

BERKELEY POLICE DEPARTMENT

DATE ISSUED: April 2, 2007

GENERAL ORDER V-4

SUBJECT: POLICE FLEET VEHICLES, MANAGEMENT AND OPERATION

- 1 - The purpose of this Order is to establish basic regulations governing the management of the Berkeley Police Department's motor vehicle fleet and related equipment, and to define the function of the Fleet Manager.

POLICY

- 2 - It shall be the policy of the Berkeley Police Department that City vehicles and related equipment will be used, operated and maintained in compliance with all applicable laws, Departmental Orders, regulations and directives.
- 3 - The use of City vehicles shall be confined exclusively to the proper conduct of City business, both within and beyond the city limits of Berkeley.

EMERGENCY VEHICLE OPERATION

- 4 - The following guidelines will govern an officer's response to calls for service and operation of their authorized emergency vehicle:
 - (a) "CODE 1" - Non-emergency, 'routine' call for service. Officers will respond as soon as practical, operate their vehicle without activation of emergency equipment, and obey all traffic laws.
 - (b) "CODE 2" - A non-emergency call for service requiring an immediate response. Officers will proceed to the assignment without unnecessary delay, operate their vehicle without activation of emergency equipment, and obey all traffic laws.
 - (c) "CODE 3" - An emergency call for service requiring an immediate response. Officers will respond without delay, operate their vehicle with emergency equipment activated (minimally, siren and solid forward red lamp), and proceed with due regard for the safety of all persons and property.
- 5 - Officers may operate an authorized emergency vehicle "Code 3" under the following circumstances:
 - (a) When the situation involves, or has potential for, violence;
 - (b) In response to a public safety emergency or life-threatening situation;
 - (c) When an emergency response will enhance the likelihood of apprehending a suspected felon or armed person;
 - (d) When engaged in rescue operations;
 - (e) While engaged in an authorized vehicle pursuit;

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- (f) To accomplish a traffic enforcement contact; or,
 - (g) When otherwise authorized by a sergeant or command officer.
- 6 - Sergeants and command officers may also operate an authorized emergency vehicle "Code 3" when, in the judgment of the sergeant or commander, such response is necessary to effectively manage a critical incident or emergency situation.

VEHICLE OPERATION

- 7 - All employees operating City vehicles shall have a driver's license which is valid in the State of California and which is appropriate for the class of vehicle driven.
- 8 - All employees operating City vehicles shall drive in a manner that reflects concern for safety and courtesy toward the public.
- 9 - Employees operating non-emergency City vehicles shall obey all traffic laws.
- 10 - Only trained and authorized employees shall operate specialized-use fleet vehicles (e.g., Mobile Command Vehicle, BSHNT Emergency Response Vehicle, etc.)
- 11 - Keys to Patrol Division vehicles shall be maintained in the Patrol Division Equipment Room.
- (a) Primarily assigned for use by Patrol Division personnel, Patrol Division vehicles may be used by other personnel with the approval of a Patrol Division supervisor.
 - (b) Employees shall return Patrol Division vehicle keys to the Equipment Room upon the conclusion of the vehicle's use or end of their duty shift.
- 12 - Employees using Patrol Division vehicles, or other available Patrol Division equipment (e.g., radar gun), shall document the use and return on the appropriate Equipment Sign-out Sheet.
- 13 - Keys to a City vehicle not assigned to Patrol Division will be maintained within the Bureau/Unit/Detail to which the vehicle is assigned.
- (a) During normal business hours, City vehicles not assigned to Patrol Division may be used by personnel other than those assigned to that vehicle's Bureau/Unit/Detail with the approval of that Bureau/Unit/Detail's supervisor, or if unavailable, the supervisor's lieutenant.
 - (b) After normal business hours, approval to use a non-Patrol Division vehicle may be granted by the on-duty Patrol Division watch commander.

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- (1) To facilitate authorized after hours use of City vehicles not assigned to Patrol Division, keys shall be maintained in a known and accessible location.
- 14 - The Fleet Manager shall be responsible for the maintenance of an accessible storage location for spare keys to City vehicles assigned to this Department.
- 15 - Employees who remove spare vehicle keys from the established storage location shall record their removal and return on the provided equipment management log.
- 16 - Employees shall return spare vehicle keys to the established storage location prior to the end of their duty shift.
- 17 - The driver of a City vehicle shall take every precaution to ensure the safety of the vehicle and its contents. Except for instances of emergency or valid reason, employees shall lock the City vehicle and retain the vehicle's keys whenever the vehicle is left unattended.
- 18 - Employees shall not leave a City vehicle in-service that is known to be unsafe, in an unsuitable condition, or with a fuel tank at less than half capacity.
 - (a) Employees designating a Patrol Division vehicle unsafe or unsuitable for service shall return the primary set of vehicle keys to the Equipment Room and cover them with an appropriately labelled status tag (e.g., "Out of Service".)
 - (b) Under normal circumstances, gasoline for City vehicles shall be obtained from the Corporation Yard.
 - (c) In the event gasoline is not available at the Corporation Yard, with approval of a supervisor, fuel shall be obtained from the designated private fuel contractor.
- 19 - Employees using City vehicles shall remove all refuse contained in that vehicle at the conclusion of its use.
 - (a) Vehicle cleanliness and care for installed equipment shall be expected of all personnel.
- 20 - Supervisors shall regularly inspect City vehicles assigned to their Patrol Team, Detail, or Unit for cleanliness and presence of requisite equipment.

SMOKING IN CITY VEHICLES

- 21 - Prohibited by Berkeley Municipal Code and Administrative Regulation, employees shall not smoke tobacco or similar products in City vehicles.

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- (a) Employees should refrain from smoking so close to City vehicles that the smoke/odor could enter and adversely effect the conditions within the vehicle's passenger compartment.

SAFETY BELTS

- 22 - While Vehicle Code §27315(g) exempts public employees operating an emergency vehicle from required use of safety belts, employees are encouraged to use available safety restraint systems, especially while operating an emergency vehicle as authorized by Vehicle Code §§21806 and 21807.
 - (a) Employees operating non-emergency City vehicles shall use available safety restraint systems as required by law and Administrative Regulation.

VEHICLE EQUIPMENT

- 23 - Employees shall remove all personal equipment and supplies from their assigned City vehicle at the end of each duty shift.
- 24 - Only equipment and supplies approved by the Department shall be stored in City vehicles.
 - (a) A list of approved items for City vehicles shall be maintained by the Fleet Manager, and will minimally include:
 - (1) First aid medical supplies
 - (2) Fire extinguisher
 - (3) Highway flares (minimum 12)
 - (4) Measuring device (e.g., "Roll-a-tape" or equivalent)
 - (5) Marking chalk or crayon
 - (6) Approved shotgun with ten rounds of live ammunition.
 - (b) Employees who exhaust flares, first aid kit items, or other approved supplies shall replace them before returning the vehicle for use by another member of the Department.
 - (1) In the event required supplies are unavailable prior to the employee's end of shift, that employee should communicate the deficiency verbally to the on-coming employee who will use the subject vehicle and shall submit a Defective Condition Report form to the Fleet Manager.

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- 25 - Designated City vehicles will have the following auxiliary equipment items:
- (a) Cellular telephone
 - (b) Property and vehicle "trackers" (e.g., Lojack)
 - (c) Personal safety restraint devices (e.g., "The Wrap")
 - (d) Ballistic shields and helmets
 - (e) Personal protective equipment/devices (e.g., ballistic shields and helmets)
 - (f) Tire deflation devices
 - (g) Out-agency communication systems
 - (h) Specialized weapon systems (e.g., less-than-lethal weapons)
- 26 - Any extraordinary modification of existing equipment, or installation of supplemental equipment, on City vehicles shall occur only with the approval of the Chief of Police, or his/her designee.

INSPECTION: DAMAGE AND DEFECTIVE CONDITION

- 27 - Prior to use, whenever practical, the employee shall inspect the vehicle and/or equipment for damage, deficient condition, and contraband.
- (a) Employee's shall report discovered damage and/or deficient conditions to their supervisor as soon as practical, and in writing to the Fleet Manager using a Defective Condition Form prior to the end of the employee's duty shift.
 - (1) The employee will ensure all damage found on the City vehicle is accurately documented on the vehicle's Damage Log.
 - (2) When advised of damage to a City vehicle, the supervisor will examine the reported damage and initial any new entry in the vehicle's Damage Log.
 - (3) If not indicated on the Damage Log or otherwise known, the supervisor will make a reasonable effort to identify the source of the new damage.
 - (b) If practical, the employee will resolve defective conditions discovered during pre-use inspection. Conditions that cannot be resolved by the employee will be referred to the Fleet Manager for corrective action.

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- (c) The employee conducting the inspection will be responsible for ensuring proper disposition of non-police equipment or property found within the Patrol Division vehicle.
 - (1) Personal property of another department employee will be returned to that employee.
 - (2) Abandoned property, items of known or suspected evidentiary nature, weapons or contraband shall be booked into the Property Room and its disposition documented by the inspecting employee via an existing or newly issued numbered police report.
 - (3) In the event contraband or weapons are located, the employee shall notify a Patrol Division supervisor.
 - (i) If directed by a supervisor or command officer, the employee shall submit a memorandum describing the discovery of the contraband or weapon.

COLLISION DAMAGE, VEHICLE REPAIR AND MAINTENANCE

- 28 - All collisions or in-service damage involving City vehicles shall be promptly reported to a supervisor by the involved/witness employee.
- 29 - Employees shall submit non-emergency requests for vehicle repair or maintenance to the Fleet Manager via a Defective Condition Report form.
 - (a) The Fleet Manager will coordinate the requested repair and/or condition correction with Corporation Yard vehicle maintenance supervisor.
- 30 - Unless the privilege is suspended by the Fleet Manager, employees may make requests for minor vehicle repairs or maintenance directly to the Corporation Yard vehicle maintenance supervisor during normal business hours.
- 31 - Employees shall not perform emergency repairs (e.g., change flat tires or correct mechanical defects) to City vehicles. The malfunction shall be reported to the Communications Center who shall request the necessary services from Corporation Yard vehicle maintenance staff.
 - (a) If Corporation Yard vehicle maintenance staff is not available and the involved City vehicle cannot be driven, an authorized tow contractor shall be called.
 - (b) If necessary, the City vehicle shall be towed to the Corporation Yard.
- 32 - When an authorized tow contractor is requested to provide emergency road service for a City vehicle, the employee responsible for the effected vehicle shall secure a completed copy of the charge ticket from the tow truck operator and

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forward it, along with a brief written explanation of the incident necessitating the road service, to the Fleet Manager.

- 33 - In the event of a major collision or other circumstance likely to compromise a vehicle's structural integrity, the City vehicle shall be inspected and declared safe for operation by a Corporation Yard police fleet maintenance mechanic prior to its return to fleet service.
- 34 - When a City vehicle is left at the Corporation Yard for repair or urgent resolution of an unsafe condition, the employee responsible for the vehicle shall ensure a Defective Condition form containing a description of the problem is routed to the Fleet Manager and a copy is communicated to the Corporation Yard vehicle maintenance supervisor (i.e., left with vehicle.)
- 35 - The employee responsible for a City vehicle left at the Corporation Yard, or at the Public Safety Building pending pick up by Corporation Yard vehicle maintenance staff, shall remove the shotgun from the vehicle, if so equipped, and secure it into the Patrol Division Equipment Room weapon locker.
 - (a) The employee placing a weapon into, or removing one from, the Patrol Division Equipment Room weapon locker shall log the activity on the locker's equipment control form.
- 36 - The Fleet Manager will facilitate regular City vehicle maintenance, as scheduled by the Corporation Yard vehicle maintenance supervisor.
- 37 - The Fleet Manager should ensure City vehicles are professionally washed at least once per week.

POLICE VEHICLE FLEET MANAGER

- 38 - The Fleet Manager shall ensure Department fleet vehicles and related equipment are operational and properly maintained.
- 39 - The Patrol Division Commander will designate a Patrol Division sergeant to serve as the Fleet Manager.
 - (a) The Fleet Manager shall be responsible to the Patrol Division Team 1 Watch Commander.
 - (b) The Fleet Manager shall be responsible for all Departmental vehicles and associated equipment, except those assigned to the Support Services Division Traffic Bureau.
- 40 - An officer or sergeant, designated by the Traffic Bureau Lieutenant, shall serve as the Fleet Manager for motorcycles, parking enforcement vehicles, and related equipment assigned to the Traffic Bureau.

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- (a) Unless otherwise directed in this Order, the Traffic Bureau Fleet Manager will have the same responsibilities with respect to indicated Traffic Bureau vehicles as the Patrol Division Fleet Manager does with all other Department vehicles.

41 - Fleet Manager duties shall include:

- (a) Liaison with other City Department's concerned with vehicle operation;
- (b) Preparation of reports and maintenance of relevant records;
- (c) Regular inspection of vehicles and equipment;
- (d) Preparation and execution of maintenance and repair schedules;
- (e) Other duties assigned by the supervising Lieutenant.

42 - The Fleet Manager shall report fleet-related discrepancies or problems beyond the scope of normal maintenance to the supervising Lieutenant.

References: California Vehicle Code §§165(b)(1), 21055, 21806, 21807, 27315(g) and 27315.5
Berkeley Municipal Code §12.70.040
City of Berkeley Administrative Regulation 7.1
General Orders C-16, F-2, E-3 and P-12
Police Regulations 234, 336 and 337
Patrol Procedures Manual