**Sample Policy - Police Vehicle Usage**

**(Includes Cell Phone Use by Officers)**

**The materials provided in this correspondence are for general informational and educational purposes only and are not intended to be and should not be considered legal advice or opinions. Prior to making any policy or rule changes seek the advice of your municipal attorney.**

**Purpose:** To provide guidelines on the usage and operation of motorized vehicles and trailers utilized by ABC Police Department

**Definitions:**

 **Police Pursuit Rated Vehicle (PPV):** Any vehicle designed and designated by the vehicle manufacturer as a police pursuit rated vehicle, for high performance police service driving, braking, and accelerating. These vehicles are designed to perform the necessary functions of a high speed emergency pursuit operation. See "Appendix A" for a list of Police Pursuit Rated Vehicles.

 **Special Service Rated Vehicle (SSV):** Any vehicle designed or designated for special police service, which is not pursuit rated by the vehicle manufacturer, and is not designed for high speed emergency vehicle operation. See "Appendix B" for a list of Special Service Rated Vehicles.

**Special Incident Vehicle (SIV):** Any vehicle designed for support use at special or critical incidents. These vehicles require special department training in its driving and system operations. These vehicles are not pursuit rated. See "Appendix B" for a list of Special Incident Vehicles.

**Utility Work Vehicle:** (UWV) A motorized vehicle that is designed to carry out a specific task with more efficiency than a general-purpose vehicle. The vehicle is registered and can be operated on roadways at speeds in excess of 25 miles per hour. See “appendix B” for Special Incident Vehicles.

**Low Speed Vehicle (LSV):** A Low Speed Vehicle is a four-wheeled vehicle with an attainable speed of more than 20 miles per hour but no more than 25 miles per hour on a paved surface. The vehicle must comply with federal standard standards as a low speed vehicle. See "Appendix C" for a list of Low Speed Vehicles.

 **Trailer:** A non-motorized transport vehicle designed to be hauled by another motorized vehicle via hitch. See "Appendix D" for a list of Trailers.

**Operator Endorsement/Endorsement Code:** Each vehicle in Groups 3, 4 & 5 shall require a specific operator endorsement indicating that the operator has been trained to operate such vehicle.

 **Marked Unit:** A ABC Police Department vehicle with at minimum an ABC Police Department Logo

 or the words “ABC Police” on both sides of the vehicle with a roof mounted emergency light bar.

 **Pursuit Driving:** Pursuit Driving is an active attempt by a law enforcement officer operating a motor vehicle and utilizing emergency warning lights and an audible device to apprehend one or more occupants of another moving vehicle when the officer reasonably believes that the driver of the fleeing vehicle is aware of the officer’s attempt to stop the vehicle and is resisting apprehension by increasing vehicle speed, ignoring the officer, or otherwise attempting to elude the officer.

 **Priority 1 (P1):** Priority One calls are those that are critical and in-progress, where immediate police intervention is required to avert personal injury, extensive property damage, or where arrival is necessary to effect criminal apprehension. See the ABC Police Department *Call Prioritization and Response Procedures Policy* (if exists) or consider creating such a policy to compliment and support this

 policy.

**Priority 2 (P2):** Priority Two calls may be urgent in nature requiring a quick police response. These calls have a potential, but no imminent risk of personal injury. See the ABC Police Department *Call Prioritization and Response Procedures Policy* (if exists) or consider creating such a policy to compliment and support this policy.

**Priority 3 (P3):** Priority Three calls are non-emergency calls for police service or reports of a crime where there is no immediate threat to the safety of persons and property. See the ABC Police Department *Call Prioritization and Response Procedures Policy* (if exists) or consider creating such a policy to compliment and support this policy.

**Policy:**

All ABC Police Personnel shall operate any vehicle during the course of their duties consistent with this policy.

I. **Procedure**

 **A. Group 1 Vehicles**

 **a. Pursuit Rated Vehicles**

 Pursuit Rated Vehicles are authorized for P1, P2, and P3 response as well as pursuit driving consistent with the ABC Police Department *Vehicle Pursuit Policy*.

 PPV vehicles that are not considered marked units may initiate a pursuit providing that they relinquish their role as a Primary Unit to a PPV marked unit as soon as possible. In the event a PPV unmarked unit initiates or is acting as a primary unit in a pursuit, the officer shall relinquish to a marked unit even if that unit is a Special Service Vehicle (SSV); however, whenever possible, a SSV marked unit shall relinquish primary unit status as soon as a PPV marked unit is available and can safely assume the role of the primary unit.

 Although SSV marked units may serve as a secondary unit in a pursuit, they shall relinquish secondary unit status to a marked PPV unit when a marked PPV unit is available and can safely assume the role of the primary unit.

 All Pursuit driving shall be consistent with the ABC Police Department “Vehicle Pursuit Policy”. There is no Operator Endorsement for these vehicles as the training to operate these vehicles takes place at the police academy and during field training.

 **B.** **Group 2 Vehicles**

 **a. Special Service Vehicle Usage (SSV)**

 Special service vehicles are vehicles that are not pursuit rated by the manufacturer.

These vehicles are authorized for a P1, P2, and P3 response. .

 SSV vehicles may initiate a pursuit providing that they relinquish their role as a primary Unit to a PPV marked unit whenever possible.

 Although SSV marked units may serve as a secondary unit in a pursuit, they shall relinquish secondary unit status to a marked PPV unit when a marked PPV unit is available and can safely assume the role of the primary unit.

These include all non PPV vehicles, Special Law Enforcement Officer (SLEO) vehicles and assigned Volunteer program vehicles. There is no Operator Endorsement for

these vehicles as the training to operate these vehicles occurs with the New Jersey

driver’s exam.

 **C**.  **Group 3 Vehicles**

 **a.** **Special Incident Vehicles**

 Special incident vehicles are vehicles that are not pursuit rated and not used on a daily basis for patrol work. These vehicles are typically used for support at special events, critical incidents or any event as authorized by the Chief of Police or his designee. Only personnel who have been trained and authorized by the Chief of Police or his / her designee shall operate a special incident vehicle. These vehicles are:

 (Insert agency specific vehicles here)

 **D. Group 4 Vehicles**

 **a. Low Speed Vehicle Use**

 Low Speed Vehicles (LSV) may be utilized while patrolling the parks, special events, Community Relations Bureau events, and public demonstrations, as directed by the Chief of Police or his / her designee. All LSV's shall be operated in accordance with all local, state, and federal laws. The LSV is authorized for a P3 Response and is not authorized for pursuit driving.

 1. Endorsement Code Requirement: LSV

 **c. All-Terrain Vehicle Use**

 All-Terrain Vehicle (ATV) shall be utilized for use for specialized purposes including range utility activities, and special assignments, as directed by the Chief of Police or his / her designee. All ATV's shall be operated in accordance with all local, state, and federal laws, and proper safety equipment shall be utilized. The ATV(s) is authorized for a P3 Response and is not authorized for pursuit driving.

 1. Endorsement Code Requirement: ATV

 **E. Group 5 Vehicles**

 **a. Trailers**

 Trailers owned or operated by the ABC Police Department Police Department shall only

be hauled by vehicles designated by the Chief of Police. Equipment shall be safely stored on the trailers when the trailer is being hauled or stored. Trailers shall be secured at all times with designated security locks or devices.

 Vehicles towing trailers may be operated in a P2 or P3 response although employees should use extra caution when hauling trailers whenever possible. A P1 response is only authorized unless the arrival of such equipment is absolutely critical where life may be in danger or as otherwise authorized by a supervisor. Personnel are prohibited from being in the trailer while it is moving.

 Due to the special operation and training required on some trailers, an individual enforcement code will be required for each trailer type.

 1. Open Trailer: Endorsement Code Requirement: TRL-OPN

 2. Closed Trailer: Endorsement Code Requirement: TRL-CLD

 3. Light Tower Trailer: Endorsement Code Requirement: TRL-LT

 4. Generator Trailer: Endorsement Code Requirement: TRL-GEN

 5. Camera Trailer: Endorsement Code Requirement: TRL-CAM

 6. Standard VMS Trailer: Endorsement Code Requirement: TRL-VMS

 7. ALPR VMS Trailer: Endorsement Code Requirement: TRL-ALPR

 **F. Persons Authorized**

 Only employees and authorized volunteers of the ABC Police Department may operate ABC Police Vehicles. An exception to this policy is the use of the vehicle for Community Relations and /or educational programs (DWI simulator demonstration, etc.). The Chief of Police or his / her designee may authorize the use of a ABC Police Department Vehicle that does not require a specific Endorsement Code by a member of another Law Enforcement Agency or Emergency Service Agency. Any Officer, who is authorized to use a vehicle that belongs to another Law Enforcement Agency or Emergency Service Agency, shall abide by all rules and policies of that Agency, as well as those applicable policies of the ABC Police Department. Officers shall only operate ABC Police Department Police vehicles for

 the driver endorsements that they have been trained unless an emergency situation exists or as

 directed by a supervisor.

 **G. Endorsement Process**

The *Training Unit* (or other person(s) designated by the Chief of Police) is responsible for designating officers and employees as being sufficiently competent to operate vehicles requiring endorsements listed in this policy. The determination as to whether an employee shall receive a specific endorsement shall be based on one or more factors below:

 a. Prior experience operating such vehicle(s)

 b. Prior training operating such vehicle(s)

 c. Training as necessary by members of the training unit or others

d. A review of the specific vehicles owner manual or ABC Police Department manual governing such vehicle (This is required by all operators to receive an endorsement for each vehicle that has been designated as having a specific endorsement)

Upon the *Training Unit* designating an officer as having a specific endorsement, the Training Unit shall update the department master vehicle endorsement record and record the endorsement on the employee’s vehicle operator log which shall be managed by the training unit or other person designated by the Chief of Police.

 **H. Off Road Vehicle Use**

No vehicle shall be utilized for "off road" driving without first receiving permission from a Police Supervisor except in emergency situations. The use of LSV's, shall be exempt from the "off road use" restriction, when being utilized for patrols in the parks. In the event that the use of a police vehicle is authorized for use "off road", the operator shall use extreme caution to ensure that unnecessary wear and damage does not occur.

 **I. Seatbelt Usage**

All persons riding in motorized vehicles owned or operated by the ABC Police Department and equipped with seatbelts shall wear seatbelts. It shall be the officer's responsibility to ensure that all persons riding in a vehicle owned or operated by the ABC Police Department, are wearing their seatbelts. If an officer or employee wishes to transport a person or prisoner without a seatbelt fastened (i.e. medical condition, unruly or dangerous prisoner), the officer must first obtain permission to transport the non-seat belted person from a police supervisor. After evaluating the situation and conditions, the police supervisor may authorize the person to be transported without their seatbelt fastened. The reason, conditions, and the name of the authorizing police supervisor must be recorded in the officer's police incident report. See ABC Police Department Prisoner Security and Procedures policy.

Whenever a child or infant is transported in a vehicle owned or operated by the ABC Police Department, that child or infant shall only be transported in an acceptable child, infant, or booster seat. Employees of the ABC Police Department shall abide by New Jersey State law governing the use of seatbelts and child passengers.

 **J. Cell Phone Use While On Duty – Personally Owned Cell Phones**

1. Employees may utilize personal cell phones during the course of their duties for reasonable personal calls only; however, the employee assumes all risks, costs, liabilities, service charges, repairs and/or replacement cost if lost, stolen or damaged. Personal cell phones are not to be utilized for any work or duty related activity or communication including the taking of photographs or video.
2. Employees must understand that any use of a cell phone while on duty, even for personal business, may be subject to speculation that the officer was conducting work related or official business with the cell phone and may contain evidentiary value. Officers who choose to utilize a personal cell phone on duty for occasional personal business, shall take the necessary precautions to avoid utilizing such devices when engaged in investigations, arrests, and other work related duties. (See Supplemental Reference Package Relating to “Cell Phones on Duty”)

 2. All police department vehicles in Groups 1 and 2 as noted in the policy are equipped with

either a factory installed hands free telephone system or an accessory hands free telephone system that is capable of connecting to the officer’s personal cell phone. If an

employee finds that a vehicle’s hands free telephone system is missing or inoperable

he/she shall complete an Equipment Repair Request. Employees shall whenever possible

utilize hands free telephone systems.

1. Officers may utilize their own hands free telephone system in lieu of the hands

free system located in the vehicle.

 3. The use of a non-hands free cellular phone when operating a police department vehicle may be permitted under New Jersey law (NJS 39: 4-97.3 listed below). However, it is the policy of the ABC Police Department that such use of a personal non-hands free cellular phone while operating a vehicle is prohibited.

 4. When on patrol, duty personal cell phones shall be set to vibrate/silent.

5. Texting while operating a vehicle is prohibited.

**K. Cell Phone Use While On Duty – Department Owned Cell Phones**

1. All patrol vehicles have been equipped with a department owned cellular phone. Such Department owned phones shall only be utilized for official department business and never for personal business.
2. Employees must understand that there is no expectation of privacy when utilizing a department issued cell phone.
3. All police department vehicles in Groups 1 and 2 as noted in the policy are equipped with

either a factory installed hands free telephone system or an accessory hands free telephone

system that is capable of connecting to the department issued cell phone. If an employee

finds that a vehicle’s hands free telephone system or phone is missing or inoperable he/she

shall complete an Equipment Repair Request. Employees shall whenever possible utilize

hands free telephone systems.

1. Officers shall not utilize their own hands free telephone system in lieu of the hands free system located in the vehicle when utilizing the department issued cell phone.

 3. The use of a non-hands free cellular phone when operating a police department vehicle may be permitted under New Jersey law (NJS 39: 4-97.3 listed below). However, it is the policy of the ABC Police Department that such use of non-hands free cellular phone shall

 only be utilized for emergencies and/or in direct correlation to an official function where

 the communication is of such nature that it is essential to the employee performing his or

 her duties.

1. Texting while operating a vehicle on duty is prohibited.
2. The use of a non-hands free cellular phone or a hands free telephone system by an employee while operating an emergency vehicle at emergency speed (emergency lights/and or siren) is not permitted except only in the utmost extreme emergencies where such communication is absolutely critical between a supervisor and an officer. The term “absolutely critical” shall mean that such information cannot be communicated via radio and it is of such critical nature that an officer or persons may be endangered without such communication.
3. Texting while operating a vehicle on duty is prohibited.
4. Department issued cell phones shall be set to vibrate/silent.
5. Employees shall follow the applicable training or training directives regarding preserving any photographs or other electronic material captured or recorded by the department issued cellular phone.
6. Department owned cell phones may be removed from the vehicle to assist officers in their performing their duties. Employees shall take the necessary steps to ensure the device is adequately charged with the provided charger. Such charging efforts shall also take into consideration that the vehicle and phone may be utilized by another officer during the next tour of duty.

**L. General Cell Phone Policy Provisions**

No officer shall perform any repairs, nor make any modifications to any ABC Department issued cell phone or hands-free cellular phone device.

Employees should be aware that cellular phone calls can be monitored by others who possess technology that can intercept calls.

Employees wishing to carry a personal cellular phone while on duty must provide the cell number to the department.

Employees shall not utilize a cell phone for routine communication with radio communications or dispatch – all routine communications shall be conducted via the police radio.

Reference: 39:4-97.3 Use of wireless telephone, electronic communication device in moving vehicles; definitions; enforcement.

# 1. A. The use of a wireless telephone or electronic communication device by an operator of a moving motor vehicle on a public road or highway shall be unlawful except when the telephone is a hands-free wireless telephone or the electronic communication device is used hands-free, provided that its placement does not interfere with the operation of federally required safety equipment and the operator exercises a high degree of caution in the operation of the motor vehicle. For the purposes of this section, an "electronic communication device" shall not include an amateur radio.Nothing in P.L.2003, c.310 (C.39:4-97.3 et seq.) shall apply to the use of a citizen's band radio or two-way radio by an operator of a moving commercial motor vehicle or authorized emergency vehicle on a public road or highway.b.The operator of a motor vehicle may use a hand-held wireless telephone while driving with one hand on the steering wheel only if:(1)The operator has reason to fear for his life or safety, or believes that a criminal act may be perpetrated against himself or another person; or(2)The operator is using the telephone to report to appropriate authorities a fire, a traffic accident, a serious road hazard or medical or hazardous materials emergency, or to report the operator of another motor vehicle who is driving in a reckless, careless or otherwise unsafe manner or who appears to be driving under the influence of alcohol or drugs. A hand-held wireless telephone user's telephone records or the testimony or written statements from appropriate authorities receiving such calls shall be deemed sufficient evidence of the existence of all lawful calls made under this paragraph.As used in this act:"Citizen's band radio" means a mobile communication device designed to allow for the transmission and receipt of radio communications on frequencies allocated for citizen's band radio service use."Hands-free wireless telephone" means a mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a conversation without the use of either hand; provided, however, this definition shall not preclude the use of either hand to activate, deactivate, or initiate a function of the telephone."Two-way radio" means two-way communications equipment that uses VHF frequencies approved by the Federal Communications Commission."Use" of a wireless telephone or electronic communication device shall include, but not be limited to, talking or listening to another person on the telephone, text messaging, or sending an electronic message via the wireless telephone or electronic communication device.c.(Deleted by amendment, P.L.2007, c.198).d.A person who violates this section shall be fined as follows:(1)for a first offense, not less than $200 or more than $400;(2)for a second offense, not less than $400 or more than $600; and(3)for a third or subsequent offense, not less than $600 or more than $800 .For a third or subsequent violation, the court, in its discretion, may order the person to forfeit the right to operate a motor vehicle over the highways of this State for a period of 90 days. In addition, a person convicted of a third or subsequent violation shall be assessed three motor vehicle penalty points pursuant to section 1 of P.L.1982, c.43 (C.39:5-30.5).A person who has been convicted of a previous violation of this section need not be charged as a second or subsequent offender in the complaint made against him in order to render him liable to the punishment imposed by this section on a second or subsequent offender, but if the second offense occurs more than 10 years after the first offense, the court shall treat the second conviction as a first offense for sentencing purposes and if a third offense occurs more than 10 years after the second offense, the court shall treat the third conviction as a second offense for sentencing purposes.e. Except as provided in subsection d. of this section, no motor vehicle penalty points or automobile insurance eligibility points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) shall be assessed for this offense.f.The Chief Administrator of the New Jersey Motor Vehicle Commission shall develop and undertake a program to notify and inform the public as to the provisions of this act. Notwithstanding the provisions of R.S.39:5-41, the fines assessed pursuant to subsection d. of this section shall be collected by the court and distributed as follows: 50 percent of the fine imposed shall be paid to the county and municipality wherein the violation occurred, to be divided equally, and 50 percent of the fine imposed shall be paid to the State Treasurer, who shall allocate the fine monies to the chief administrator to be used for this public education program, which shall include informing motorists of the dangers of texting while driving.g.Whenever this section is used as an alternative offense in a plea agreement to any other offense in Title 39 of the Revised Statutes that would result in the assessment of motor vehicle points, the penalty shall be the same as the penalty for a violation of section 1 of P.L.2000, c.75 (C.39:4-97.2), including the surcharge imposed pursuant to subsection f. of that section, and a conviction under this section shall be considered a conviction under section 1 of P.L.2000, c.75 (C.39:4-97.2) for the purpose of determining subsequent enhanced penalties under that section.L.2003, c.310, s.1; amended 2007, c.198, s.1; 2010, c.40; 2013, c.70.

**M. General Maintenance and Reporting**

1. Vehicles owned or operated by the ABC Police Department shall only be cleaned, serviced, or towed by authorized vendors or mechanics.
2. Normal maintenance and repair issues shall be reported via procedures designated by the Vehicle Maintenance Supervisor or his designee.
3. Officers shall follow the normal maintenance schedule as designated by the Vehicle Maintenance Supervisor or his designee.
4. Vehicle damage (non-Motor Vehicle Crash) shall be reported via Inter-Departmental Memo to the Vehicle Maintenance Unit Supervisor via the Chain of Command.
5. Damage caused to a police vehicle by a Motor Vehicle Crash shall be reported immediately to a Police Supervisor. The crash and damage shall be documented via New Jersey Crash Report (by investigating officer), an Inter-Departmental Memo from the officers or employees involved, and an Inter- Departmental Memo from the responding supervisor detailing the incident and any actions taken or recommended.
6. Serious Bodily Injury or Fatal Crashes involving police vehicles shall be investigated as per set Departmental and the County Prosecutor's Policy, and may supersede this policy.
7. Nothing in this policy is intended to violate any local, state, or federal law. Although Law Enforcement vehicle operations can be inherently dangerous, all employees must operate vehicles owned or operated by the ABC Police Department in a safe and responsible manner.
8. Failure to comply with the directives of this policy may result in disciplinary action against the employee.

**APPENDIX A**

**PPV: POLICE PURSUIT RATED VEHICLES – GROUP 1**

(Any vehicle designed and designated by the vehicle manufacturer as a police pursuit rated vehicle, for high performance police service driving, braking, and accelerating.)

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**APPENDIX B**

**SSV: SPECIAL SERVICE RATED-Group 2**

Any vehicle designed or designated for special police service, which is not pursuit rated by the vehicle manufacturer, and is not designed for high speed emergency vehicle operation.

Examples: Non-pursuit rated pickup trucks, vans, non-pursuit rated SUV’s

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**APPENDIX C**

**SIV: SPECIAL INCIDENT VEHICLES-Group 3**

Any vehicle designed for support use at special or critical incidents. These vehicles require special department training in its driving and system operations. These vehicles are not pursuit rated.

Example: Armored Rescue Vehicles, Command Units, Utility Support Units, Custom Community Relations Vehicles

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**APPENDIX B**

**UWV: UTILITY WORK VEHICLE - Group 3**

A motorized vehicle that is designed to carry out a specific task with more efficiency than a general-purpose vehicle. The vehicle may or may not be registered and dependent upon the design and manufacturer may be operated on roadways at speeds in excess of 25 miles per hour.

Examples: ATV’s

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**APPENDIX D**

 **LOW SPEED VEHICLES-Group 4**

A Low Speed Vehicle is a four-wheeled vehicle with an attainable speed of more than 20 miles per hour but no more than 25 miles per hour on a paved surface.

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**APPENDIX E**

**TRAILERS-Group 5**

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