

OFFICE OF THE CITY ADMINISTRATOR

STATEMENT OF POLICY

Distribution Date: 11-8-19

**EFFECTIVE DATE: Upon Distribution**

**POLICY NO: 2019-08**

**SUBJECT: Police Department Take-Home Vehicle Policy**

**POLICY:**

**Section 1 - General Rules**

1. At the City's discretion, the City may assign a take-home vehicle to a Police Officer ("Officer") pursuant to the terms of this policy. Having a take-home vehicle is a privilege, not a right. Failure to comply with this policy and all other applicable laws, rules, policies, and procedures will result in the loss of the privilege and will result in discipline, up to and including termination of employment.

2. A take-home vehicle may be provided to Officers hired after the effective date of this policy who have and maintain at all times either:

- A. A current New Mexico Law Enforcement Academy Certification; or
- B. A current Certification by Waiver from the New Mexico Law Enforcement Academy.

The City shall not provide a take-home vehicle to an Officer who is not NMLEA certified and does not have a Certification by Waiver from NMLEA.

3. Prior to being provided with a take-home vehicle, the Officer shall provide the City with a verifiable address for the Officer's residence. The Officer shall notify the City in writing immediately upon any change in the Officer's place of residence.

4. No Officer shall be provided with a take-home vehicle until both the Personnel Department and the Finance Department have been notified in writing that a take-home vehicle is being assigned to the Officer.

5. Officers with take-home vehicles are subject to the rules and regulations of the Internal Revenue Service regarding fringe benefits.

6. All Officers with a take-home vehicle shall have and maintain a valid New Mexico driver's license appropriate for the operation of the take-home vehicle. The Officer shall have the driver's license in his or her possession at all times while operating the take-home vehicle.

7. A take-home vehicle is for official City business only. The vehicle is to be used only for official City business, to travel to and from work, and for court matters arising from official duties as an Officer of the Carlsbad Police Department. At no time shall a take-home vehicle be used for personal reasons. Take-home vehicles shall not be operated by non-City personnel or be used to transport non-City personnel except as required or permitted by official Carlsbad Police Department duties.

8. Off-duty Officers operating their take-home vehicles shall:

- A. Be appropriately attired in order to maintain a professional image; and
- B. Have in their possession their badges and their approved firearms.

9. The Officer shall not engage in law enforcement-related activity while in transit to or from work without first receiving permission from a Carlsbad Police Department supervisor or unless there is a situation of imminent danger to the Officer or to the public.

10. The Officer shall insure that at all times the vehicle is well maintained and in a safe operating and roadworthy condition, and as clean and presentable both inside and out as weather conditions permit. Officers shall be responsible for ensuring that all routine and scheduled maintenance is performed in a timely manner.

11. The Officer shall operate the vehicle, at all times, in a safe, lawful and responsible manner, consistent with all laws, rules, regulations, and policies. An Officer receiving a criminal or civil citation or complaint for a violation of federal, state, or local motor vehicle statutes or ordinances shall be personally responsible for responding to the citation or complaint and the timely payment of any penalty, fine, or fee assessed.

12. Officers shall not operate take-home vehicles if:

A. They have consumed any amount of alcohol in the previous eight (8) hours or while still under the influence of alcohol; or

B. They have taken or are under the influence of any drug or substance that affects the Officer's faculties in any way contrary to safety.

No alcoholic beverages may be transported in a take-home vehicle except as required by the Officer's official duties.

13. The Officer shall report all accidents to the appropriate authority as required by law. All damages to a City vehicle, all accidents involving a City vehicle, and all losses of City property, no matter how minor, shall be reported to the Chief of Police or his designee. The Officer shall verbally report the damage, accident, or loss immediately and shall provide a written report within one (1) day.

14. The Officer shall ensure that the vehicle is parked in a safe, secure, and legal location. The vehicle shall be locked and the keys removed when the vehicle is unattended.

15. Officers shall not leave weapons or materials relative to their job or other issued equipment in the passenger compartment of their vehicle when it is unattended. This equipment includes but is not limited to department issued officer uniforms, jackets, radios, batons, and computer equipment. Weapons shall be properly secured.

16. Officers shall not keep personal property in their vehicles. The City is not responsible for lost or damaged personal property. Valuables should not be left in a City vehicle.

17. This Policy is active at the discretion of the City and may be discontinued at any time.

## **Section 2 - Additional Requirements for Officers Residing More Than 30 Miles From Carlsbad**

1. At the City's discretion, the City may assign a take-home vehicle to an Officer hired after the effective date of this policy who resides more than a 30 mile radius but no more than 80 mile radius from the Carlsbad city limits. Having a take-home vehicle is a privilege, not a right. Failure to comply with the entirety of this policy and all other applicable laws, rules, policies, and procedures will result in the loss of the privilege and will result in discipline, up to and including termination of employment.

2. The City may provide the take-home vehicle for a period of up to eighteen (18) months beginning with the first day the vehicle is issued to the Officer. Under no circumstances shall the eighteen (18) month limitation be extended.

3. When an Officer is called in to work by the City, the Officer shall arrive at the place to which he or she was sent within a reasonable amount of time from the initial call out, but in no event shall an arrival time of more than two (2) hours from the initial call out be considered reasonable.

4. Travel time to/from work shall at no time be considered either:

- A. Part of the Officer's scheduled working shift hours; or
- B. Compensated as time worked.

**Section 3 - Quarterly Reports**

1. The Police Chief shall submit quarterly reports to the City Administrator and the Finance Department listing which Officers have been assigned take-home vehicles, each Officer's home address, when each Officer was provided a take-home vehicle, and, if applicable, when each Officer's eighteen (18) month period ends.

**IMPACT:**

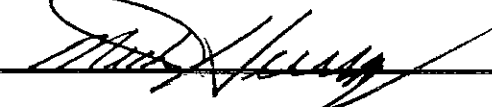
<input type="checkbox"/> Amends	<input type="checkbox"/> USW CBA	Articles _____	Section _____	Other: _____
<input type="checkbox"/> Rescinds	<input type="checkbox"/> IBEW CBA	Articles _____	Section _____	_____
<input type="checkbox"/> Supplements	<input type="checkbox"/> CPOA CBA	Articles _____	Section _____	_____
<input type="checkbox"/> Clarifies	<input type="checkbox"/> IAFF CBA	Articles _____	Section _____	_____
<input type="checkbox"/> Replaces	Previous Policy # _____			_____
	<input type="checkbox"/> PPM	Chapter _____	Rule _____	_____
	<input type="checkbox"/> LCM	Chapter _____	Rule _____	_____

**DISTRIBUTION:**

- Mayor
- City Council
- Directors\*
- All Personnel
- Executive Resource Manual
- Other: Insurance Committee, Presidents of Collective Bargaining Unions

<input type="checkbox"/> P & Z	<input type="checkbox"/> Lodgers Tax Board	<input type="checkbox"/> Cemetery Board
<input type="checkbox"/> Museum Board	<input type="checkbox"/> San Jose Board	<input type="checkbox"/> Water Board
<input type="checkbox"/> Library Board	<input type="checkbox"/> N. Mesa Board	<input type="checkbox"/> Parks & Rec Board

**\*Note: Directors are responsible for distribution to their respective employees**

City Administrator:  Date: 11/5/19