service facility or carwash.

#### 703.4.3 INSPECTIONS

- (a) Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service (pre-operation inspection) and at the conclusion of their shifts (post-operation inspection). Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.
- (b) The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.
- (c) When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.
- (d) All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

#### 703.4.4 SECURITY AND UNATTENDED VEHICLES

- (a) Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle. If a vehicle is left unsecured, responding units will secure the vehicle upon their arrival.
- (b) Members shall ensure all weapons are secured in an approved locking device while the vehicle is unattended. The trunk, glove compartment, and center console are not approved "locked containers" by themselves.

#### 703.4.5 MOBILE DATA COMPUTERS (MDC)

- (a) Members assigned to vehicles equipped with an MDC shall log onto the MDC with the required information when going on-duty (name, unit identifier, cell phone number, etc.). If the vehicle is not equipped with a working MDC, the member shall notify dispatch by radio or telephone. Use of the MDC is governed by the OPD Manual Section "Mobile Data Computer".
- (b) Tablet MDCs will be locked into the docking station when unattended. Keys will not be left in the MDC lock.

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#### 703.4.6 VEHICLE KEYS

- (a) Keys to all patrol vehicles will be maintained on the key board. Two sets of keys will be maintained for each vehicle on the key board inside the station. Officers should take both sets of keys when operating a vehicle. When an operator is finished using the vehicle, both sets of keys should be returned to the key board. Keys are not to be stored in lockers or secreted to deny the use of the vehicle by others.
- (b) Members authorized a take-home vehicle are responsible for the security of the keys to their assigned vehicle(s).
- (c) Duplicates of all vehicle keys will be maintained by the Fleet Manager in the key box. The Shift Supervisor will have access to the duplicate keys for all vehicles in the fleet by accessing the key box.
- (d) Members shall not duplicate keys to have personal keys to vehicles. The loss of a key shall be promptly reported in writing through the chain of command.

#### 703.4.7 AUTHORIZED PASSENGERS

- (a) Authorized passengers in departmental vehicles include:
  - 1. Department personnel
  - 2. City of Oakley personnel
  - 3. Law enforcement personnel from other agencies
  - 4. Ride-along program participants
  - 5. Witnesses
  - 6. Arrestees
  - 7. Other citizens transported for a police purpose (citizen involved in an accident needs to get home, etc.)
  - 8. Individuals approved by a supervisor
  - 9. Transportation of children for a police purpose
- (b) When transporting an arrestee or a temporary passenger, officers will notify dispatch of their starting mileage and destination

#### 703.4.8 ALCOHOL

- (a) Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

#### 703.4.9 PARKING

- (a) Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations. Marked vehicles should not be parked in a way that blocks or obstructs access to handicapped parking stalls or access ramps.

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- (b) Department vehicles should be parked in designated stalls. Privately owned motorcycles shall be parked in designated areas.

#### 703.4.10 ACCESSORIES AND/OR MODIFICATIONS

- (a) There shall be no modifications, additions or removal of any equipment or accessories from a vehicle without the permission from the Fleet Manager or Unit Supervisor.

#### 703.4.11 PROFESSIONAL STAFF MEMBER USE

- (a) Professional Staff members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Professional Staff members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

#### 703.4.12 FIREARMS STORAGE

- (a) Under no circumstances will a firearm be left unsecured inside of a vehicle. All unattended firearms will be secured with a locking device that is securely affixed to the vehicle. The trunk, glove compartment, or center console (regardless if it has a second locking mechanism) does not constitute a "secured" storage area in the vehicle. This requirement applies to all firearms (handguns, rifles, shotguns, etc.).

### **703.5 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

- (a) Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.
- (b) The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment or will be off-duty for an extended period of time (leave, vacation, etc.).

#### 703.5.1 ON-DUTY USE

- (a) Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or his/her designee.

#### 703.5.2 UNSCHEDULED TAKE-HOME USE

- (a) Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:
  1. The circumstances are unplanned and were created by the needs of the department.
  2. Other reasonable transportation options are not available.

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3. The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the City.
4. Off-street parking will be available at the member's residence.
5. Vehicles will be locked when not attended.
6. All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

#### 703.5.3 ASSIGNED (TAKE-HOME) VEHICLES

- (a) Assignment of take-home vehicles shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Members who reside outside the City of Oakley may be required to secure the vehicle at a designated location or leave the vehicle at the Department at the discretion of the Chief of Police.
- (b) Department members who are afforded a take-home vehicle will be required to review this manual section prior to taking the vehicle home. They will verbally acknowledge an understanding of this policy to their supervisor.
- (c) Members are cautioned that under federal and local tax rules, personal use of a city vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.
- (d) Criteria for use of take-home vehicles include the following:
  1. Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and a supervisor has approved the use.
  2. Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
  3. Vehicles will not be used when off-duty except:
    - (a) In circumstances when a member has been placed on call and there is a high probability that the member will be called back to duty.
    - (b) When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.
    - (c) When the member has received permission from their supervisor.
    - (d) When the vehicle is being used by the Chief of Police, or members who are in on-call administrative positions.
    - (e)
  4. While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

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5. The two-way communications radio must be on and set to an audible volume when the vehicle is in operation.
6. Unattended vehicles are to be locked and secured at all times.
  - (a) No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
  - (b) All weapons and portable radios shall be secured in a locked container other than the trunk, glove box or center console, while the vehicle is unattended.
  - (c) All department identification and equipment should be secured and out of sight.
7. Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the unit supervisor. If the vehicle is not secured inside a locked garage, all firearms, portable radios, and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
8. Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
  - (a) If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
  - (b) If the member is unable to provide access to the vehicle, it shall be parked at the Department.

#### 703.5.4 ENFORCEMENT ACTIONS

- (a) When driving a take-home vehicle to and from work outside of the jurisdiction of the Oakley Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies)..
- (b) Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).
- (c) Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

#### 703.5.5 MAINTENANCE

- (a) Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

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1. Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
2. It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
3. All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the Fleet Manager.
4. The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
5. All weapons and portable radios shall be removed from any vehicle left for maintenance.
6. Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

#### **703.6 SEAT BELTS**

- (a) Everyone driving or riding in a City vehicle shall wear safety lap/shoulder seat belts as outlined in OPD Manual Section 1011 (Seat Belts)

#### **703.7 DAMAGE, ABUSE AND MISUSE**

- (a) When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).
- (b) Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded through the chain of command.

#### **703.8 ATTIRE AND APPEARANCE**

- (a) When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

#### **703.8 TOLL ROAD/TOLL BRIDGE USAGE**

- (a) All department vehicles will be enrolled in the FASTRAK System.
- (b) Law enforcement vehicles are not routinely exempted from incurring toll charges.
- (c) To avoid unnecessary toll charges, all members operating department vehicles on a toll road/bridge shall adhere to the following:
  1. Members operating department vehicles for any reason other than in response to an emergency shall use the FASTRAK lane to pass through the toll facility.

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Vehicles without physical transponders have had their license plates registered in the FASTRAK System.

2. Members passing through a toll plaza or booth during a response to an emergency will notify their supervisor as soon as practicable.
3. Individuals who are authorized take-home vehicles are responsible for using their own FASTRAK transponders to use bridges and toll roads.

#### **703.10 BREAKDOWNS / FLAT TIRES**

- (a) Employees are not to perform emergency repairs (change tires, etc.)
- (b) In the event of an emergency breakdown, the employee will contact Dispatch and have A&M Tow respond to retrieve the vehicle. The vehicle will either be towed to the station or the repair facility designated by the Fleet Manager.
- (c) Whenever a department vehicle is towed, the Fleet manager will be contacted by phone or email.
- (d) Vehicles that become disabled due to a flat tire will be stopped as soon as safe and practicable. Operators will contact dispatch and request A&M Towing respond to their location for a tire change.

#### **703.11 CANINE UNIT VEHICLES**

- (a) Canine Unit vehicles shall not be used by other members except in an emergency situation, when authorized by a Supervisor.
- (b) Canine units will be taken out of service when the emergency equipment for the canine is unserviceable.

#### **703.12 REVIEW DATE**

- (a) 21 MAY 18
- (b) 30 DEC 19 (Lexipol)