

## 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 Columbus to provide assigned take-home vehicles.

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

### **703.2 POLICY**

The Columbus 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.

- (a) All vehicles in the police department fleet are owned by the City of Columbus.
- (b) All department vehicles shall be maintained in accordance with guidelines established by the Police Department.

### **703.3 DEFINITIONS**

**Intensive Use Vehicle**-A vehicle assigned to the general fleet and available for use by employees engaged in police department business.

**One-to one program**- A program in which a predetermined number of department vehicles are issued to officers for their primary on-duty use. In addition to official use, the program permits officers to take their assigned vehicles home during their off hours and provides for other use as is pre-approved by the Chief of Police and officers meet the criteria set forth

**One-to-one vehicle**- A department vehicle assigned to the one-to-one fleet and in the possession of a participating officer

### **703.4 USE OF VEHICLES**

The Administrative Lieutenant should maintain a vehicle assignment list, indicating member assignments and vehicle numbers. If a member changes vehicles during his/her shift the Administrative and Patrol Lieutenant shall be notified via email prior to the end of shift, including the reason. If the change in vehicles is the result of damage from a motor vehicle accident, a command staff member shall be notified immediately.

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#### 703.4.1 OTHER USE OF VEHICLES

Members utilizing a vehicle other than their assigned 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 Patrol Lieutenant for determination on if such use could interfere with the vehicle's need.

This subsection does not apply to those who are assigned to transport vehicles to and from maintenance or car wash.

#### 703.4.2 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 shall 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 or contraband have not been left in the vehicle and that the person did not do any damage.

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.

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.

#### 703.4.3 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) and that vehicle is not equipped to continue running without the key i.e. Ford Run Lock or Police Engine idle lock feature, that allows them to run but not be driven without a key. 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.

The only time an officer may leave keys in a CPD squad car while it is running, unattended and locked, is when any of the following apply:

- (a) The vehicle is not equipped with the ability to run without a key.
- (b) A CPD supervisor has authorized it.

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

#### 703.4.4 MOBILE DIGITAL COMPUTER (MDC)

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC, which includes a GPS program, and ensure the GPS system is functioning prior to

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operation of the vehicle. Operation without operation of the GPS will only be allowed when any of the following apply:

- (a) The member is called in for an emergency situation requiring immediate response. In this situation the member shall sign in as soon as practical.
- (b) With supervisor approval.
- (c) If driving to or from routine maintenance appointments.

If the vehicle is not equipped with a working MDC, the member shall notify a supervisor immediately. Use of the MDC is governed by the Mobile Digital Computer Use policy.

#### 703.4.5 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 when on duty.

Members shall not make any unauthorized modifications to the system.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require supervisory approval.

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

#### 703.4.6 KEYS

Members should be given access to vehicle keys as part of their initial equipment distribution. Members who are assigned a one-to-one vehicle should be issued keys for that vehicle. The keys for intensive use vehicles shall be kept in the key box in the equipment room when not in use. Officers shall not keep the keys between shifts for intensive use vehicles even if there are not any other apparent scheduled users. The vehicles and their keys must be available for other purposes when not being used as originally assigned.

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

#### 703.4.7 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, unless pre-approved by the Chief of Police.

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#### 703.4.8 ALCOHOL

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

#### 703.4.9 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.

Department vehicles should be parked in assigned stalls at the department. Members shall not park privately owned vehicles in stalls designated to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor.

#### 703.4.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the Chief of Police or his/her designee. This also includes stickers or novelty items being attached to any part of the exterior or interior of the vehicle, including an MDC..

#### 703.4.11 CIVILIAN MEMBER USE

In the event a Civilianmember would use a marked emergency vehicle, they shall ensure that all weapons have been removed before going into service. These uses are rare, with the exception of special events where members of the Columbus Police Department Auxilary are assistig, such as at a special or community event. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

### **703.5 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.

#### 703.5.1 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.

#### 703.5.2 OFF DUTY USE

Department vehicles shall be authorized for off duty use when traveling to or from home before or after a tour of duty, when driving to or from routine maintenance appointments or with prior approval from the Chief of Police

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#### 703.5.3 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 the member's employment or appointment status. Residency within 15 Statute Miles (as the crow flies) of the city limits of the City of Columbus is a requirement for assignment of a take-home vehicle. Members who reside outside the 15 miles of the City of Columbus will be required to secure the vehicle at the department when off duty. Take home vehicles may not be kept anywhere other than the members residence.

Department members shall agree to 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 (one-to-one) vehicles include the following:

- (a) The Administrative Lieutenant shall administer the one-to-one vehicle program.
- (b) Participation in the program shall be voluntary
- (c) Eligibility requirements for participation include the following:
  - 1. Officers primary assignment shall be as a uniformed officers
  - 2. Officer must reside within 15 Statute Miles of the corporate city limits
  - 3. Officer must have successfully completed his/her probationary period.
  - 4. Officer must have achieved a successful rating on most recent performance evaluation.
- (d) An administrator, who resides within 15 Statute Miles of the corporate city limits, is automatically eligible for the one-to-one vehicle at the authorization of the Chief of Police.
- (e) Vehicles shall be used for work-related purposes or maintenance as outlined in this policy..
- (f) Vehicles may be used to transport the member to and from the member's residence for work-related purposes (i.e. maintenance, training, court, special events, etc)
- (g) While operating the vehicle, authorized members will carry and have accessible their duty firearm, badge and identification, handcuffs or flex-cuffs, note-taking material, and be prepared to perform any function they would be expected to perform while on-duty.
- (h) The two-way communications radio must be on and set to an audible volume when the vehicle is in operation.
- (i) Unattended vehicle are to be locked and secured at all times. No Key shall 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), unless the vehicle

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is not equipped to run without a key. All weapons shall be secured when the vehicle is unattended. They may remain in approved mounts or locked in the trunk. All department identification, portable radios and equipment should be secured.

- (j) Vehicles should 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 in a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence unless the vehicle is covered by properly working video surveillance and the vehicle is off street and, on the member's private property (see the Firearms policy regarding safe storage of firearms at home).
- (k) When vehicles are parked on the street near the member's residence, officers shall comply with all parking regulations of the local jurisdiction where the officer resides. During periods where the officer cannot park on the street, officers must park their one-to-one vehicles at a location other than the street. (see the Firearms Policy regarding safe storage of firearms at home). Officers are responsible for knowing and following local regulations and violations will be the responsibility of the officer. Violations may result in discipline and removal from the program.
- (l) Vehicles are to be secured at the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods of 3 consecutive work days or more, unless authorization is obtained from the Administrative Lieutenant. The assigned vehicle must be accessible by the department at any time if kept at the officer's residence. Officers who are on vacation but remain at their residence may retain the use of their one-to-one squads. Notification of this intent must be made to the Administrative Lieutenant or Chief of Police. When the assigned officer is on extended leave or modified duty, the one-to-one vehicle may be temporarily reassigned.
- (m) The member is responsible for the care and maintenance of the vehicle.
- (n) Only Columbus police personnel are permitted to operate the one-to-one vehicle.
- (o) All policies, procedures, rules, and regulations of the Columbus Police Department shall apply to officers operating one-to-one vehicles off duty.
- (p) Officers are not deputized in any adjoining counties and have no legal authority outside the City of Columbus, except by statute in the case of an emergency situation. When officers encounter a true emergency while on their way to the department or on their way home, a supervisor shall be immediately notified as soon as the emergency has been addressed.
- (q) The department reserves the right to suspend the privilege of a one-to-one vehicle for cause and impose discipline, up to and including termination; e.g. failure to abide by one-to-one guidelines, failure to maintain adequate performance ratings, etc. The Administrative Lieutenant shall have the authority to reassign one-to-one vehicles based on the needs of the department.
- (r) Non-department members may ride as passengers in the on-to-one vehicle when it is operated off-duty, with prior authorization from the Chief of Police. Officers are responsible for the actions of all passengers.

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- (s) The one-to-one vehicle may not be used in the course of any secondary employment.
- (t) The Administrative Lieutenant shall issue unmarked one-to-one vehicles, with approval of Chief of Police. Usage of the unmarked one-to-one vehicles is subject to the same policies set forth for the marked one-to-one squads absent the following exceptions:
  1. the Chief of Police is already assigned a one-to-one vehicle
  2. The Chief of Police will establish the Lieutenant's vehicle usage.

#### 703.5.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Columbus Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or of bodily harm exists (Wis. Stat. § 175.40(6m)(a)) (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification, badge and note taking materials. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

#### 703.5.5 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 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) In the case of a repair other than an oil change, members may be directed to utilize the spare squad until the repair is completed. Some repairs may span multiple days dependent upon the maintenance facilities ability to schedule it and/or obtain the needed parts.
- (e) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) A minimum of twice a year supervisors shall make inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy. This does not prevent any supervisor from conducting a random inspection at anytime as permitted by this policy.

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#### **703.6 UNMARKED VEHICLES**

Unmarked vehicles are assigned to respective members, specifically command staff, and will not be operated by other members unless otherwise approved by a supervisor. Any use of unmarked vehicles by those who are not assigned to the vehicle shall also be recorded with the immediate supervisor and an email sent to the Administrative Lieutenant with the reason for the operation.

#### **703.7 DAMAGE, ABUSE AND MISUSE**

When any department vehicle is involved in a traffic crash or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic crash report shall be filed with the agency having jurisdiction (see the Traffic Crash Response and Reporting Policy). If the crash occurs in the City of Columbus, the Columbia County Sheriff's Office or the Wisconsin State Patrol shall be contacted, respectively, to complete the required motor vehicle crash reports.

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

Department vehicles are not to be used to push or pull other vehicles, whether department or civilian. Department vehicles may be used to jump-start other department vehicles only, provided proper safety procedures are followed.

#### **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.

#### **703.9 SPECIAL PURPOSE VEHICLES**

##### **703.9.1 SURVEILLANCE VEHICLES**

Surveillance vehicles, if available, are unmarked vehicles that are not identifiable as police vehicles and are intended to be used for covert intelligence gathering operations. Surveillance vehicles will allow several officers to conduct surveillance operations from inside the vehicle with equipment such as cameras, listening devices, etc.

Due to the lack of emergency equipment, surveillance vehicles shall never be used in pursuit. Surveillance vehicles shall be used for covert intelligence gathering operations only. Use of these vehicles should be limited, to prevent their identification as police vehicles. A supervisor must approve the use of surveillance vehicles for any other purpose.

Uniformed officers will not operate the surveillance vehicles, unless authorized by a supervisor for exigent circumstances. Surveillance vehicles shall not be used as a general patrol vehicle, nor shall they be used for the purpose of transporting prisoners.

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Keys for the surveillance vehicles are kept in the key box in the equipment room. Surveillance vehicles will be maintained by the Patrol Lieutenant.

Officers authorized to use surveillance vehicles are responsible for the care of the assigned vehicle.

Surveillance vehicles do not contain any special equipment. They are not equipped with any emergency lights, sirens, radios, or other emergency equipment.

#### 703.9.2 UTILITY TERRAIN VEHICLE (UTV)

The UTV is ideal for special events because of its mobility and capacity to reach places not accessible by car. It also has unique patrol applications because of its ability to allow officers to reach isolated locations such as parks and trails.

Absent exceptional circumstances, the UTV should not be used to transport prisoners.

Officers utilizing the UTV'S for general patrol should notify a supervisor before using it. The vehicle will generally not be used for street patrol but may be used for patrolling unique locations that are not accessible by car. While equipped with emergency lighting, the UTV shall not be used in vehicle pursuits.

Anyone born on or after January 1, 1988 is required to complete a UTV course through the DNR in order to operate the vehicle. Safety certification is obtained by completing a classroom course or an approved internet course.

The UTV may be driven on roadways to get to and from patrol locations. Wis. Statute 23.33(4) allows operation of the UTV on roadways when the operation is related to "the functions of the municipality." UTVs used for enforcement and emergency purposes are exempt from registration requirements per Wis. Stat. 23.33(2)(b)(4)

The headlights shall be on whenever the vehicle is being operated unless the necessities of the assignment dictate otherwise. Passengers shall wear seatbelts when the vehicle is moving unless the circumstances make seatbelt use impractical or unreasonable.

The UTV will be maintained by the Patrol Lieutenant.

Officers authorized to use the UTV are responsible for the care of the vehicle.