

# Vehicle Use

## 703.1 PURPOSE AND SCOPE

The Department utilizes City-owned motor vehicles in a variety of applications operated by Department personnel. In order to maintain a system of accountability and ensure City-owned vehicles are used appropriately on and off duty, regulations relating to the use of these vehicles have been established. The term "City-owned," as used in this section also refers to any vehicle leased or rented by the City.

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

## 703.2 POLICY

The Santa Monica 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

### 703.3.1 SHIFT ASSIGNED VEHICLES

The sergeant shall ensure all member assignments and vehicle numbers are completed for his/her shift by inputting the data into the DocuPeak system. If the member exchanges vehicles during his/her shift, the new vehicle number shall be updated in DocuPeak.

### 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 their respective Division Commander through the chain of command. Upon approval to use the vehicle for the event, the member will ensure the on-duty field supervisor makes a notation within the DocuPeak System indicating the vehicle number assigned to the member.

This subsection does not apply to those members permanently assigned to individual vehicles (e.g. command staff, detectives, etc.) or members assigned to vehicle transportation duties to and from the maintenance yard or carwash.

### 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

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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, 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 MDC

Members assigned to vehicles equipped with a Mobile Data 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 Public Safety Communications Center for entry into the CAD system. If the member exchanges vehicles during their shift, the member shall notify the Communications Center of the new vehicle number assignment. Use of the MDC is governed by the Mobile Data Computer Use Policy.

#### 703.3.6 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. 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 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.

#### 703.3.7 KEYS

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

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The loss of a specifically assigned vehicle key (e.g. All Terrain Vehicle (ATV), Community Affairs van, etc.) 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 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-Along Policy.

#### **703.3.9 ALCOHOL**

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

#### **703.3.10 PARKING**

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls 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.

All members who receive a parking citation while operating/possessing a City-owned vehicle shall be responsible for paying the fine if it was received during non-police related business.

#### **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 Fleet Maintenance Manager.

#### **703.3.12 CIVILIAN MEMBER USE**

Civilian member members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian member members shall prominently display the "out of service" placards or light bar covers at all times. Civilian member 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. 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 the member's 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.

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#### 703.4.2 UNSCHEDULED TAKE-HOME USE

City-owned vehicles assigned to members for their use within their job assignment may be used to transport the employee to and from their residence for work-related purposes.

#### 703.4.3 SECURITY OF TAKE-HOME VEHICLES

Members may take home Department vehicles only with prior approval of their Division Commander and shall meet the following criteria:

- (a) Off-street parking will be available at the member's residence.
- (b) Vehicles will be locked when not attended.
- (c) 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.

#### 703.4.4 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 employment or appointment status. Residence in the City of Santa Monica is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Santa Monica 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 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 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) Vehicles should only be used for work-related purposes and not for social or personal use. Unless a member has been authorized to travel to an outside event, training, and/or function for work-related purposes, then short and appropriate local trips may be made for personal reasons (e.g. grocery store, pharmacy, etc.).
- (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 Division 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 travelling 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 Division Commanders.
4. When the vehicle is being used by on-call investigators.
- (d) While operating a marked 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, 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 Public Safety Facility and made operational for the member's supervisor, when the member will be away (e.g. on vacation) for an extended period of time. Members shall follow this procedure when:
  1. A member is under the rank of lieutenant and will be away for 10 days or longer
  2. A member holds the rank of lieutenant or above and will be away for 30 days or longer
- (i) The member is responsible for the care and maintenance of the vehicle.

#### 703.4.5 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Santa Monica Police Department or while off-duty, a sworn 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.

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#### **703.4.6 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 the 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 supervisor in charge of vehicle maintenance.
- (d) The Department 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 repair card explaining the service or repair, and leave it on the seat or dash.
- (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**

Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a division supervisor.

#### **703.6 DAMAGE, ABUSE AND MISUSE**

When any City-owned 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).

When a collision involves a City-owned vehicle or when a member of this Department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the California Highway Patrol should be summoned to handle the investigation.

Damage to any City-owned 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 to the shift supervisor. An administrative investigation will be initiated to determine if there has been any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, then appropriate disciplinary action may result.

#### **703.7 TOLL ROAD USAGE**

Law enforcement vehicles are not routinely exempted from incurring toll road charges. Pursuant to the non-revenue policy of the toll roads, law enforcement agencies responding to an emergency or

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incident on the toll roads, while on duty, are exempt from paying the toll. Commuting or returning to the City after an emergency does not qualify for this exemption and personnel using City-owned vehicles are subject to the toll charge.

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

- (a) Members operating City-owned 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 submit a memorandum to their respective 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.