

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 Town of Sylva to provide assigned take-home vehicles.

703.2 POLICY

The Sylva 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, increased accountability, as well as, a recruitment tool and to retain employees.

703.3 QUALIFICATIONS

- (a) Have completed the Field Training Program.
- (b) Agree to adhere to the rules and regulations set forth by this policy.
- (c) Must reside within Jackson County or an adjacent county, and are able to regularly arrive at work within a 30-minute travel time. This distance may be extended by 10 minutes in individual cases upon written approval from the Chief of Police and the Town Manager.
- (d) Any violation of Agency or Town Policy may result in a disciplinary action and the revocation of the assigned take home vehicle.

703.4 USE OF VEHICLES

703.4.1 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.

All department vehicles and the vehicle's contents 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.

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703.4.2 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, 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.

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

703.4.3 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. 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.

703.4.4 VEHICLE LOCATION SYSTEM

Modern Patrol and other police vehicles, are usually equipped with the technology 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. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member 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 personnel other than supervisors will require Lieutenant approval.

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

703.4.5 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

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

703.4.6 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than Town 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. In limited situations the Chief of Police or Assistant Chief of Police may authorize family members to ride in department vehicles. This authorization shall be in writing when practical.

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703.4.7 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the Fleet Coordinator. Vehicles will not be altered unless approved by the Chief of Police or the Assistant Chief of Police. No unauthorized equipment shall be placed in or on any department vehicle and no unauthorized bumper stickers, decals or tags will be displayed in or on the vehicle.

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 by the Chief of Police or their designee. 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 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) Off-street parking will be available at the member's residence.
- (d) Vehicles will be locked when not attended.
- (e) 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.

703.5.3 ASSIGNED VEHICLES

A designee will be assigned by the Chief of Police to coordinate and manage the agency's fleet. This coordinator will assign department vehicles to the Officer when the Officer meets the eligibility requirements. When the Officer assignment requires a change from one type of vehicle to another (for example, transferring from patrol to detective division) the vehicle assignment may be reassigned by the Chief or Assistant Chief.

Assignment of take-home vehicles should 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

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employment or appointment status. The location of a member's residence is a prime consideration for assignment of a take-home vehicle. Members who reside outside the Town of Sylva may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police. It is the member's responsibility to arrange the location and insure prudent security measures are in place.

Department members 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 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 Town vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Assignment and use of take-home vehicles shall meet the criteria in N.C.G.S. § 14-247 and N.C.G.S. § 143-341(8)(i)(7a).

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 Police or a Lieutenant gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Stops for personal business shall be kept to a minimum and may only be made within the town limits of Sylva.
- (d) Officers are not permitted a take-home vehicle until they have successfully completed the Field Training Program.
- (e) Vehicles will not be used when off-duty except:
 - (1) In circumstances when a member has been placed on call by the Chief of Police or Lieutenants and there is a high probability that the member will be called back to duty.
 - (2) When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - (3) When the member has received permission from a Lieutenant or higher.
 - (4) When the vehicle is being used by the Chief of Police, Lieutenants or members who are in on-call administrative positions.
 - (5) When the vehicle is being used by on-call investigators.
- (f) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (g) Unattended vehicles are to be locked and secured at all times.

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- (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 department identification, portable radios and equipment should be secured.
- (h) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee.
 - (i) Vehicles should not be parked in an area in which the locations conditions are likely to cause damage, such as tree sap, soot, airborne chemicals or high activity.
 - (j) If a departmental vehicle is going to left unattended, it should be in an approved location by the Chief of Police and the location of the vehicle should have reasonable security measures.
 - (k) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
 - (1) If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - (2) If the member is unable to provide access to the vehicle, it shall be parked at the Department.
 - (l) The member is responsible for the care and maintenance of the vehicle.

703.5.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the Sylva Police Department's jurisdiction, Officers are not to engage in police activities while off duty and when not requested. Should an officer encounter a violation while enroute to or from work, he or she is to notify personnel in that jurisdiction to handle such matters. Officers will not be compensated for unauthorized work. Policies relating to working without permission shall apply as well. Members only have police authority within the Town limits of Sylva and the one mile extra territory surrounding the Corporate Limits.

Officers are prohibited from engaging in any police or enforcement actions while outside of their jurisdiction.

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also insure 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. It is the member's responsibility to keep the assigned vehicle clean, fueled,

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check & maintain proper tire pressure, and check oil and other fluids. 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 shall be performed as necessary by town staff or at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) It is the member's responsibility to follow the department's protocol for documenting the service/maintenance needs and delivering the vehicle to town maintenance.
- (e) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (f) All law enforcement officer identification, including badges or identification cards and weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors should make, at a minimum, monthly inspections of vehicles assigned to members under their command to insure the vehicles are being maintained in accordance with this policy.

703.5.6 IDLING VEHICLES PROHIBITED

Whether on or off duty, members should refrain from unnecessarily leaving their assigned vehicles running and unattended, except during an initial warm up period. Vehicles containing a person or animal, such as K-9 vehicles, are allowed to idle to assure the welfare of the occupants.

703.6 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 Motor Vehicle Crashes Policy).

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 Sergeant. The sergeant should determine if there was any vehicle abuse or misuse.

703.7 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.