

## 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 City of Havre de Grace to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

### 703.2 POLICY

The Havre de Grace 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 USE OF VEHICLES

In order to better serve the citizens of Havre de Grace, the department will purchase and use emergency police vehicles in the performance of its duties.

Officers will operate vehicles with care and obey all traffic laws.

- (a) Officers who activate or believe to have activated a speed or red light camera, while on or off duty, will notify their supervisor within 24 hours.

Officers will exercise even more care when responding to calls for service involving the use of emergency equipment (lights and siren) and will adhere to the Officer Response to Calls policy 309.

Assigned vehicles will enhance police visibility and capability for a response within the City of Havre de Grace.

- (a) Assigned vehicle program may be modified, suspended or eliminated based upon operational and/or budgetary needs. Individually a car may be removed for operational, budgetary, procedural failures or infractions as well as for disciplinary reasons.

Officers are prohibited from utilizing any department vehicle when engaged in any type of political activity or political fundraising whether on duty or off duty.

Personnel with assigned vehicles are prohibited from using departmental vehicles in the performance of secondary employment, unless the secondary employment is located within the City of Havre de Grace and use of the vehicle is approved by the Chief of Police.

# Havre de Grace Police Department

## HGPD Policy Manual

### *Vehicle Use*

---

#### 703.3.1 SHIFT ASSIGNED VEHICLES

The Watch Commander 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 needs to exchange a vehicle during his/her shift, notification and approval must be obtained from their supervisor. 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 Watch Commander. 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 yard 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.

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.

#### 703.3.4 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 and canine safety). 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.

All evidence used during court testimony will not be stored in agency vehicles either prior to or after the officer's court appearance. Evidence will be picked up the day of court and returned to the Property Room immediately after court.

# Havre de Grace Police Department

## HGPD Policy Manual

### *Vehicle Use*

---

#### 703.3.5 MOBILE DIGITAL COMPUTER

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify Dispatch. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

#### 703.3.6 KEYS

Members approved to operate marked patrol vehicles should be issued a key as part of their initial equipment distribution.

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

#### 703.3.7 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City 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.

#### 703.3.8 ALCOHOL, DRUGS, AND TOBACCO

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.

Officers operating a department vehicle will neither possess nor purchase any type of alcoholic beverage in the vehicle, except as required in the official performance of his/her duties.

Officers will not operate any department vehicle after ingesting any type of drug, medication, or alcohol that impairs his/her ability to operate a motor vehicle.

An officer, who operates any departmental vehicle with even the slightest impairment due to alcohol or drug use, may be terminated from the Police Department.

Officers and passengers are prohibited from using tobacco products, to include vaping devices, in departmental vehicles.

#### 703.3.9 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 shall be parked in the station secured area, utilizing the properly marked parking spaces.. Members shall only park privately owned vehicles in the station secured area if spaces are available.

#### 703.3.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the Administrative Services Division Commander..

# Havre de Grace Police Department

## HGPD Policy Manual

### *Vehicle Use*

---

There shall be no stuffed animals, decals, signs, emblems, political material, pictures or personal placard/posting, or personal clothing displayed on the vehicle or visible to the public, without written permission from the Chief of Police or designee.

The rear deck and dash board will be clear of any articles such as, hats, baseball caps, stuffed animals, books, papers, etc.

#### **703.3.11 FLEET MAINTENANCE MEMBER USE**

Fleet maintenance personnel shall prominently display the "out of service" placards or light bar covers at all times. Fleet maintenance personnel shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

#### **703.3.12 VEHICLE LOCATION SYSTEM**

Patrol and other vehicles, at the discretion of the Chief of Police, 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 Division Commander approval.

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

### **703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

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.

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

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

# Havre de Grace Police Department

## HGPD Policy Manual

### *Vehicle Use*

---

#### 703.4.2 MEMBERS WITHOUT TAKE HOME VEHICLE PRIVILEGES

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:

- (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 25-mile air radius of the Havre de Grace City limits.
- (d) 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. (Exception for firearms secured in a department installed, lockable, gun rack.) and properly secured in the residence when the vehicle is not attended, 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 City of Havre de Grace is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Havre de Grace may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall adhere to the take-home vehicle policy 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 City 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) All members with an assigned take-home vehicle must live within Harford County or within a 25 mile air radius of the City of Havre de Grace limits. Take-home vehicles are not intended to replace a personal vehicle and restrictions on vehicle use will apply.
- (b) Vehicles may be used to transport the members to and from the members residence for work related purposes.
- (c) If an officer resides in a state other than Maryland and is participating in the take-home vehicle program, they are not permitted to take the vehicle to their residence. The department vehicle must be parked at a pre-approved secure government facility within the boundaries of the program.
- (d) Vehicles shall only be used for work-related purposes and limited off duty use for personal business or transports within the boundaries of the program, unless

# Havre de Grace Police Department

## HGPD Policy Manual

### *Vehicle Use*

---

special circumstances exist and the Chief of Police or a Division Commander gives authorization.

- (e) Vehicles may not be driven out of Maryland for personal business, and may only be used out of state for an approved work related purpose.
- (f) The following are examples of authorized personal business uses of the departmental vehicle in an off duty status:
  - 1. School events within the boundaries of the program
  - 2. Parks and recreation events within the boundaries of the program
  - 3. Medical Appointments
  - 4. Worship
  - 5. Education
  - 6. Physical Fitness Training i.e. gyms, fitness centers, yoga, martial arts studios within the boundaries of the program.
- (g) Off duty vehicles are not intended to transport members and/or their families to entertainment, shopping, or dining.
- (h) Departmental vehicles may be used to transport civilians; however, all occupants will use safety belts and comply with all motor vehicle laws pertaining to the transportation of children.
- (i) While operating the vehicle, authorized members will carry and have accessible an authorized firearm and be prepared to perform any function they would be expected to perform while on-duty.
- (j) The two-way communications radio, must be on and set to an audible volume when the vehicle is in operation. Portable radios are mandated in vehicles not equipped with an in-car radio.
- (k) 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, ).
  - 2. All weapons shall be secured while the vehicle is unattended.
  - 3. All department identification, portable radios and equipment should be secured.
- (l) Vehicles are to be parked 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 secured in accordance with the Firearms Policy.
- (m) 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.

# Havre de Grace Police Department

## HGPD Policy Manual

### *Vehicle Use*

---

2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (n) The member is responsible for the care and maintenance of the vehicle.
  - (o) Any officer assigned to light duty or restricted duty shall relinquish the assigned vehicle for the period of the restriction.
  - (p) Any officer who is suspended due to disciplinary action will relinquish their assigned vehicle for the period of the suspension or as stated in the conditions of the suspension.
  - (q) Any member who changes their place of residence, either on a temporary basis or permanently must notify the chain of command in writing, within 24 hours of the change. The member must comply with the 25 air-mile radius to remain in the take-home vehicle program.
  - (r) Members using a department vehicle in an off-duty capacity shall notify the dispatcher that he/she is 10-8 OD (Off-Duty). When the member has concluded the use of the department vehicle he/she shall notify the dispatcher that he/she is 10-7 OD.
  - (s) While off-duty, items that protrude from or are strapped down, tied down, etc. on the vehicle are prohibited.
  - (t) Violations of department policies may result in disciplinary action; including the temporary or permanent loss of an assigned or take-home vehicle.

#### 703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Havre de Grace 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).

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.

Dispatch personnel will be notified anytime an official action is taken by an off-duty officer.

#### 703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and the 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.

# Havre de Grace Police Department

## HGPD Policy Manual

### *Vehicle Use*

---

- (c) All assigned vehicles will receive routine maintenance (oil change, inspection, etc.) at the direction of the fleet management personnel, specific to the vehicle specifications; + or - 100 miles.
- (d) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (e) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (f) When departmental vehicles are turned in for vehicle maintenance, officers shall remove all firearms, weapons of any kind, other sensitive departmental equipment, and law enforcement only documents or paperwork. Any other departmental or personal property that may be lost or stolen should be secured in the vehicle's trunk or removed from the vehicle prior to it being turned in for service.
- (g) If an assigned vehicle is out of service due to repairs or maintenance, the officer assigned to the vehicle will have to sign out a pool vehicle, if available. The use of a pool vehicle will be day to day, and pool vehicles will not be used for a substitute for a take-home vehicle. Any deviations from this procedure will require approval from Lieutenant or above.
- (h) Disciplinary action may be imposed for officers neglecting to schedule or missing scheduled routine service dates. If an officer becomes aware that he/she will not be able to have his/her assigned vehicle to the shop on the scheduled date, the officer is obligated to notify the City Fleet Manager and obtain another date for vehicle maintenance. Court appearance and training are not excused reasons for missing or rescheduling service dates.

#### **703.5 SPECIALIZED VEHICLES**

Specialized vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor. Any member operating a specialized vehicle shall record vehicle usage on the sign-out log.

#### **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).

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 Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

Officers are prohibited from displaying/posting any departmental vehicle pictures, insignia, uniform, decal, logo, equipment, etc. on any internet website or social media site without authorization from the Chief of Police.



### *Vehicle Use*

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Officers will not engage in any type of inappropriate behavior while utilizing any department vehicle or vehicles rented, leased, loaned or assigned to the department. Such behavior includes displays of affection and any type of sexual activity.

#### **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 toll way transponder. Members may submit a request for reimbursement from the City 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 Division 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.

Prohibited attire includes: Sleeveless shirts, sandals or flip flop shoes, or any clothes that project a negative image of the department; such as offensive cartoons, logos, lewd or sexual pictures, profanity, or blatantly or subtly promote discrimination, etc.