

RESOLUTION NO. R2007-83

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ADOPT A POLICY FOR USE AND OPERATION OF MOTOR VEHICLES ASSIGNED TO EMPLOYEES WITHIN THE SIGNAL MOUNTAIN POLICE DEPARTMENT.

WHEREAS, the Town Council of the Town of Signal Mountain, Tennessee is authorized to adopt personnel rules for employees within the Town pursuant to Article VIII, Section 3 of the Town Charter; and

WHEREAS, the Town Manager has recommended the adoption of certain personnel rules for Town employees;

BE IT RESOLVED by the Town Council of the Town of Signal Mountain, Tennessee that the Town Manager is authorized to adopt a policy for use and operation of motor vehicles assigned to employees within the Signal Mountain Police Department, a copy of which is attached hereto.



MAYOR



RECORDER

DATE

12-10-2007

DATE

12-10-2007

PAN/kac

Use of Signal Mountain Police Department Vehicles

PURPOSE

The purpose of this order is to establish policy and procedure for the most efficient use of motor vehicles of the Signal Mountain Police Department.

Section 1 DEFINITIONS

Officer – Sworn law enforcement personnel of the Signal Mountain Police Department.

Department Vehicle – Any motorized vehicle or equipment owned and duly titled or leased by the Town of Signal Mountain and assigned to the Police Department.

Take-home Vehicle – A department vehicle assigned to a single officer who is allowed to take the vehicle home during off-duty time.

Assigned Vehicle – A department vehicle assigned to a single officer without take-home status. Such vehicles must be parked at police headquarters.

Immediate Family – Family member who actually lives in the employee home.

Waiver – Form, signed by the employee, approved by TML Risk Management Pool and the Town Attorney, assuming liability and holding harmless the Town of Signal Mountain for any injuries or damages of any kind sustained by immediate family members while occupying a Town/Department vehicle.

Section 2 ASSIGNMENT

- A. Individual assignment of vehicles
1. Vehicles will be assigned in a manner, which will insure maximum utilization toward the achievement of the Police Department goals.
 2. Vehicles will be assigned to individuals for full time retention and use only on approval of the Police Chief. Assignments are subject to availability of vehicles, longevity/seniority and proximity of place of residence to the Town limits.
 3. Officers become eligible for an assigned vehicle, subject to availability, upon employment by the police department. After three years of satisfactory service, officers become eligible for take-home

status, subject to residency requirements. Officers who live inside the Town limits of Signal Mountain become eligible for take-home status after one year of satisfactory service.

4. Only officers living within 15 road miles of the Town limits of Signal Mountain will be allowed to drive police vehicles home. All other officers will park the vehicles at police department headquarters.
5. Assignment of vehicles to individuals will be considered as a privilege to be enjoyed as long as all rules and regulations are obeyed.
6. Vehicle shall be assigned to each officer individually and shall not be utilized by any other officer unless approved by the Police Chief. Vehicles that are assigned without take-home status are subject to use as need dictates.
7. Officers without take-home status may be granted temporary take-home privileges in cases such as when an officer has training or court scheduled during off-time. All such cases must be approved by the Chief of Police.

- B. Police Department Vehicles must at all times display the issued authorized license tag. Unmarked vehicles will display government tags unless otherwise authorized by the Police Chief.

Section 3 DRIVER'S RESPONSIBILITIES

- A. No officer shall operate a department vehicle without a driver's license, valid in the state of Tennessee, issued to said member, and on his/her person at the time of operation.
- B. All employees and/or passengers occupying a Police Department Vehicle will wear a seat belt at all times, whether on or off duty, while the vehicle is in operation.
- C. Drivers will not leave vehicles unattended with keys in the ignition, nor unnecessarily leave the motor idling for extended periods, as it is damaging to engines. It is also the responsibility of each driver to insure the following methods for reducing fuel consumption are strictly adhered to:
 1. Strict observation of the speed limit and all traffic laws.
 2. Reduce unnecessary idling of vehicles.

3. Reduce the use of the car whenever possible for other than police business.
- D. Officers using Police Department vehicles will be responsible for the following:
1. Reporting all deficiencies promptly to the Police Chief or Fleet Manager, via the established chain of command. Deficiencies will be reported on a standardized maintenance form.
 2. Keeping a detailed maintenance log on their assigned vehicle. Supervisors will obtain a copy of all maintenance logs and submit them to the Fleet Manager each month.

Section 4 ACCIDENTS

A. Reporting

1. All accidents involving vehicles must be reported immediately, and a supervisory officer called to the scene.
2. All accidents involving Police Department vehicles will be worked by Tennessee Highway Patrol or the Sheriff's Department. All accidents will be reported as soon as possible to the Chief. This - notification will be the responsibility of the operator of the vehicle.
3. All accident reports must include a statement of the facts from the driver of the vehicle and supervisory officer called to the scene.
4. It will be the responsibility of the driver involved in the accident to submit, through the proper channels to the Police Chief, all reports pertaining to any damage to the vehicle.

B. Arrest

1. Personnel involved in accidents with a Department vehicle will not issue a summons or make an arrest of the driver of the vehicle for a traffic violation. This will be the responsibility of the investigating officer.
2. In cases where the driver of the Department vehicle actually observes the other driver commit a traffic violation, which causes

the accident, the driver of the Department vehicle shall appear in court and testify.

3. Make no statements, except to authorized persons.

Section 5 PERSONAL VEHICLE PROGRAM

A. Goals

1. Promote the security of the citizens of Signal Mountain by providing greater visibility and presence of vehicles on the streets and highways.
2. Increase police/community relations through mutual understanding of Police Departments' objectives by increased personal contacts and services performed by the members.
3. Deter crime by limiting the opportunity of criminals to commit an act by the presence of more vehicles.
4. Provide quicker response time to certain types of calls and therefore increase the opportunity to apprehend criminals.
5. Reduce the yearly mileage on each vehicle, therefore increasing vehicle life.
6. Reduce maintenance cost on each vehicle in the fleet.
7. Provide quicker response of off-duty personnel when called back to duty because of an emergency.
8. Provide increased incentive and morale of officers participating in the program.
9. Maintain vehicles in top condition through preventive maintenance and personalized assignment.

B. Police

1. Vehicles are assigned to an officer on a regular and permanent basis.
2. The use of the vehicles while off duty shall be considered a privilege and not an automatic fringe benefit or employment right.

3. Marked vehicles may be driven when an officer is off duty if he is in uniform and **WHEN NOT IN UNIFORM, FOR OFFICIAL DEPARTMENT BUSINESS ONLY** (Examples: Maintenance, court appearances, etc.) **EXCEPT AS PROVIDED BELOW.**
4. Incidental personal use during the commute from home to work and from work to home will be allowed. Such incidental use may include drop-off and pick-up of immediate family members (for example, to/from school) and/or personal errands (pick-up or drop-off of personal items, etc.) Officers will not possess, purchase or transport alcoholic beverages, while operation a department vehicle.
5. The Chief of Police and Police Captain may drive an assigned vehicle for other than official department business. In so doing, they must make themselves available to duty and respond at any time their presence is needed or requested. Such use is restricted to within a 30 minute non-emergency and 20 minute emergency response area.
6. For the purpose of significantly increasing police visibility and presence within the Town, officers who reside within the Town limits may also utilize the police vehicle for personal business at other times, provided the use is restricted to the Town limits of Signal Mountain.
7. A waiver must be provided to the Town Manager before any family member can be transported in a Town vehicle.

C. General regulations, vehicle operation, and maintenance regulations

1. General regulations
 - a. Officer will not presume any special privileges with a vehicle while off duty.
 - b. Unattended vehicles of off duty officers must be locked at all times, and weapons, portable radios, and other valuables will be removed from the vehicle or locked in the trunk. The above items will be removed from the vehicle if it is left at the garage for repair.
 - c. General orders pertaining to officer on duty will also apply to officers off duty when driving a Police Department vehicle.

- d. Unless otherwise authorized by this policy, police vehicles will be used outside of Signal Mountain town limits ONLY on official business.
- e. Vehicle will not be utilized for carrying heavy or excessive loads and will not have objects protruding from the trunk or windows.
- f. Officers participating in the program are subject to call outs.
- g. The Chief of Police, with approval of the Town Manager, may add, delete, or revise vehicle rules/regulations as needed to provide current policy to cover situations regarding needs of the Department.

2. Vehicle operation regulations

- a. All officers assigned vehicles on a personal basis shall exercise good judgment in utilizing them and shall not drive, use, or park vehicles in such a manner that will cause unfavorable comment or reflect discredit upon the department.
- b. Officer operating vehicles off duty on official business should be appropriately attired to effectively perform a police function while at the same time presenting a favorable public image.
- c. Only authorized personnel are permitted to operate vehicles.
- d. Off duty officers will monitor the frequency of the Police Department while they are traveling at all times and restrict radio communications to Departmental business only. When operating a department vehicle, off duty officers must be armed and body armor must be in the vehicle and readily accessible.
- e. Officers using vehicles off duty must advise the dispatcher and on-duty Supervisor when they are near an emergency or call for service.
- f. Passenger safety rests solely with the officer operating the vehicle.

- g. If responding to a felony call with non-sworn personnel as passengers the officers will first deposit the passenger at a convenient location and then respond to the call consistent with Department regulations. In all such cases, the officer will notify headquarters that he is responding.
- h. Emergency runs will not be made while the vehicle is occupied by passengers. (this does not apply when other sworn members of the Department or injured or ill persons are riding as passenger while said vehicle operator is making an emergency run to protect life and property)
- i. When responding to a call involving a felony while off duty, officers may be required to handle the call in order to best preserve and/or handle evidence and maintain continuity.
- j. Off duty units are responsible for handling or referring to an on duty car, all incidents coming to their attention and, if the incident is referred, for the rendering of any aid necessary until on duty units arrive.
- k. While sworn police officers are not on duty during commutes between their place of employment and place of residence, officers are expected to take action on incidents they may encounter. Any time spent responding to or handling such incidents is considered work time and should be reported as soon as practical.

3. Maintenance regulations

- a. Any officer with an assigned or take-home vehicle shall ensure that all maintenance checks are completed in a timely manner and any damage is properly reported. Failure to meet these requirements shall be grounds for withdrawing vehicle privileges or other disciplinary action.
- b. Before any adjustments or maintenance are made the Police Chief must be contacted.
- c. Receipt for repairs made should be turned in directly to the Police Chief.
- d. Officers assigned vehicles shall be fully responsible for the general maintenance and proper care of the vehicle. They shall refrain from:

1. Making anything but minor adjustments.
 2. Altering the body, general design, appearance, markings, or mechanical or electrical systems.
 3. Making any repairs or having any repairs made to the vehicle other than at the authorized garage.
 4. Using fuel, oil, lubricant, or other liquid additives in the vehicle other than those authorized by the Department.
 5. Removing, altering, or repositioning equipment supplied within and outside the vehicle.
 6. Adding equipment which is not Department owned or supplied (i.e. extra radio receivers, gun mounts, speakers, antennas, and other add on equipment), unless approved by the Police Chief.
- e. Officers will be responsible for the appearance and cleanliness of vehicles, both interior and exterior. The vehicle will be kept clean at all times.
- f. Officers with take home vehicles:
1. Will wash and wax vehicles at their own expense during off duty time or may have vehicle washed at the Police Department. All vehicles shall be kept as clean as possible. (inside and outside).
 2. Are required to have all maintenance, service or repairs done during off-duty time or on day shift. Work should be scheduled with the garage prior to taking vehicles in for service, if possible.
- g. Officers shall at all times drive vehicles with reasonable prudence in order to maintain them at the highest degree of operating efficiency.
- h. Damage of any type to vehicles caused by negligence of officers will be cause for disciplinary action.
- i. Damage to any vehicle for which the officer is not at fault will be handled by the Department at no expense to the Police Officer.

- j. Willful negligence on the part of officers in the care or operation of vehicles or failure to follow rules and regulations will be cause for taking away vehicle assignment privileges.
- k. Supervisors must inspect subordinate officer's vehicles for damage and undue "wear and tear" on a monthly basis. Any abuse of department equipment shall be reported to the Fleet Manager and shall be grounds for disciplinary action.

Section 6 USE OF POLICE VEHICLE IN OFF-DUTY EMPLOYMENT

1. Generally, officers are prohibited from using city owned police vehicles when performing outside employment. This includes commuting to and from an off-duty, outside job.
2. In some circumstances, the Chief of Police may determine that the use of a city owned police vehicle in a police officer's outside employment would benefit the community and/or enhance the safety of the community.

An example of such an instance would be using the police vehicle to assist in directing traffic around a roadway construction site when the officer has been hired by the construction company or utility company to provide traffic control.

1. Officer must obtain the permission of the Chief of Police *prior* to using the police vehicle in an off-duty, outside employment capacity.
2. Officer must be attired in appropriate police uniform, readily identifiable as an officer of the Signal Mountain Police Department.
3. As with all other outside employment, officers will be governed by the policies, procedures and rules and regulations of the Signal Mountain Police Department.
4. No such use will be permitted outside the Town limits of Signal Mountain.

* Except where exempted or excluded by this policy, officers must also adhere to all guidelines, rules and regulations set forth in the Town of Signal Mountain Vehicle Policy