
Police Department Standby Vehicle Policy

706.1 PURPOSE AND SCOPE

This document establishes a policy regarding the effective usage of City of San Luis Police Department vehicles assigned to employees for standby duty. Frequently, employees will use these city vehicles for take home purposes to be on-call, attend training or use outside of their normally scheduled shifts (i.e. surveillance) or as a part of their regular assignment (i.e. Investigations).

This policy does not apply to Police Department employees using Police Department vehicles (i.e. marked patrol cars, assigned detective vehicles) as part of their normally scheduled shift during the course of their regularly scheduled duties.

Employees assigned a Police Department standby vehicle can be authorized to take a vehicle home when the employee is assigned to duties which may require an immediate response to a work related event requiring the employees presence or when an employee is required to have immediate access to specialized vehicles, tools, or equipment. Employees may be assigned a standby vehicle when traveling to a school, conference or other work related activity. Vehicle assignments will be based primarily on the operational needs of the department.

A Police Department employee must not use the standby vehicle for personal purposes, other than for commuting or de minimis use.

Note: This policy is a supplemental policy of the City Standby Vehicle Policy and to Police Department Policy Manual 706, Vehicle Use. Police Department employees using other City vehicles, not assigned to the Police Department, must follow the policies written in the City Standby Vehicle Policy.

706.1.1 DEFINITIONS

For the purposes of this policy:

De minimis means a minimal amount of use secondary to the primary vehicle use of benefit to the City. Example: A stop for a brief personal errand on the direct route between work and the employee's home.

Employee means any individual employed by the City of San Luis Obispo.

Standby duty is defined as that circumstance which requires an employee so assigned to: Be ready to respond immediately to a call for service; be readily available at all hours by telephone or other agreed-upon communication equipment; and refrain from activities which might impair his/her assigned duties upon call.

706.2 PROCEDURES:

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706.2.1 ABSENCES

Should an employee with a Police Department standby vehicle be unable to perform standby duties, they must return or make arrangements to return the standby vehicle on the next business day.

706.2.2 PASSENGERS/COMMUTING IN POLICE DEPARTMENT STANDBY VEHICLES

Police Department standby vehicles may be used for carpooling if the employee is transporting another City employee.

For the purposes of conducting City related business, it may be necessary to transport other passengers (i.e. suspects, victims, witnesses, work/business related passengers). The need to transport other persons in a Police Department standby vehicle will be determined on an as needed basis. Employees will use discretion keeping in mind the safety, practicality and liability of such transports. Employees should seek supervisor approval prior to transporting others.

Police Department standby vehicles will not be used to transport family members or other passengers not engaged in City business.

Professional standards of conduct will apply to all occupants of the Police Department standby vehicle at all times including appropriate use of safety equipment such as seat belts. Each passenger must have their own seatbelt.

706.2.3 CITATIONS AND VIOLATIONS

An employee who is operating a Police Department standby vehicle is required to pay for moving violations and/or parking citations incurred when using a vehicle for which he/she is responsible.

706.2.4 COMPLIANCE WITH IRS RULES

As long as Police Department standby vehicles are being used for work related business, Law Enforcement vehicles are exempt from the Internal Revenue Code requiring that the value of personal use of a City owned vehicle be reported as taxable income to the employee.

706.2.5 OTHER EMPLOYMENT/ACTIVITIES

Police Department standby vehicles shall not be driven to and from other non-City employment or for personal activities not related to the scope of the employees expected duties. Employees may be assigned a Police Department vehicle for unrestricted business use with the understanding that there be allowed limited personal use within San Luis Obispo County in order to monitor and use the Police/Emergency service radio and equipment pertinent to the employees duty expectations. Other personal use may be approved in advance by the Police Chief, excluding vacation and recreation trips.

706.2.6 PUBLIC PERCEPTION

Use of a Police Department standby vehicle by an employee is neither a right nor a privilege; rather, it is a trust conferred to facilitate necessary performance of job duties. Use of a Police Department standby vehicle should always lead to positive perceptions by our citizens. The City's Code of Ethics states under Section II, Code of Ethics, B.

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Actions and Conduct Designed to Build Public Confidence. Employees should be impartial and dedicated to the best interests of the City. They should conduct themselves, both inside and outside the City's service, so as not to cause distrust of their impartiality or of their dedication to the City's best interests.

706.2.7 RESIDENCY REQUIREMENT

Employees are not permitted to use a Police Department standby vehicle for travel between home and the work site if they reside more than 90 minutes outside the City limits.

706.2.8 SAFETY

Police Department standby vehicles shall be operated in a safe and courteous manner at all times. Drivers must have an appropriate valid driver's license for the vehicle they are operating. While all employees are on the DMV Pull Notice Program, if driver's license status changes, the employee must notify their supervisor and the Human Resources Manager by the close of the next business day. Drivers are required to comply with the laws and ordinances concerning operation of motor vehicles and rules of the road and shall not be operated by an individual using or under the influence of drugs and/or alcohol. Seat belts for drivers and any passenger must be fastened at all times.

It is the employee's responsibility to check to make certain that all vehicle safety equipment is working properly. Any vehicle damage or defect affecting the safe operation of the vehicle must be documented and reported to the employee's supervisor and the Fleet Maintenance Supervisor.

706.2.9 SMOKING

Smoking and the use of tobacco products are prohibited in Police Department standby vehicles.

706.2.10 TOWING AND TRANSPORTING PERSONAL ITEMS

Other than transporting incidental daily necessities Police Department standby vehicles shall not be used for towing personal items or transporting personal property from one place to another.

706.2.11 VEHICLE STORAGE AND SECURITY

An employee who is assigned a vehicle while on standby, especially those with City equipment stored in them, must take reasonable precautions to secure and safeguard all City property. When possible, employees will provide secure, off-street parking for standby vehicles.

706.3 EXAMPLES

The following are examples of standby vehicle use that are likely to be allowed or not allowed under this policy and the IRS definition of de minimis use. (Note: These examples are just that: examples to help guide implementation of this policy.)

706.3.1 ALLOWED €“ CONSIDERED DE MINIMIS USE

- (a) Jim makes a brief stop at a grocery store for a non-alcoholic item on the direct route while on the way home from work.

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- (b) Joe stops by the bank and uses the ATM machine on the way to work before his scheduled shift.
- (c) Lynn lives in Morro Bay, but often stays over at her friend's house in Atascadero. While her friend's house is not on the route between work and home, this is allowed if Lynn is using the friend's house as her residence that night.

706.3.2 NOT ALLOWED

- (a) Mary lives in Atascadero, but decides to take the City vehicle to dinner in Morro Bay. This would not be allowed as the City would be incurring gas and vehicle usage cost, and a negative public perception may be created.
- (b) Bob drops off his daughter at school on the way to reporting to work. Only transportation of City employees is allowed.
- (c) Doug stops at a furniture store on the direct route between home and work to transport a new sofa. While no additional miles are being driven, this could lead to negative public perception when the public views a sofa in the back of a City truck.
- (d) Barbara and Jake are dating. Barbara lives in Nipomo and Jake lives in Los Osos. Barbara often goes to dinner at Jake's house in Los Osos. Barbara should not be taking the standby vehicle to Jake's house as the trip to Los Osos would not be considered a de minimis trip.
- (e) Greta lives in Paso Robles and uses the standby vehicle to visit her mother in Nipomo. This would not be considered de minimis use as the City would be incurring gas and vehicle usage costs.
- (f) Shawn makes a brief stop at a winery to pick up his recent wine order. This could be interpreted negatively by the public and Shawn should not be transporting alcohol in his City vehicle.
- (g) On Kyle's day off he goes to the barber to get his haircut. The barber is on the direct route between home and work. The standby vehicle should not be used for personal errands that are not part of the workday commute.
- (h) After work one evening, Chris stops by an equipment rental business and rents a tow-behind cement mixer for use at his home. The standby vehicle should not be used to tow non-City owned or rented equipment for personal use.