

**PROCEDURAL INSTRUCTION**

11-30-2009

12-15-2009

09-11

SUBJECT

Use of Department and Private Vehicles

AMENDS

REFERENCE

D. M. – Authorized Travel Expenses, Authorized Department Wash Locations; P.I. - Police Vehicles- Accident Control and Vehicle Damage

RESCINDS

Procedural Instruction 05-01

I. INTRODUCTION

To establish guidelines for the assignment and use of department vehicles (take-home and unit specific) and the use of private vehicles.

II. TERMINOLOGY

A. The criteria used to determine the take-home status of vehicles are defined and divided into the following four categories:

1. **Standby Responsibilities** - A position responsible for being on-call at all times to respond immediately, to situations as needed. Standby responsibilities are listed in the job description for commanders as essential job functions. Therefore, commanders have been authorized with standby/call back responsibilities and assigned take-home vehicles for the purpose of being capable of responding immediately to the area of an emergency type event as described in the Critical Incident Management Plan.
2. **Call Back** - An assignment/position subject to shared 24-hour on-call basis, which can vary by time period and personnel, e.g., Investigations Bureau Detectives and supervisors who rotate call back responsibilities. Additionally, certain personnel assigned to specialized units are also authorized based on standby/call back responsibilities on a rotating basis. They are assigned take-home vehicles for the purpose of being capable of responding directly to the immediate area of an emergency type event or scene without delay.
3. **High Visibility Vehicles** - Marked vehicles donated, grant funded and/or leased, that may be required by their funding source to be driven for high visibility in the community.
4. **Security/Parking issues** - Vehicles approved as take-home due to lack of parking, potential for vehicle damage if left parked overnight, and the need for security with regard to vehicle assignment.

B. Unmarked police vehicle as defined by the Internal Revenue Service Code, is a vehicle that does not have painted insignias or words that would otherwise clearly identify the vehicle as a police vehicle. Grill lights,

a siren, or a marking on the license plates are not clear markings to identify a police vehicle.

III. PROCEDURES

- A. The Chief of Police must authorize in writing the assignment of all vehicles to an organizational position.
- *B. Only the Chief of Police or designee can approve take-home vehicle assignments.
- *C. All commanders will ensure the accuracy of their respective take-home vehicle lists prior to submitting for approval.
- D. Department vehicles are assigned for police related business use only. Use of department vehicles for personal business is restricted to those vehicles designated by the Chief of Police. Unless otherwise noted in this directive, department vehicles will not be used for personal errands, recreation or vacation. The activities listed below are classified non-personal when associated with law enforcement responsibilities of sworn members either in a uniform, undercover or plain-clothes capacity:
 - 1. Meal or rest breaks which occur during tour of duty;
 - 2. Travel directly from home to surveillance or investigative locations;
 - 3. Travel to any location required on an "on-call" basis.
- E. Department vehicles being used for personal reasons that fall under the status of standby responsibility and call back responsibility will remain within a fifty (50) mile radius of the corporate city limits of Kansas City, Missouri to comply with being immediately available. Exceptions to this policy may be granted by the Chief of Police, upon a showing of good cause.
- F. Specialty vehicles, i.e., leased vehicle, taxi cab, city vehicle, etc., may be used only if no department vehicle will suffice. The commander must submit a written request explaining the nature of the assignment, the vehicle description, license number, and owner's name prior to the use of the vehicle. This report will be forwarded to the Financial Services Unit.
- *G. Bureau Commanders will review their respective authorized take-home vehicle assignment lists approved by the Chief of Police annually.
 - 1. Any changes in take home vehicle status, e.g., additions and / or deletions of take home vehicles that occurred during the previous fiscal year, must be added if they were approved by the Chief or his designee.

2. The assignment of the vehicle as well as the justification documentation for each assignment will be forwarded, by March 1st to the Internal Audit Unit for verification. An informational copy will be forwarded to the Fleet Operations Unit.
 3. The Internal Audit Unit will compile all Bureau take-home vehicle lists with supporting documentation and forward to the Chief of Police for review and approval.
- H. All department vehicles designated by the Chief of Police as take-home vehicles will be operated under the following conditions:
1. Department vehicles that fall under the standby responsibility criteria may be used by members for department as well as personal reasons to comply with being immediately available at all times.
 2. Department vehicles that fall under the call back responsibility criteria may be used by members for purposes other than department related functions, including personal reasons, only during the actual on-call status period.
 3. Department vehicles that fall under the high visibility vehicles classification should be used based on the requirements/stipulations of their respective funding source in place at the time they were acquired.
 4. Department vehicles that meet the security/parking issues will be used by members only for travel to and from work or in direct conjunction with a duty related assignment.
- I. Use of a Private Vehicle
1. Private vehicle use for police duty will be voluntary and will be authorized by the member's Bureau Commander. Certain voluntary assignments may require a member to agree to the use of a personal vehicle for police duty. Private vehicles will be used for police duty only when:
 - a. The member has minimum liability insurance coverage on the vehicle.
 - b. The use of the vehicle is absolutely necessary for accomplishing the tasks of the department and a department vehicle is not available.
 - c. A member has submitted an Authorization for Private Vehicle Use, Form 318 P.D., through their chain of command and obtained final approval from their Bureau Commander prior to using the vehicle.

2. The Authorization for Private Vehicle Use, Form 318 P.D. should be completed in duplicate for each occasion unless it is necessary for a member to use a private vehicle on a continuous basis.
 3. If it is anticipated that an individual will use their private vehicle on a continuous basis, a single Authorization for Private Vehicle Use, Form 318 P.D., may be completed for that period of time and approved annually.
 4. A copy of the Authorization for Private Vehicle Use, Form 318 P.D., will be maintained at the element until the member has received compensation.
 5. The original Authorization for Private Vehicle Use, Form 318 P.D. will be maintained at the Financial Services Unit.
- J. The department's self-insurance policy will only apply to those private vehicles authorized and utilized in accordance with this directive. Unless authorized, travel to and from a member's place of residence in their personal vehicle will NOT be covered.
- K. Vehicles assigned parking spaces are the only vehicles permitted to park in the department parking garages during daytime business hours.
- L. Operators of private vehicles authorized to park in the 1125 Cherry lot, i.e., attending court, outside law enforcement members, etc., will sign the appropriate logs located in the lot office.
- M. A member involved in a vehicle damage incident while operating any authorized private or specialty vehicle on duty shall follow the procedures in the current written directive entitled, "Police Vehicular Reporting."
- N. Mileage Compensation and Reimbursement for Gasoline Expenditure
1. Members authorized to use a private vehicle for police duty will receive mileage compensation at the existing Internal Revenue Service standard for mileage relevant to an assignment, not to include mileage from home to the place of assignment nor from the place of assignment to home. Mileage compensation will also not be paid for mileage accumulated during an assignment period but not relevant to the assignment.
 2. Members requesting compensation for mileage accrued using a private vehicle will:
 - a. Complete an Application for Mileage Compensation, Form 326 P.D., and submit it through their chain of command by the fifth day of the following month the mileage was driven.

- b. Maintain a copy of the Application for Mileage Compensation, Form 326 P.D., until compensation has been received.
 3. Commanders will forward the completed and approved Application for Mileage Compensation, Form 326 P.D., to the Financial Services Unit for reimbursement.
 4. Members using specialty vehicles on a temporary basis will complete a Application for Motor Fuel Reimbursement, Form 5 P.D., if fuel is to be obtained at the police service station. This form will be submitted for authorization by the Commander.
- O. Use of Department Take-Home Vehicles by Non-Sworn Personnel
 1. Non-sworn members who are assigned unmarked department take-home vehicles will adhere to the procedures outlined in this written directive.
 2. Non-sworn members who are assigned unmarked take-home police vehicles are subject to the taxable fringe benefit requirement of the Internal Revenue Service Code.
 3. The W-2 of each non-sworn member assigned an unmarked department take-home vehicle will be assessed a daily "safe harbor" rate for the benefit of having the vehicle to commute to and from work. The Internal Revenue Service determines this rate.
 4. Each affected non-sworn member will be required to complete the Personal Use of Assigned Police Vehicle Report, Form 260 P.D. The report will outline the number of days the employee worked each month.
 5. Element commanders/supervisors will ensure use of department take-home vehicles by non-sworn personnel is reported to the Payroll Section in the following manner:
 - a. Non-sworn members will complete the Personal Use of Assigned Police Vehicle Report, Form 260 P.D., and submit it to the appropriate supervisor.
 - b. Commanders will forward the completed and approved Personal Use of Assigned Police Vehicle Report, Form 260 P.D., to the Payroll Section. It must be received by the Payroll Section by the fifth (5) day of the following month that is being reported.

- c. The element commander/supervisor will submit, in writing to the appropriate Bureau Commander, all additions and/or deletions of assigned take-home vehicles. Any approved changes to the list of non-sworn members assigned unmarked department take-home vehicles will be forwarded by the element commander/supervisor, to the Payroll Section and the Fleet Operations Unit.

James D. Corwin
Chief of Police

Adopted by the Board of Police Commissioners this 30th day of November 2009.

Mark C. Thompson
President

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