

 Kinston Police Department	<u>POLICY: Departmental Vehicle Use</u>						<u>POLICY #:</u> 200-9
	<u>NCLEA Standards: 9.01</u>						
	<u>CALEA Standards: 70.1.2</u>						
	<u>NCLM Standards:</u>						<u>Effective Date:</u>
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	Revision Dates:	01/01/21	02/04/25				07-01-2019
Approval: Chief of Police							

I. PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately.

II. POLICY

The Kinston 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 and requirements for tactical deployments and other considerations will be considered.

III. USE OF VEHICLES

Vehicles may be assigned to personnel. Personnel operating department owned vehicle must possess a valid driver's license. Those who are assigned a vehicle may be permitted to take their assigned vehicle home; provided they live within 45 contiguous air nautical miles of the city limits. City satellite sites, such as the water treatment plant can't be utilized for measuring purposes.

IV. INSPECTIONS (NCLEA 9.01) (CALEA 70.1.2)

Each officer will complete a daily inspection on their department issued vehicle to make sure all equipment is working properly. An officer will also complete a vehicle maintenance sheet on a monthly basis.

The interior of any vehicle that has been used to transport any person other than a member of the 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 officer shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles and the vehicle's contents 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.

All supervisors are responsible for the ongoing inspection of the general condition on at least a monthly basis of the vehicles assigned as well as the department's reserve vehicles. Supervisors shall observe vehicles for: Cleanliness, required equipment, required paperwork, dangerous or unnecessary items, and operational readiness of emergency equipment.

Supervisors shall complete a vehicle inspection report, noting any discrepancies or problems and action taken to correct the discrepancies or problems. Completed report will be forwarded to the appropriate Division Major for review and approval. The team supervisors will maintain copies of the vehicle inspection reports for follow-up and control purpose.

V. SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times; and the keys will be in control of the assigned officer. Unattended vehicles should be turned off 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. Officers shall not leave any issued or seized weapons, of any type, unattended or in the passenger area of the assigned vehicle; weapons must be secured, such as locked in a long-gun rack.

VI. AUTHORIZED PASSENGERS

Members operating department vehicles are authorized to transport City of Kinston personnel or persons required to be conveyed in the performance of their duty. Transportation of passengers that do not fit these criteria require approval from the Chief of Police or his designee.

VII. ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle.

VIII. 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.

Members with take home vehicles must agree to park the assigned vehicle during normal off-duty hours at an approved location. Reasonable measures shall be taken to ensure that the vehicle is secured and parked in a nonhazardous and highly visible location.

IX. ACCESSORIES AND/OR MODIFICATIONS

Personnel, to whom department vehicles are assigned, shall not make any alterations to the exterior appearance of the vehicle or interior configuration of equipment except as authorized by the Chief of Police.

X. NON-SWORN MEMBER USE

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

XI. ASSIGNMENT OF VEHICLES

Department vehicles may be assigned to individual members of the department. 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 their regular assignment.

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 the authorized designee.

UNSCHEDULED TAKE-HOME USE

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 45 contiguous air nautical miles of the city limits.
- d. Vehicles will be locked when not attended.

TAKE-HOME VEHICLES

Assignment of take-home vehicles shall be based on the location of the officer's residence; the nature of the officers' duties, job description and essential functions; and the officers employment status. All full-time sworn officers, who have successfully completed the department's FTO program, are eligible to participate in this program. Officers have to live within 45 contiguous air nautical miles of the city limits. City satellite sites, such as the water treatment plant can't be utilized for measuring purposes. Participation in this program is voluntary and should be considered a privilege and not a term of, or benefit by virtue of, employment.

Department members shall sign a take-home vehicle agreement that states Officers will be assessed a \$15.00 fee per pay period, but will not exceed \$30.00 per month, for the privilege of using their city vehicle as transportation between their residence and their workplace. Officers who reside within the city limits of Kinston are exempt from paying a fee to participate in the vehicle take home program

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 Division Major 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 an officer has been placed on call and there is a high probability that the officer will be called back to duty.
 2. When the officer 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.
 3. In-service training courses and Out of town when approved by the Chief of Police or his designee
 4. Off duty employment, at which a police officer is performing uniform security or protective services as a police officer of the Kinston Police Department, whether compensated by the city, a private person, firm, or corporation, when such service has

- been approved by the Chief of Police or his designee.
5. When the officer has received permission from the Chief of Police or Division Major.
 6. When the vehicle is being used by the Chief of Police, Division Major or officer who are in on-call administrative positions.
 7. When the vehicle is being used by on-call investigators.
- d. While operating the vehicle, authorized officers will carry and have accessible their duty firearms and badge and be prepared to perform any function they would be expected to perform while on-duty.
 - e. The two-way communications radio, and MDT, if equipped, must be on and set to an audible volume when the vehicle is in operation.
 - f. Officers, who participate in this program, must agree to park the assigned vehicle during normal off-duty hours at an approved location. Reasonable measures shall be taken to ensure that the vehicle is secured and parked in a nonhazardous and highly visible location.
 - g. Officers on sick leave for four or more days, light duty, or any leave of absence will relinquish the privilege until such absence has ended.
 - h. The member is responsible for the care and maintenance of the vehicle
 - i. Assigned vehicle may be recalled in order to meet manpower demands in extreme situations.
 - j. 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.

XII. ENFORCEMENT ACTIONS

When operating a marked police vehicle during off-duty hours within the department's jurisdiction, police officers are required to stop and render assistance, apprehend violators of serious crimes and/or summons on-duty police officers in circumstances which logically require police attentions. No off-duty officer operating a police vehicle shall ignore any call for assistance or fail to render reasonable police assistance. When initiating a response to a police situation as an off-duty officer, personnel are to notify Communications and the on-duty shift supervisor via the radio.

When driving a take-home vehicle while off duty or to and from work outside of the department's jurisdiction an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life, serious property damage or serious personal injury exists.

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

XIII. MAINTENANCE

Employees are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- e. Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- f. It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- g. All scheduled vehicle maintenance shall be performed as necessary at a facility approved by the Major of Professional Standards.
- h. The Major of Professional Standards shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- i. When leaving the vehicle at the city complex after hours, the employee will email the Major of Professional Services, the fleet maintenance supervisor and the fleet maintenance administrative assistant with information on what maintenance needs to be performed.
- j. All law enforcement officer identification, including badges or identification cards, weapons and Computer (MDT) shall be removed from any vehicle left for maintenance.
- k. 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.

XIV. DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic crash or otherwise incurs damage, the involved employee shall promptly notify a supervisor. Any traffic crash report shall be filed with the agency having jurisdiction.

A vehicle condition log will be maintained on each vehicle to include any damage (accidental or criminal) to the vehicle that would not normally be reported on a North Carolina collision report, such as a scratch from a tree branch, etc. The area of damage will be indicated by the appropriate number shown on the diagram.

Damage to any department vehicle that was not caused by a traffic crash shall be immediately reported during the shift in which the damage was discovered to the Supervisor. An administrative investigation should be initiated to determine if there was any vehicle abuse or misuse.

XV. 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.