# SAMPLE POLICE DEPARTMENT

**Take-Home Vehicles**

NOTE: This document is for internal use only. It does not establish a legal duty or standard of care for civil liability or enlarge an employee’s civil or criminal liability in any way. A violation of this policy may only form the basis for internal discipline by this agency and then only in a non-judicial administrative setting.

###### PURPOSE AND SCOPE

The purpose of this policy is to establish conditions concerning department assigned take-home vehicles including eligibility, use, care, maintenance and security, and suspension of privileges, and is applicable to all sworn personnel of the SAMPLE Police Department. This policy supplements procedures and guidelines outlined in this department’s Vehicle Car and Usage SOP (#).

###### POLICY

* 1. It is the policy of the SAMPLE Police Department to implement a take-home vehicle program which assigns law enforcement vehicles to officers to be used to commute to and from work. This program is intended to benefit officers by providing them with a reliable and convenient form of transportation and to accomplish the following goals that will benefit the public, the city, and the police department:
		+ 1. Enhance public safety through increased presence and visibility of police vehicles in the community.
			2. Enhance the rapid response of off-duty officers to designated emergencies,
			3. Enhance the ability of officers subject to frequent callback to respond more effectively.
			4. Enhance the level of vehicle performance and appearance through a scheduled preventive maintenance program.
			5. Reduce vehicle annual mileage per vehicle and per‐mile maintenance costs while increasing the life expectancy of the vehicle.
			6. Provide additional incentives to enhance recruiting opportunities.

###### DEFINITIONS

* + 1. Take-Home Police Vehicle:A marked or unmarked police vehicle assigned for use by eligible officers that, when not in use, is parked at the officer’s primary place of residence, at designated secure locations, or at a strategic location for crime prevention purposes where it is readily available for use.

###### PROCEDURE

* 1. Eligibility for Assignment
1. Upon availability, and when approved by the Chief of Police, full-time, sworn, non-probationary officers may be assigned a take-home vehicle.
2. The assignment of a take-home vehicle is at the discretion of the Chief of Police. Priority consideration may be given to the following eligible officers when assigning a take-home vehicle:
	* + 1. Officers who reside in, or who are in reasonable proximity to, this jurisdiction, so they can quickly respond to callbacks. *(If the municipality assigns take-home vehicles to officers residing outside of the jurisdiction, they may wish to establish a limit on the distance officers may drive home, ex. 25-mile radius; and/or require the vehicle be parked at a government building or other secure location within the distance limit if they reside further than the established distance.)*
			2. Officers who are subject to frequent callback to major crimes or emergencies, e.g., command, administrative, investigative personnel.
			3. Officers who require a specific vehicle to perform their required duties, e.g., SROs, K-9 officers.
3. All department vehicles are subject to inspection and/or search at any time by a supervisor without prior notice, with or 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.
	1. Use of Assigned Take-Home Vehicles
		1. Department vehicles are to be used for official use only. Official use is defined as conducting department related purposes such as driving to and from work; department related travel; pre-approved training; department meetings; court proceedings; special events; on-call reporting requirements; and call to duty requirements. *(Municipalities should define any additional uses of the assigned take-home vehicle of permitted, ex. personal errands, off-duty employment.)*
		2. Except in exigent circumstances, vehicles will only be operated by members of this department, Reserve Officers under the direct supervision of a certified officer, or authorized service personnel.
		3. Off-duty officers assigned take-home vehicles are required to operate the vehicle in compliance with the Federal, State, and local laws and department policy.
		4. Non-municipal employees are prohibited from riding in assigned take-home vehicles unless it is directly related to municipal business or in exigent circumstances. *(Although not recommended, municipalities may allow an officer to transport family members or other non-employees in the assigned take-home vehicle in limited circumstances. However, before making this decision a review should be conducted of the information found at* [*www.losscontrol.org*](http://www.losscontrol.org)*, under Reference Documents, by keyword search* ***NEMV-001, NEMV-002*** *and* ***NEMV-003****.)*
			1. Off-duty officers may, however, offer temporary assistance to motorists with a disabled vehicle who need immediate assistance. Ideally, any transport in this circumstance should be conducted by on-duty personnel but may be permitted with authorization of the on-duty supervisor.
			2. If take-home vehicles are to be used for off-duty transportation of non-employees, officers will ensure that passengers abide by the following rules:
			3. Passengers will be appropriately attired when being transported in a take-home vehicle.
			4. Passengers shall use seat belts or other legal restraints.
			5. Passengers will comply with appropriate department regulations while in the vehicle, including appropriate behavior and conduct for children and the nonintervention of adults in any official police activity.
			6. Passengers will abide by all instructions provided during an emergency response. If an off-duty officer must respond to a call for service, for instance, civilians being transported in the vehicle may be dropped off at a safe location, if possible.
		5. Off-duty officers will dress appropriately whenever operating a take-home vehicle. Officers will wear or have immediate access to some type of identifying attire, i.e., department approved shirt, hat, jacket, traffic vest or display their badge, along with ready access to their identification card, an authorized sidearm, handcuffs and soft body armor that will allow them to be identified and function as a police officer.
		6. Off-duty officers will always activate the police radio at an audible volume *(and in-car camera if equipped)* while operating the assigned take-home vehicle.
			1. Self-initiated calls are not permitted except in an emergency. Off-duty officers that become aware of the need for additional responding units should alert communications of their availability and location and await approval to respond from the on-duty supervisor.
			2. In accordance with department policy regarding Off-Duty Conduct: Arrests, officers should not enforce minor violations such as traffic offenses, minor misdemeanors, or other nuisance offenses when off-duty. On-duty personnel should be contacted to respond to situations where an off-duty officer becomes aware of such violations and enforcement action is needed. Refer to Off-Duty Conduct: Arrests SOP *(#).*
			3. Pending the arrival of on-duty personnel, officers may stop and lend assistance at accident scenes where personal injury is apparent or reasonably likely. In other motor vehicle collisions, officers may engage in traffic control and management at the scene if needed.
			4. While off-duty and in civilian attire, officers operating take-home vehicles shall render assistance when observing or summoned to a violent or other incident that reasonably represents a threat of serious bodily harm or death.
	2. Care, Maintenance and Security
	3. Vehicles left unattended will always be locked, and all weapons and equipment secured. This includes vehicles parked and left running at the police department. Keys or key fobs should not be left in the vehicle unless necessary for the vehicle to remain running.
	4. Vehicles shall be parked off-street at the officer's residence unless otherwise authorized by the Chief of Police or his/her designee. Unless the vehicle is secured inside a locked garage, all firearms or other weapons shall be removed and properly secured whenever unattended.
	5. Officers on extended leave (normally for one week or more) will leave the assigned take-home vehicle at the department at the end of the shift preceding the start of the extended leave.
	6. Assigned take-home vehicles should be clean, fueled, and equipped with all authorized and assigned equipment necessary to respond to calls as if the officer is beginning a tour of duty.
	7. Officers are responsible for ensuring routine and regular inspections, cleaning, maintenance, and repairs, of their assigned take-home vehicle in accordance with department policy and procedures.
4. No additional engine parts or any type of equipment will be added to or installed on a department vehicle including but not limited to window tint, tags, bumper stickers/decals, or any other like item displaying a graphic or word message without prior approval of the Chief of Police.
5. No vehicle or installed equipment will be modified in any way except by a certified technician with prior approval of the Chief of Police.
	1. Suspension of Take-Home Vehicle Privileges:

The loss or suspension of an officer’s take-home vehicle privileges may occur for the following reasons:

1. Excessive accidents or unsafe driving.
2. Mechanical abuse/neglect.
3. Uncleanness.
4. Failing Inspections.
5. If the officer is on light duty, leave of absence, leave without pay, administrative or disciplinary leave.
6. Any other reason or cause deemed appropriate by the Chief of Police or his/her designee.

APPROVED: CHIEF OF POLICE DATE

I HAVE READ AND UNDERSTAND THIS ORDER

SIGNATURE OF OFFICER DATE

***DISCLAIMER***

***NOTE****: These documents are being provided to you by the AMIC/MWCF Loss Control Division and are not intended to be legal advice. They do not identify all the issues surrounding a particular topic. Laws and “Best Practices” change and policies must be continually reviewed and updated as needed. Public agencies are encouraged to review their procedures with an expert or an attorney who is knowledgeable about the topic. Reliance on this information is at the sole risk of the user.*