

## Vehicle Use

### 703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department-owned 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 Colorado State University to provide assigned take-home vehicles.

### 703.2 POLICY

The Colorado State University Police Department provides vehicles for department-related business use 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 OTHER USE OF VEHICLES

Members (who are assigned a take-home vehicle) 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 Shift Supervisor.

#### 703.3.2 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 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 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.

#### 703.3.3 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

# Colorado State University Police Department

## Policy Manual

### *Vehicle Use*

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lights, warming the vehicle during inclement weather and 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.

#### 703.3.4 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 Dispatch. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

#### 703.3.5 KEYS

Members shall not duplicate keys without approval from the vehicle liaison or the appropriate Division Commander. The loss of a key shall be promptly reported in writing through the member's chain of command.

#### 703.3.6 AUTHORIZED PASSENGERS

Persons who are not Department employees may accompany the officer as passengers when the vehicle is authorized to be driven off-duty. Members are responsible for the proper appearance and conduct of all passengers. The safety of passengers rests solely with the member operating the vehicle.

When asked to respond to a call with non-sworn personnel as passengers, members may first leave the passengers at a convenient and safe location and then respond to the call. If there is no opportunity to leave passengers, the officer must notify the Communications Center that he/she is unable to respond.

#### 703.3.7 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle while under the influence. Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

#### 703.3.8 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.

## *Vehicle Use*

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### 703.3.9 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the appropriate Division Commander or the vehicle liaison.

### 703.3.10 CIVILIAN MEMBER USE

Civilian members are not authorized to operate marked emergency vehicles.

## **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.

If the member is assigned a marked take-home vehicle, and is on authorized light-duty status, the marked vehicle must be parked at the Department and not be driven. Driving a marked vehicle while on light duty, places the member at risk and creates a liability to the Department should the member have to take action while on light duty. The Department is not obligated to provide the member on light duty an un-marked vehicle. Any temporary accommodations will be at the discretion of the Chief of Police or authorized designee.

If the member is assigned an un-marked take-home vehicle, and is on authorized light duty, the use of that vehicle will be at the discretion of the Chief of Police or authorized designee during this time.

### 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 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the nature of the member's duties, job description and essential functions, employment or appointment status, provided the employee resides within a 25 mile radius of the Colorado State University Police Department.

Members are cautioned that under federal and local tax rules, personal use of a University 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:

- A. Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports except as outlined below, unless special circumstances exist and when practical, the appropriate Division Commander is notified.
  1. Brief errands which occur during a member's commute to and from the workplace, including stops for food or other incidental needs. Such errands should be extremely limited in duration and scope.

# Colorado State University Police Department

## Policy Manual

### *Vehicle Use*

---

- B. Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- C. Vehicles will not be used when off-duty except:
  - 1. In circumstances when a member has been placed in an on call status. The Division Commander's will notify employees when they are in an on-call status.
  - 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 vehicle is being used by on-call personnel.
- D. While operating the vehicle, authorized members will carry and have accessible their duty firearm, badge and commission card, and an easily recognizable apparel that identifies the member as a police officer so they are prepared to perform any function they would be expected to perform while on-duty.
- E. The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- F. 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 that the vehicle be left running (e.g., continued activation of emergency lights, equipment charging).
  - 2. All weapons shall be secured while the vehicle is unattended.
  - 3. All department identification, portable radios and equipment should be secured.
- G. Vehicles should be parked off-street at the member's residence. If off-street parking is not available, then the vehicle should be parked as near to the residence as possible. If the vehicle is not secured inside a locked garage and is not equipped with anti-theft devices to secure all firearms and kinetic impact weapons, they shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- H. 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.
- I. The member is responsible for the care and maintenance of the vehicle.

#### 703.4.3 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Colorado State University Police Department or while off-duty, an officer shall not initiate enforcement actions

## *Vehicle Use*

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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).

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

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

### **703.4.4 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) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

### **703.5 SPECIAL PURPOSE VEHICLES**

The Operations Commander or the authorized designee shall ensure that procedures are established governing the use of all special purpose vehicles. Special purpose vehicles include, but are not limited to:

- Vehicles used by tactical teams.
- Off-road vehicles.
- Aircraft.
- Vehicles used for emergency response call outs or special events.

The procedures should include, but are not limited to:

- Objectives of the vehicle's use.

## *Vehicle Use*

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- Authorized uses (e.g., who can use the vehicle, when the vehicle can be used, limitations when using the vehicle).
- Instructions for vehicle use.
- Training or qualifications required for a member to operate the vehicle.
- Assignment of vehicle maintenance responsibilities.
- Equipment assigned to the vehicle (including emergency lights and siren).

### **703.6 DAMAGE, ABUSE AND MISUSE**

When any department vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction (see the Traffic Accident Response And Reporting Policy).

Damage to any department vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered, documented in an incident report and forwarded to the Shift Supervisor. An administrative review will be conducted to determine if there has been any vehicle abuse or misuse.