

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 Berkeley to provide assigned take-home vehicles.

703.2 POLICY

The Berkeley 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 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.

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

703.3.2 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, 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.

703.3.3 MDT

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information. If the vehicle is not equipped with a working MDT, the member shall notify the Communications Center. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

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703.3.4 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.

Access to historical data will require Division Captain approval.

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

703.3.5 KEYS

Members shall not duplicate keys. The loss of a key shall be promptly reported to a supervisor.

Keys to Operations Division vehicles shall be maintained in the Equipment Room. Employees shall return vehicle keys to the Equipment Room upon the conclusion of the vehicle's use or end of their duty shift.

Keys to a City vehicle not assigned to the Operations Division will be maintained within the Bureau/ Unit/Detail to which the vehicle is assigned. To facilitate authorized after hours use of City vehicles not assigned to the Operations Division, keys shall be maintained in a known and accessible location.

The Fleet Manager shall be responsible for the maintenance of an accessible storage location for spare keys to City vehicles assigned to this Department. Employees who remove spare vehicle keys from the established storage location shall record their removal and return on the provided equipment management log. Employees shall return spare vehicle keys to the established storage location prior to the end of their duty shift.

703.3.6 AUTHORIZED PASSENGERS

Members operating department vehicles should 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.

703.3.7 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) should notify a supervisor.

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

703.3.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

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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.

When parking at the Public Safety Building, department vehicles should be parked in assigned stalls. Members should 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.

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 Fleet Manager.

703.3.11 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed. Non-sworn members shall prominently display the "out of service" placards at all times. Non-sworn 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 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.

703.4.2 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) Vehicles will be locked when not attended.
- (d) 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.

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703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the nature of the member's duties, job description and essential functions, and shall comply with City of Berkeley Administrative Regulation 7.1.

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.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Berkeley 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.

703.4.5 MAINTENANCE

Members 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:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the Fleet Manager's responsibility to ensure that department vehicles are 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 Fleet Manager.
- (d) Members shall complete "Defective Condition" forms when a vehicle needs service. The Fleet Manager shall review the forms to monitor the status and repair needs of the fleet, see also the Vehicle Maintenance Policy.
- (e) All weapons shall be removed from any vehicle left for maintenance.

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 Captain. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose.

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703.6 SPECIALTY VEHICLES

Only trained and authorized employees shall operate specialized-use fleet vehicles (e.g., Mobile Command Vehicle, Rescue Vehicle, etc.). However, the Rescue Vehicle may be used by any officer in an emergency situation (e.g., officer down rescue, active shooter, etc.).

703.7 DAMAGE, ABUSE AND MISUSE

When any department 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).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in writing and forwarded to the Fleet Manager and a supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.8 TOLL ROAD USAGE

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) 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 Captain within five working days explaining the circumstances.