

	<b>STANDARD OPERATING PROCEDURE</b> State Form 39870(R/S-06)	Reference Number <b>ENF-001</b>
	Subject <b>Operation of Department Commissions</b>	
	Special Instructions Replaces ENF-001 dated November 30, 2020	Effective Date <b>December 29, 2022</b>

## **I. PURPOSE**

Establish guidelines for the operation of Department commissions when on or off-duty and during both routine (non-emergency) and emergency driving situations (other than pursuit driving).

## **II. POLICY**

Department employees shall operate Department commissions in a safe, lawful and prudent manner regardless of the employee's duty status. No employee shall drive or use a Department commission in a manner that will reflect discredit on the Department.

## **III. DEFINITIONS**

- A. Authorized emergency vehicle – Vehicles operated by a police agency, department or office, or the Department of Corrections, that are designated and used as an authorized emergency vehicle in accordance with [IC 9-21-20](#) and properly equipped with red and blue signal lamps and/or a siren, whistle or bell as required/permitted by [IC 9-19](#).
- B. Department Commissions – Issued vehicles or vehicles authorized for use by the Department for Department employees; including leased vehicles, task force issued vehicles, etc.
- C. Emergency Driving – In compliance with [IC 9-21-1-8](#), the person who drives an authorized emergency vehicle when the vehicle is using audible or visual signals, as required by law and responding to an emergency call, or is in the pursuit of an actual or suspected violator of the law.
- D. Non-Emergency Driving – All other operation of a Department commission which is not considered emergency driving as defined above.
- E. Off-Duty – When a Department employee is not involved in a job-related incident/situation.
- F. On-Duty – When a Department employee is involved in a job-related incident/situation.

## **IV. PROCEDURE**

- A. General requirements
  - 1. Employees operating a Department commission shall:
    - a. Whenever possible, and as permitted, back into or pull through a space when parking;

- b. Not make emergency runs with unauthorized passengers;
- c. Not drive in excess of the posted speed limit even when responding to an emergency (using lights and/or siren) when pulling a Department-issued trailer;
- d. Maintain radio contact at all times, while on-duty or off-duty;
- e. Permit only authorized passengers (including news media) on routine patrol ([per ENF-020 Ride-Along Programs](#));
- f. Require all occupants (including the driver) to wear all proper safety restraining devices;
- g. Not operate a Department commission outside the jurisdiction of the Department except on official business and with the approval of the appropriate commander;
- h. Not drive or use a Department commission in a manner that will reflect discredit on the Department, such as, but not limited to:
  - i. Violating any traffic law, unless necessary to perform an official duty;
  - ii. Hauling objects that are conspicuous and/or protrude from the commission;
  - iii. Parking a commission, on-duty or off-duty, that is easily identifiable as a state police commission, for extended periods of time, in areas that are considered to be offensive by community standards and would reflect negatively on the Department; unless on official business;
  - iv. Displaying items not approved by the Department such as stuffed animals, baseball hats, toys, uniform hats, decals, stickers and all other similar items in a window(s) of or upon the vehicle;
  - v. Leaving a commission running and unattended for any period of time except when necessary to conduct official business (e.g. K-9 unit, crash scene, traffic direction, etc.)\*; or;
  - vi. Any other indiscreet uses of the vehicle

\*Note: It shall be acceptable to briefly run the commission to warm it in the winter or cool it in the summer or make it otherwise ready for use.

- i. Not routinely leave uniforms and other issued or personal articles in an unattended commission. Such items should be relocated to the trunk or other appropriate place with the exceptions of the issued flashlight, issued shotgun, issued rifle and “non-issued rifle” if secured in an issued weapon rack;
- j. Not leave department issued or personally owned weapon(s) unsecured in the passenger compartment of an unattended commission. Pistols may temporarily be placed in the trunk for safekeeping, but due consideration should be given for where and how long the commission is left unattended prior to doing so. Long guns may be left secured in permanently mounted racks inside the vehicle or secured in the trunk. If a vehicle does not have a trunk, a long gun may be left out of sight in the vehicle while on duty but must be removed from the vehicle when off duty.

- k. Ensure assigned commissions are locked when left unattended;
  - l. When operating a "push to start" commission, employees shall not leave a key fob in an unattended commission;
  - m. Ensure all occupants (including the driver) conform to the appropriate dress code ([See ENF-025](#)). This section does not apply to individuals such as stranded motorists, arrestees, etc;
  - n. While on-duty, limit transportation for civilian employees to the needs of the Department;
  - o. Not routinely permit traffic violators to accompany the officer to or be seated in the officer's commission unless extenuating circumstances dictate otherwise;
  - p. Abide by the guidelines in [FSS-008 Maintenance of Department Commission](#) for proper care and maintenance of the commission;
  - q. Not operate a Department commission at any time with any measurable amount of alcohol in their blood; except police personnel carrying out authorized undercover operations requiring the consumption of alcoholic beverages who shall not operate a Department commission if their blood alcohol content exceeds .04%; and
2. Employees may forfeit the use of a Department commission for violating the rules of proper use or operation of a Department commission as outlined in this procedure.

## **B. Emergency Operations**

- 1. Civilian employees are prohibited from operating a Department commission (if so equipped) as an emergency vehicle.
- 2. Troopers, CPS Officers and Motor Carrier Inspectors shall abide by the guidelines of law and Department policy when operating a Department commission during emergency driving situations.
- 3. In compliance with [IC 9-21-1-8](#), the person who drives an authorized emergency vehicle when the vehicle is using audible or visual signals, as required by law and responding to an emergency call, may:
  - a. Park or stand, notwithstanding other provisions of [IC 9-21](#);
  - b. Proceed past a red or stop signal/stop sign, after slowing down as necessary for safe operation;
  - c. Exceed the maximum speed limits if the operator does not endanger life or property; or
  - d. Disregard regulations governing direction of movement or turning in specified directions.
- 4. The foregoing privileges do not relieve the person who drives an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons nor shall such privileges protect the person who drives an authorized emergency vehicle from the consequences of the person's reckless disregard for the safety of others.

5. Personnel shall use extreme caution in all emergency driving situations; as dictated by: roadway conditions, density of vehicular and/or pedestrian traffic, visibility, terrain, limitations of emergency equipment and other relevant circumstances.

### **C. Off-Duty Use of Department Commissions**

1. Department employees shall not permit unauthorized persons or employees to whom the use of a Department commission has been restricted or revoked to operate any Department commission under the employee's control.

2. Motor Carrier personnel shall be restricted to using Department commissions while on-duty and conducting Department business. Off-duty use of the commission is prohibited.

3. Capitol Police Section (CPS) Officers who are not permanently assigned a Department commission shall be restricted to using a commission while on-duty and conducting Department business. CPS Officers who are permanently assigned a Department commission shall follow the guidelines outlined in Section 6 below.

4. Civilian employee use of Department assigned, issued or (temporary) pool commissions:

a. Civilian employees utilizing a Department commission shall be restricted to using the commission while on-duty and conducting Department business only. Off-duty use of any commission is prohibited except when the commission is used for the purposes of commuting.

b. All civilian employees utilizing a Department commission shall be required to complete an In-Car Daily Log for each day's use. This includes commissions issued to other personnel and loaned to a civilian for use in conducting Department business; as well as, in addition to any Pool Car Logs (when operating a pool commission) required by the district or division responsible for the commission, at the time of sign-out or return.

c. Civilian personnel temporarily operating a Department commission shall be notified if any use of the commission is considered "commuting" and subject to taxation by the Internal Revenue Service (see section below on Employer Provided Vehicle Use).

d. Assignment/issuance of a Department commission to (non-enforcement) civilian employees shall be restricted to employees whose use of a commission is integral to the employee's work and the Department's mission.

e. Upon permanent assignment/issuance of a Department commission, civilian employees shall be informed if they are exempt from or must comply with the Internal Revenue Service (IRS) rules regarding taxable benefits to the employee of a take-home company vehicle. Employees who are not exempt from the IRS rules shall be briefed:

(1). On all applicable Indiana Department of Administration (IDOA) and IRS rules related to take-home vehicles;

(2). On when an employee is considered in "commuting status" and therefore subject to IRS rules. Ex: Travel between the employee's residence and their normal assigned work location

(e.g., GHQ) would be considered “commuting” and therefore subject to IRS rules. However, travel between that employee’s residence and a location that is not their normal assigned work location would not be considered commuting and therefore not eligible for taxation; and

(3). If they are required to submit an Employer Provided Vehicle Use Form.

f. Employer Provided Vehicle Use Form

(1). Non-exempt employees shall submit an Employer Provided Vehicle Use form to their supervisor or commander by noon on Monday following the close of a pay period.

(2) Applicable supervisors/commanders (or a designee) shall review, sign off and forward the form electronically to the Fiscal Division by the close of business on the Monday following the close of a pay period. The Employer Provided Vehicle Use form shall include:

- i. The required employee’s personal information; and
- ii. The actual number of one-way commutes conducted in a Department commission.

Ex: Travel between the employee’s residence to GHQ and then from GHQ back to the employee’s residence is considered two (2) one-way commuter trips; and

(3) The form must contain the original signature of the employee and the employee’s commander/supervisor. Electronic signatures are not acceptable. However, once signed, the form may be scanned and emailed as needed.

Note: Civilian employees may be authorized, on a temporary and justifiable basis, to stage a Department commission at their residence in preparation for or when returning from authorized Department travel. During these periods, employees shall not be considered as commuting and shall not be subject to IRS rules on taxable benefits.

g. All commanders responsible for any pool cars, employees who have loaned their commission to a civilian employee or any civilian employee who is permanently assigned or issued a take-home commission shall forward the In-Car Daily Log to the Commander of the Field Support Services Section by the 5<sup>th</sup> day of each following month.

5. Employees in a limited duty status shall abide by the provisions of [HMR-010 Limited Duty](#) regarding the operation of Department commissions when off-duty.

6. Authorized ISP police employees and CPS Officers issued or assigned a Department commission:

a. May exercise De Minimis use of Department commissions for reasonable and limited personal transportation. De Minimis means so insignificant that it does not give rise to a level of sufficient importance to be dealt with judicially;

b. Shall not use the commission in personal employment or business pursuits; however, the commission may be discreetly used to drive to and from the other employment;

c. Shall respond to emergency situations, when assigned or made aware of a nearby situation;

and shall immediately notify the applicable district when responding (lights and or siren) to a call (emergency) of any type; and

d. May lose all off-duty use of a Department commission if the employee's performance is considered chronically under-achieving by the employee's commander and until such time that the commander considers performance to be at least baseline acceptable.

7. Department motorcycles shall be limited to Department business use only.

8. The use of some Department commissions by its employees may be subject to Internal Revenue Service taxation. Applicable employees shall be responsible to ensure proper declarations are made concerning tax status.

D. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies and procedures.