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## 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 Santa Ana to provide assigned take-home vehicles.

### 703.2 POLICY

The Santa Ana 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 FIELD OPERATIONS ASSIGNED VEHICLE PROGRAM

All patrol officers shall have a vehicle assigned to them. In the event his/her assigned vehicle is unavailable, the officers shall utilize a pool patrol car. In the event no pool patrol cars are available, the officer shall contact the Watch Commander for approval to drive another officer's assigned patrol vehicle. For further details refer to the Field Operations Assigned Vehicle Program Procedure.

#### 703.3.2 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) shall first notify the Watch Commander. A notation will be made on the shift assignment roster indicating the member's name, badge # and vehicle number.

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

#### 703.3.3 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 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 accessible by the person before and after that person is transported.

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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.

#### 703.3.4 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.

#### 703.3.5 MDC

Members assigned to vehicles equipped with a Mobile Data Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify Communications Division. Use of the MDC is governed by the Mobile Data Computer Use Policy.

#### 703.3.6 AUTOMATED VEHICLE LOCATOR SYSTEM (AVL)

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. At the start of each shift, members shall verify the system is on and report any malfunctions to their supervisor. If the member finds 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.

Communications personnel are authorized to utilize AVL information to select and dispatch a unit to a call for service based on their location. Additionally, Communications personnel are authorized to utilize AVL information to locate field personnel involved in an emergency or perceived emergency situations including, but not limited to, pursuits, emergency button activations, or a lack of response to radio transmissions. Communications personnel shall verify that all in-service personnel with AVL Systems are displayed on the AVL screen in Communications and/or the Computer Aided Dispatch System, and shall notify any unit when their AVL System is not properly functioning. Notification of the failure shall also be made to the user's immediate supervisor so appropriate action can be taken.

AVL database information may only be accessed and subsequently reviewed by employees participating in a departmental sanctioned investigation, such as a personnel complaint, claims investigation, administrative inquiry or criminal investigation. Any other review requires the express approval of the Chief of Police or his designee.

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In accordance with the City of Santa Ana retention policy, all AVL database information shall be maintained for a minimum of 2 years.

#### 703.3.7 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.

#### 703.3.8 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.

#### 703.3.9 ALCOHOL/DRUGS

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). Members who have ingested drugs or prescription medication that affects a person's ability to safely operate a motor vehicle are also prohibited from operating any department vehicle. Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

#### 703.3.10 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. Members shall 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. Privately owned motorcycles shall be parked in designated areas.

#### 703.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the Vehicle Committee Chairperson.

#### 703.3.12 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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#### **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 shall be suspended if a member is placed on administrative leave, suspended or is otherwise unable to perform his/her regular assignment (ex. long term IOD).

##### **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 written 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) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Santa Ana City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) 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.

##### **703.4.3 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 duties, and employment or appointment status. Members who reside outside the City of Santa Ana may be required to secure the vehicle at a designated location or at the Department at the discretion of the Chief of Police.

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 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 vehicles include the following:

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- (a) Employees are permitted to use an unmarked City vehicle for limited personal use to ensure an expeditious response to the City or related crime scene with the following conditions:
  - 1. The City vehicle will be equipped at all times with the necessary equipment to respond directly to a crime scene or other location as directed by the member's supervisor and/or his/her designee.
  - 2. Family members are permitted to ride in unmarked City vehicles as passengers, but are prohibited from driving the City vehicle unless an emergency exists.
  - 3. Transportation of passengers who are not department members' family members is strictly prohibited unless the transportation is necessary for a legitimate Department related purpose, or if an emergency exists.
- (b) The two-way communications radio, and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (c) Unattended vehicles are to be locked and secured at all times.
  - 1. No key should be left in the vehicle except when it is necessary to leave the vehicle 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 identification, portable radios and equipment should be secured.
- (d) 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. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (e) Members whose bargaining unit grants the use of take home vehicles will be governed by the guidelines established in their respective Memorandums of Understanding.
- (f) 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 thirty days.
  - 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.
- (g) The member is responsible for the care and maintenance of the vehicle.

#### 703.4.4 ENFORCEMENT ACTIONS

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

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Officers may render public assistance when it is deemed reasonable (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should ensure 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 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 assigned vehicles for damage.
- (b) It is the Central Distribution Center's (CDC) responsibility to ensure assigned 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 department supervisor in charge of vehicle maintenance.
- (d) CDC shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When the vehicle is in need of repair, the member will complete a vehicle repair card explaining the service or repair, and leave one copy with CDC and another copy on the seat or dash.
- (f) All weapons shall be removed from any vehicle taken for maintenance.
- (g) CDC personnel shall make, at a minimum, monthly inspections of vehicles assigned to members to ensure the vehicles are being maintained in accordance with this policy.

#### **703.5 UNMARKED VEHICLES**

Vehicles are assigned to various bureaus and their use is restricted to the respective bureau and the assigned member, unless otherwise approved by a bureau supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the bureau for that purpose. Any use of unmarked vehicles by those who are not assigned to the bureau to which the vehicle is assigned shall also record the use with the Watch Commander on the shift assignment roster.

#### **703.6 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 memorandum

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format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

### **703.7 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 using a toll road during a response to an emergency shall notify, in writing, the appropriate Bureau Commander within five working days explaining the circumstances of the toll road use.

### **703.8 ATTACHMENT**

See attachment: [Take Home Agreement.pdf](#)

## **Attachments**



## **Take Home Agreement.pdf**

**Santa Ana Police Department**  
Take-Home Vehicle Agreement

# Memorandum

**To:** Central Distribution Center (CDC)  
**From:** \_\_\_\_\_  
**Date:** \_\_\_\_\_  
**Re:** TAKE-HOME VEHICLE AGREEMENT

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I, \_\_\_\_\_, have been assigned a vehicle owned/leased by the Santa Ana Police Department ("Department"). I understand Department vehicles may be assigned to individual members at the discretion of the Chief of Police, assigned vehicles may be changed at any time, and permission to take the vehicle home may be withdrawn at any time. I have read, understand, and will comply with Santa Ana Police Department Policy 703 (Vehicle Use) and the requirements set forth in 703.4 through 703.4.5 – Individual Member Assignment to Vehicles.

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Name/Badge #

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Signature

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Date