

<b>CLEARWATER POLICE DEPARTMENT</b> 645 Pierce Street Clearwater, FL 33756		
<b>TAKE-HOME VEHICLES</b>		178
<b>REVISED DATE</b>	<b>EFFECTIVE DATE</b>	<b>C.F.A. STANDARDS</b>
	March 8, 2002	

178.001	Policy	178.20	Vehicle Maintenance and Inspection
178.10	Procedure	178.30	Off Duty Operation

**178.001 Policy** - It is the policy of the Clearwater Police Department to implement and maintain a Take Home Vehicle Program, whereby authorized personnel will be assigned a police vehicle. The objectives of the program are: 1) to provide enhanced police services; 2) to increase the visibility of marked police vehicles to deter crime and deter traffic violations; 3) to provide for rapid mobilization of off-duty personnel during emergency or disaster situations; 4) to decrease average vehicle operating costs through increased vehicle life and decreased maintenance repair costs; and 5) to increase the response time of specialized units to crime scenes. The policy applies to all personnel who are assigned take-home vehicles, other than Command Staff. Take home vehicles are a privilege, not a right and as such assignments and restrictions are not grievable. Command Staff personnel with assigned cars are allowed the use of the vehicle as provided by contract and direction from the Chief of Police.

178.002 Definitions - For the purposes of this policy, marked vehicles are defined as those vehicles that are equipped with both lights, siren, and are marked with CPD insignia and graphics. Unmarked vehicles are equipped with both lights and siren but do not have CPD insignia and graphics. Administrative vehicles are unmarked vehicles which may have an emergency light or lights but do not have sirens.

**178.10 Procedure** - The distribution and assignment of take home vehicles will be under the authority and at the discretion of the Chief of Police, or designee, based on operational needs and the availability of vehicles. All personnel will operate their assigned police vehicles in accordance with the following guidelines:

178.101 Employees shall operate vehicles only when in uniform or other proper attire. Personnel shall not wear tank-top shirts, t-shirts with vulgar expressions, thong shoes or other inappropriate attire. Personnel shall have in their immediate control an agency-issued uniform jacket or vest with insignia, which will be put on when exiting the vehicle to take police action. Sworn personnel are required to carry those items listed in 178.30 when operating department vehicles.

178.102 Enforcement Responsibilities -

- (A) Within City of Clearwater - Off-duty sworn operators of marked, unmarked, or administrative vehicles shall stop and render necessary assistance, take appropriate police action, and summon additional help when observing the commission of felonies or the commission of misdemeanors involving breach of the peace (e.g. reckless driving, D.U.I.'s, etc.), crashes or highway hazards, when operating take home vehicles.
- (B) Operations Outside City of Clearwater but Within Pinellas County – Sworn Operators of take home vehicles outside the city limits, but within the limits of Pinellas County, when observing the commission of felonies or the commission of misdemeanors involving breach of the peace shall render reasonable aid, summon additional help from the agency having jurisdiction, or take other police action as permitted under the Pinellas County Interlocal Mutual Aid Agreement.

- (C) Operations outside of Pinellas County - Off-duty operators of take home vehicles, (either marked or unmarked) shall report to the local law enforcement agency having jurisdiction, any observations involving the commission of felonies, the commission of misdemeanors involving the breach of the peace, vehicle crashes or highway hazards.

178.103 Off-duty operators of vehicles, marked or unmarked, shall not conduct traffic stops for infractions, unless they present a serious threat to the safety of others and the offense occurs within the city limits of Clearwater.

178.104 Operators of vehicles shall not transport alcoholic beverages when operating the vehicle and shall not park the vehicle at adult entertainment establishments or liquor stores, unless during the course of official business.

178.107 As required by City policy, personnel that accept a take home vehicle and reside outside of a 15-mile radius from the Clearwater Police Department main station at 645 Pierce Street, shall reimburse the City of Clearwater for a portion of the commuting expense. The reimbursement must be paid through a payroll deduction. The rate of reimbursement per pay period shall be calculated by:

- A) Take the roundtrip straight-line distance from the CPD Main Station to employee's residence and subtract 30 miles;
- B) Multiply the product of (A) by \$.29 per mile;
- C) Multiply the product of (B) by 177 for employees working 10-hour shifts, 221 for employees working 8-hour shifts, or 155 for employees working 12-hour shifts;
- D) Divide the product of (C) by 26 pay periods.

178.1071 Employees that are determined by the Chief of Police to be eligible for a take home vehicle will complete a *Take Home Vehicle Employee Cost – Payroll Deduction Form* indicating acceptance of the take home vehicle and authorizing the payroll deduction. Any changes (i.e. change in shifts, change of address) that impact the calculation for rate of reimbursement shall be reported immediately by the employee on the *Take Home Vehicle Automatic Payroll Deduction Change*. All forms are to be submitted to the Support Services Division Commander who will forward the original to the Finance Department/Payroll and a copy to the Personnel and Training Section for inclusion in the employee's departmental file.

178.1072 Employees that are issued a take home vehicle will complete the *Take Home Vehicle Employee Cost – Payroll Deduction Form* each year as part of the employee's annual evaluation process.

**178.11 Restrictions on Vehicle Operations** - The following restrictions apply to personnel operating police vehicles:

178.111 Members on suspension shall not be issued a take home vehicle and must turn in the vehicle and keys when placed on suspension to their supervisor.

178.112 Members shall not operate vehicles after consuming alcoholic beverages unless consumption is required in the performance of their official duties and then only with the specific consent of a supervisor and without violating any established laws.

178.113 Members assigned to a light duty position shall not operate or be assigned a take home vehicle, unless approved by the Division Commander.

178.114 During vacations or any leave of more than five (5) working days, personnel, except Command Staff members and members of Management Staff, shall leave their take home vehicles secured at their district station. The

keys shall be left at the district station where the District Commander can access them. Personnel need not leave their vehicles at the district if during the leave time they remain at their residence.

- 178.115 Unattended take home vehicles shall be legally parked and locked at all times,. Personnel shall not leave sensitive information, public documents (other than reference material), weapons, or evidentiary items in the passenger compartment of a take home vehicle while off-duty.
- 178.116 Personnel shall not utilize their vehicles for personal towing, carrying heavy or excessive loads, and will not have any objects tied to the roof or protruding from the trunk or windows.
- 178.117 Personnel shall not utilize the vehicle for outside employment purposes except for those jobs where the employee is traveling to or from their CPD assignment, and except for those jobs that are law enforcement in nature.
- 178.118 Employees will not operate their vehicles in such a way as to cause public criticism.
- 178.119 Operators of take home vehicles are prohibited from operating in emergency mode when transporting family members.
- 178.120 Violations of this policy may result in disciplinary action and could result in the revocation of take home car privileges at the discretion of the Chief of Police.
- 178.121 Employees in the Take-Home Vehicle Program, who are involved in a crash/property damage incident with a department vehicle that is ruled “Preventable”, will lose their take-home vehicle privilege as noted below:

1<sup>st</sup> Crash – No loss of take-home vehicle.

2<sup>nd</sup> Crash within two (2) years of the first crash – Four Pay Periods

3<sup>rd</sup> Crash within two (2) years of the first crash - Thirteen Pay Periods

The employee will have until the date indicated on a memo resulting from the Crash Review Board’s decision, or the *Take Home Vehicle Payroll Deduction Change Form* if the officer has payroll deduction for mileage, to make arrangements to relinquish his/her assigned vehicle. The employee will not be issued another city vehicle and will make arrangements to travel to and from work in his/her personal vehicle or find other means of transportation. This policy excludes specialty vehicles such as the Command Bus, SWAT Van, Hostage Negotiator Vehicle, or any other vehicle deemed a specialty vehicle.

- 178.20 Vehicle Maintenance and Inspection - Agency personnel are responsible for the maintenance of their assigned vehicles. Scheduled maintenance will be coordinated with the Police Service Technicians assigned to vehicle transport duty. Personnel will be responsible for routine maintenance, such as checking the tire pressure, all fluid levels, etc. Personnel will also be responsible for the interior and exterior cleanliness of the vehicle by utilizing the department’s authorized car wash procedures unless approved by the District Commander. Employees may be subject to disciplinary action for failing to maintain their assigned vehicle in proper working order or if there are signs of mechanical abuse or uncleanliness. All vehicle maintenance shall occur on duty. No compensation will be made for any maintenance performed off-duty.
- 178.21 Supervisors shall inspect the assigned vehicles on a biannual basis and document the inspection in an employee log.
- 178.211 If the take home vehicle becomes disabled, the employee will arrange for the contract wrecker service to tow the vehicle or make specific arrangements with the City Garage for the repair of the vehicle. Employees are expected to take steps to change tires, in cases outside of the City of Clearwater, rather than calling the contract tow service. If the vehicle breaks down out of the area, the City Garage should be contacted to make arrangements to either have the vehicle towed or fixed and charged to the City.

- 178.22 If a take home vehicle is down for maintenance, the employee may be temporarily assigned a vehicle from the pool, if one is available. The District Commander shall make assignments. Pool cars will not become take home vehicles. Employees will need to make other transportation arrangements when scheduled maintenance occurs or their vehicle becomes disabled.
- 178.23 Take home vehicles will be fueled at the city's remote fueling stations, whenever practical. Employees taking department vehicles out of town on department business will procure fuel at commercial stations using an authorized credit card. Fuel will not be otherwise procured unless authorized by the Chief of Police or his representative.
- 178.24 Any personnel wanting to install personally owned equipment in their take home vehicle must obtain approval from the Support Services Division Commander and the City Vehicle Maintenance Supervisor.
- 178.30 Off-Duty Operation - Employees operating a marked police vehicle shall have in their possession the following items when operating the vehicle off-duty:
- A) An approved firearm with which the employee has qualified;
  - B) A department badge and identification card;
  - C) Handcuffs;
  - D) Portable radio
  - E) Department issued lightweight jacket, traffic vest, road vest, or any other clothing identifying the employee as a police officer.
- Plainclothes sworn personnel, while not expected to take official police action, shall have the aforementioned items readily available.
- 178.301 Employees operating a marked police vehicle while wearing the official uniform, shall wear the uniform in its entirety, including gun belt with appropriate firearm, weapons, and equipment as required in 204.10 and 204.11.
- 178.31 Personnel who engage in lawful police action while off-duty are entitled to compensation for actual time in accordance with FLSA rules and applicable bargaining agreements. For the purposes of this general order, on-duty status begins when the employee reports for line-up or to work.
- 178.310 Personnel engaging in lawful police action while off-duty and operating a department vehicle will immediately notify the Communications Center, via police radio, of their identity, location, and the nature of the incident in which they have become involved. The Communications Center will then notify the on-duty supervisor of the off-duty employee's involvement in the incident.
- 178.311 The Communications Center shall make arrangements to have the off-duty employee relieved as soon possible by an on-duty officer. If the off-duty officer needs to complete any paperwork with regard to the action taken, it should be completed during the officer's next tour of duty, unless other circumstances dictate the completion of the paperwork immediately.
- 178.32 Personnel will utilize their badge number or permanent radio call sign while identifying themselves on the police radio.
- 178.33 Take home vehicles may be used for de minimis personal use within the tri-county area (Pinellas, Pasco, and Hillsborough). Personal use is limited to driving to and from work; transporting immediate family members while on the way to and from work; or completing errands while traveling to and from work only, except as outlined below for marked patrol vehicles within the City of Clearwater. Employees shall report any personal

use beyond de minimis use to their respective payroll preparer so that the personal use can be accurately recorded in compliance with applicable IRS codes.

- 178.331 Assigned marked patrol vehicles for members who live within the corporate limits of the City of Clearwater may utilize the assigned marked patrol vehicle for personal business within the corporate limits of the City of Clearwater only, with the following restrictions:
- (A) Except as required in the performance of duty, officers may not drive the vehicle to any location whose primary business is the sale or distribution of alcoholic beverages or to any location whose primary business is an adult use establishment. Officers will not transport alcoholic beverages in the patrol vehicles.
  - (B) Carrying or towing of any objects will not be permitted, nor will the carrying of objects that protrude from the trunk or windows be permitted.
  - (C) Officers may use the marked patrol vehicle to transport family members who reside at the officer's residence or other employees of the City of Clearwater.
  - (D) Officers will be required to monitor the police radio in the marked patrol vehicle when off duty. If circumstances as outlined in 178.102 occur, the officers are expected to take the appropriate action.
  - (E) Officers on administrative leave, suspension, or in light duty assignments will not drive assigned marked patrol vehicles in an off-duty capacity.
  - (F) Any members who use a marked take home vehicle for personal business beyond de minimis use, shall report the personal use to their respective payroll preparer so that the personal use can be accurately recorded in compliance with IRS regulations.
- 178.34 Employees and their passengers are expected to observe all traffic regulations, including seat belt usage and all policies of the Clearwater Police Department while operating a take home vehicle. Only employees of the Clearwater Police Department or the City of Clearwater are authorized to operate city vehicles.

**END**