

Vehicle Use

703.1 PURPOSE AND SCOPE

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 Town of Forest Heights to provide assigned take-home vehicles.

703.2 POLICY

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

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES

The Shift Supervisor shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

703.3.2 OTHER USE OF VEHICLES

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 first notify the on duty supervisor. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance shop or car wash.

703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. 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.

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.

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.

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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.

Supervisors shall conduct monthly inspections on their subordinate's vehicles. Supervisors shall conduct an initial inspection whenever a vehicle is newly issued. All inspections must be submitted on PLANIT.

703.3.4 SECURITY AND UNATTENDED VEHICLES

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.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 MOBILE DIGITAL TERMINAL

Members assigned to vehicles equipped with a mobile digital terminal [MDT] shall log onto the [MDT] with the required information when going on-duty. If the vehicle is not equipped with a working [MDT], the member shall notify the Public Safety Communications upon logging on verbally. Use of the [MDT] is governed by the Mobile Digital Terminal Use Policy.

703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Forest Heights Police Department, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require the Commander of Administrative Services or their designees approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

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Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than Town personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Alongs Policy.

703.3.9 ALCOHOL

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.

703.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned spaces. Members shall not park privately owned vehicles in spaces assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the department fleet manager.

703.3.12 CIVILIAN NON-SWORN MEMBER USE

Civilian Non-Sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian Non-Sworn members shall prominently display the "out of service" placards or light bar covers at all times. Civilian Non-Sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police or their designee. 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.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment or for disciplinary reasons.

703.4.1 ON-DUTY USE

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

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utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 DEPARTMENT VEHICLE TAKE HOME CAR PROGRAM ENROLLMENT AGREEMENT

By participating in the program, I agree to fully abide by the terms and conditions. I fully understand that participation in the program is voluntary and I may cancel enrollment at any time.

CONDITIONS:

- a. Participants shall reside with-in (25) twenty-five air miles of the Town of Forest Heights, Maryland (606 Modoc Lane, Forest Heights, MD 20745 except when otherwise authorized by the Chief of Police;
- b. Participants shall not reside in Virginia or the District of Columbia unless otherwise authorized by the Chief of Police;
- c. Prior to program acceptance, participants shall provide their personal residential address to which the vehicle will travel to and from;
- d. Participants shall notify the fleet manager within (24) twenty-four hours of an address change.

REMOVAL:

- a. Participants may be removed from the program for a violation of the terms and conditions of this document or when found in violation of any department Policy or General Order pertaining to the program.
- b. The Chief of Police may remove a participant from the program or decline their request to participate at any time with or without cause. Removal or declination shall not be deemed punitive in nature; therefore, such action is not subject to appeal.

COST-SHARING:

- a. In consideration of the cost associated with the program, I agree by signing below, to a biweekly payroll deduction in the amount of:
 - \$75.00 - Participants residing within 15 air miles of 606 Modoc Lane Forest Heights, MD 20745;
 - \$100.00 - Participants residing within 15.1 - 25 air miles of 606 Modoc Lane Forest Heights, MD 20745
 - If the participant exceeds \$700.00 in Prince George's County Fuel system within 30 days, the participant will pay the remaining balance immediately by way of payroll deduction.

Commanders and above shall have use of vehicles and shall be prepared to respond to any incident.

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Circumstances may arise where department vehicles must be used by members. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Town of Forest Heights limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) 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 to, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the Town of Forest Heights or Prince George's County is a prime consideration for the assignment of a take-home vehicle. Members who reside outside the take home car air mileage allotment maybe required to secure the vehicle at a designated location or the department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities, and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a Town vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports unless special circumstances exist and the Chief of Police or a Bureau Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or Bureau Commanders and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.

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3. When the member has received permission from the Chief of Police or Bureau Commanders.
 4. When the vehicle is being used by the Chief of Police, Bureau Commanders, or members who are in on-call administrative positions.
 5. When the vehicle is being used by on-call investigators.
- (d) 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.
- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
1. 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).
 2. All weapons shall be secured while the vehicle is unattended.
 3. All department identification, portable radios, and equipment should be secured.
- (g) 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 authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) 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.
1. If the vehicle remains at the residence of the member, the department shall have access to the vehicle.
 2. If the member is unable to provide access to the vehicle, it shall be parked at the department.
- (i) The member is responsible for the care and scheduled maintenance of the vehicle.
- (j) Employees may remove Departmental vehicles from the state of Maryland for official business. Notification to PSC shall not be made unless deemed necessary for employee safety purposes. Authorization must be obtained from the appropriate Commander for other on-duty use outside of the state of Maryland, such as attending an assigned function or a one-time training event. Any other use of a Departmental vehicle outside the state of Maryland must be approved.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Town of Forest Heights or while off-duty, An Officer shall not initiate enforcement actions except in those

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circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

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.

703.4.5 MAINTENANCE

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:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the Department Fleet Manager..
- (d) The Fleet Manager shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle/equipment repair notice explaining the service or repair in the Planit system.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) 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.

703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various Bureaus and their use is restricted to the respective Bureau and the assigned member unless otherwise approved by a supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the Bureau for that purpose. Any use of unmarked vehicles by those who are not assigned to the Bureau to which the vehicle is assigned shall also be recorded with the On-Duty Supervisor on the shift assignment roster.

703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction (see the Traffic Accidents Policy).

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Damage to any department vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format, and forwarded to the on Duty Supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempt from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate tollway transponder. Members may submit a request for reimbursement from the Town of Forest Heights for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Bureau Commander within five working days explaining the circumstances.

703.8 ATTIRE AND APPEARANCE

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.

703.9 DEPARTMENTAL ACCIDENTS

An on-duty patrol supervisor shall promptly respond to all Departmental accidents and ensure that they are investigated in a fair and impartial manner.

703.9.1 PROCEDURES

When an employee is involved in a Departmental accident, they shall immediately notify Public Safety Communications (PSC) and request that an on-duty Forest Heights Police supervisor respond to the scene. The employee shall not move the vehicle from the point of impact without supervisory approval unless:

- The striking vehicle flees the scene and the employee follows the vehicle and notifies PSC
- There is a threat to the safety of persons or property

If the involved employee is an officer, they shall preserve the scene and prevent further injury or damage. If the involved employee is an on-duty patrol officer, their supervisor shall respond to investigate. The employee shall relinquish authority and refrain from performing investigative functions following the arrival of other officers or a supervisor.