

Vehicle Use

703.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to establish a system of accountability to ensure OPS vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of OPS vehicles and shall not be construed to create or imply any contractual obligation by the State of Office of Protective Services to provide assigned take-home vehicles.

703.2 POLICY

Best Practice

The California Department of State Hospitals provides vehicles for OPS-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the OPS, requirements for tactical deployments, and other considerations.

703.3 SHIFT ASSIGNED VEHICLES

Best Practice MODIFIED

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

703.3.1 OTHER USE OF VEHICLES

Best Practice MODIFIED

Employees 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 indicating the employee's name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

703.3.2 INSPECTIONS

Best Practice MODIFIED

Employees 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 DSH employee 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.

Vehicle Use

When transporting any suspect, prisoner or arrestee, the transporting employee shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All DSH vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.3 SECURITY AND UNATTENDED VEHICLES

Best Practice **MODIFIED**

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.

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

703.3.4 VEHICLE LOCATION SYSTEM

Discretionary **MODIFIED**

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

Employees shall not make any unauthorized modifications to the system. At the start of each shift, employees shall verify that the system is on and report any malfunctions to their supervisor. If the employee 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 Lieutenant approval.

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

703.3.5 KEYS

Discretionary **MODIFIED**

Employees who are assigned a specific vehicle should be issued keys for that vehicle at the beginning of their shift, and shall return the keys at the conclusion of their shift.

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

703.3.6 AUTHORIZED PASSENGERS

Best Practice **MODIFIED**

Vehicle Use

Employees operating DSH vehicles shall not permit persons other than State 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.

703.3.7 PARKING

Discretionary **MODIFIED**

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

DSH vehicles should be parked in assigned stalls. Employees shall not park privately owned vehicles in stalls assigned to DSH 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.

703.3.8 ACCESSORIES AND/OR MODIFICATIONS

Discretionary

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

703.3.9 CIVILIAN NON-SWORN EMPLOYEE USE

Best Practice **MODIFIED**

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

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Best Practice **MODIFIED**

OPS vehicles may be assigned to individual members at the discretion of the Chief of Law Enforcement. 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 employees regular assignment.

703.4.1 ON-DUTY USE

Best Practice **MODIFIED**

Vehicle assignments shall be based on the nature of the employee's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other DSH employees at the discretion of the Hospital Police Chief or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Best Practice

Vehicle Use

Circumstances may arise where OPS vehicles must be used by members to commute to and from a work assignment. Members may take home OPS 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 OPS.
- (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 Office of Protective Services State 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, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Best Practice **MODIFIED**

Assignment of take-home vehicles shall be based on the location of the employee's residence, the nature of the employee's duties, job description and essential functions, and employment or appointment status.

DSH employees 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 employee is not on-duty, vehicle maintenance responsibilities and employee enforcement actions.

Employees are cautioned that under federal and local tax rules, personal use of a State vehicle may create an income tax liability for the employee. Questions regarding tax rules should be directed to the employee'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 Law Enforcement or a Watch Commander gives authorization.
- (b) Vehicles may be used to transport the employee to and from the employee's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a employee has been placed on call by the Chief of Law Enforcement or Watch Commanders and there is a high probability that the employee will be called back to duty.
 - 2. When the employee 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.
 - 3. When the employee has received permission from the Chief of Law Enforcement or Watch Commanders.

California Department of State Hospitals

Policy Manual

Vehicle Use

4. When the vehicle is being used by the Chief of Law Enforcement, Watch Commanders or employees who are in on-call administrative positions.
5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized employees 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 DSH identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the employee's residence unless prior arrangements have been made with the Chief of Law Enforcement 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 employee's residence or the appropriate DSH facility, at the discretion of DSH when a employee will be away (e.g., on vacation) for periods exceeding one week.
 1. If the vehicle remains at the residence of the employee, DSH shall have access to the vehicle.
 2. If the employee is unable to provide access to the vehicle, it shall be parked at the DSH facility.
- (i) The employee is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

Best Practice

When driving a take-home vehicle to and from work outside of the jurisdiction of the California Department of State Hospitals 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 OPS-issued identification. Officers should also ensure that OPS radio communication capabilities are maintained to the extent feasible.

Vehicle Use

703.4.5 MAINTENANCE

Discretionary MODIFIED

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

- (a) Employees shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the employee'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 supervisor in charge of vehicle maintenance.
- (d) DSH 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 employee 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 employees under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 UNMARKED VEHICLES

Best Practice MODIFIED

Vehicles are assigned to various units and their use is restricted to the respective unit and the assigned employee, unless otherwise approved by a unit supervisor. Any employee operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the unit for that purpose. Any use of unmarked vehicles by those who are not assigned to the unit to which the vehicle is assigned shall also record the use with the Watch Commander on the shift assignment roster.

703.6 DAMAGE, ABUSE AND MISUSE

Best Practice MODIFIED

When any DSH vehicle is involved in a traffic collision or otherwise incurs damage, the involved employee shall promptly notify a supervisor. The employee shall complete all required reports prior to the end of his/her shift or going home. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any DSH vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in a memorandum and any other required documentation, and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

Vehicle Use

703.7 ATTIRE AND APPEARANCE

Discretionary **MODIFIED**

When operating any DSH vehicle while off-duty, employees 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 DSH.

703.8 TOLL ROAD USAGE

Discretionary **MODIFIED**

Law enforcement vehicles are not routinely exempted 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) Employees operating DSH 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 State for any toll fees incurred in the course of official business.
- (b) Employees passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Watch Commander within five working days explaining the circumstances.