



2-5 USE OF POLICE VEHICLES

2-5-1 Purpose

The purpose of this policy is to provide instruction regarding the assignment, maintenance, operation and other procedures regarding department-issued police vehicles.

2-5-2 Policy

Department policy is to provide for the maintenance, inspection, safe operation and issuance of all Department vehicles, and to control the parking of vehicles at the Law Enforcement Center.

2-5-3 Procedures

7 A. Fueling

Personnel who are authorized to use department gasoline credit cards for vehicle fueling will ensure that only regular grade unleaded gasoline is placed in APD vehicles unless another fuel is required. Personnel will not purchase any other item(s) with APD gasoline credit cards.

6-7 B. Personnel Responsibilities

1. The employee assigned an APD take-home vehicle shall be fully responsible for seeing that the general maintenance and proper care of the vehicle is performed (the City shall perform and pay for the maintenance), and shall be prohibited from:
 - a. Altering the body, general design, appearance, markings, mechanical, or electrical system. The addition of equipment, i.e. headlight wig-wags, dash-mounted emergency lights, rear deck mounted emergency lights, CB radios, radio scanners, or other equipment, to a vehicle will require prior approval from the APD Fleet Manager or the Operations Review Lieutenant. Bumper stickers and ad/placard plates are prohibited unless authorized by the Chief of Police.
 - b. Making any repairs, or having any repairs made to the vehicle other than those made at an authorized city service facility garage.
 - c. Using oil, lubricant, or other liquid additives in the vehicle other than those supplied by authorized City of Albuquerque Fueling Depots.
 - d. Installing window tint without the expressed, written permission of the Operations Review Lieutenant.



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2. Employees will be responsible for the appearance and cleanliness of their vehicle, both interior and exterior.
3. Employees will change flats, when on-duty or off-duty. Repairs to the tire will be made by the Department authorized service facility when the tire is delivered to the garage.
4. Employees are responsible for having scheduled preventative maintenance performed on their vehicles.
5. If it becomes necessary for a permanently assigned APD vehicle to be out of service for extended repairs, the employee may be assigned a pool vehicle for his/her use. If there are a sufficient number of pool vehicles available, then the employee normally assigned a vehicle, may be assigned a pool vehicle for exclusive use during the time their regular vehicle is out of service. Marked pool vehicles shall be checked out at substations.
 - a. Pool vehicles can only be assigned from the city yard when they are available.
 - b. If there are no pool vehicles available at the city yard, officers can be assigned a pool car from their assigned substation on a daily basis, unless otherwise designated by the area commander.
6. Vehicle numbers will be placed on the front fenders, the top of the vehicle, and the trunk of each marked unit. Personnel will not remove these numbers. If a number comes off for any reason, the vehicle will be taken to Motor Transport for replacement of the number.
7. All marked units must display a 311 bumper sticker.
 - a. Supervisors will ensure that officers in a marked police vehicle have a 311 bumper sticker attached to the vehicle on the rear bumper.

7

C. Police Vehicles in Need of Repair

1. When a vehicle breaks down or is in need of repair during the shift, the employee will take the vehicle to the police garage if it is safe to drive. Under no circumstances shall a vehicle requiring only minor repairs be parked near the Law Enforcement Center or substations.



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2. During duty hours, if a repair cannot be completed immediately, employees will leave the vehicle and go back into service.
3. If the employees have their vehicle serviced while off duty, they will not be compensated for the time they spent waiting for their vehicle.
4. In all cases, a Repair Work Order Form must be prepared by the employee or shop foreman, giving a clear, comprehensive description of the problem.
5. Personnel will ensure that a vehicle, if drivable, has a full tank of gasoline before taking the vehicle in for repair or preventative maintenance (P.M.).
6. Personnel shall not remove the vehicle from the maintenance shop, or storage area without authorization from the fleet supervisor or designee.

6

D. Securing Department Issued Property **During Maintenance**

6-7

1. Personnel will remove all Department issued property from their assigned vehicle/motorcycle when the vehicle is left at the police garage. Personnel will be held responsible for the loss of any issued property left unattended in the vehicle.
2. Personnel will be held responsible for the loss of any issued property left unattended in the vehicle.
3. If personnel are incapacitated and are unable to secure their Department issued property or personal property, it will be the on-scene supervisor's responsibility to ensure that the property is properly secured.
4. Personnel shall secure their Department issued vehicles when left unattended or when the vehicle is out of their sight or immediate control. This will include both on-duty and off-duty.

7

E. Inspection of Department Vehicles

1. Each vehicle will be formally inspected each month by the employee's supervisor to include cleanliness, preventive maintenance schedule, and equipment. A formal inspection will be conducted by the employee's supervisor when the employee is turning in a vehicle that will be reissued.



2. During scheduled maintenance, the shift supervisor at the police garage will inspect vehicles, and, through the fleet manager, will notify an employee's supervisor of failure to comply with the requirements contained herein.

F. Issuance of Department Vehicle

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1. Any employee whose vehicle becomes unserviceable as a result of a chargeable traffic accident can be denied issuance of another vehicle.
2. The denial of issuance of another vehicle will be determined by a consensus of the employee's immediate supervisor, the area/division commander, and a representative of the Albuquerque Police Employees Association, if applicable.
3. Vehicles will be issued, turned in, and exchanged through the Fleet Manager and Operations Review. The Special Investigations Division is exempt from this provision.
4. Personnel will sign a Take-home Car Agreement every time a vehicle is assigned or re-assigned.
5. Area and Division Commanders will provide the Fleet Manager's office with current lineups, which include vehicle assignments, upon completion of each bid, or when there has been any change in assignment status.

7

G. Parking of Police Vehicles at the Law Enforcement Center

1. Personnel will not park department issued vehicles at the metered spaces near or around the Law Enforcement Center between 0800 hours and 1800 hours, Monday through Friday.
2. Personnel who violate this Section will lose their take-home car privileges based on the current APOA collective bargaining agreement. If the existing APOA contract has expired, the most current prior contract will prevail. It is the responsibility of each employee who is issued a take-home car to review the current contract for sanctions.
3. Supervisors will ensure that police vehicles that have been withdrawn from the take-home car plan under this section are parked at a police facility during the driver's off-duty hours.

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H. Use of Seat Belts



1. All Department personnel will utilize seat belts when operating Department vehicles unless exempted by a supervisor or when specific situations override safety considerations.

7

I. Vehicle Registration

1. All Department vehicles (except SID vehicles) must have a "G" government license plate or valid temporary tag. If a Department Vehicle does not have a "G" plate or valid temporary tag, the person to whom the vehicle is issued must report to the Operations Review Lieutenant to obtain a "G" plate or valid temporary tag.

J. Window Tinting

1. Officers that are issued vehicles that do not have window tint are authorized to submit a request to Operations Review to have tint installed.
2. Tint levels must adhere to City Ordinance.

K. Assigned Take-Home Vehicle Program

1. Department employees shall drive Department vehicles for official purposes only, providing they hold a city driver's license for that class of vehicle.
2. No one other than an authorized APD employee will be permitted to drive the issued police take-home vehicle. Employees will not presume any special privileges with an APD vehicle while off-duty.
3. All employees assigned an APD vehicle will exercise good judgment in utilizing it, and will not drive or use the vehicle so as to cause unfavorable comment, or reflect discredit on the Department. When practical all employees will not use their radio or MDT while operating an APD vehicle. Officers will pull over before using an MDT except in emergency situations.
4. Employees will not operate an assigned vehicle within eight hours after consuming any alcoholic beverages.
5. To be authorized the use of a take-home vehicle, the employee must be in non-restricted status, i.e. full duty. Employees who are on restricted duty (injury leave, administrative leave, administrative assignment, FMLA, military leave) or otherwise not in an unrestricted duty capacity and will be out of service for more than five



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- days will turn in their vehicle. Once the employee returns to full duty, a vehicle will be re-issued to the employee.
6. APD vehicles will be properly secured and parked to prevent damage to the vehicle and theft of its contents.
 7. Sworn employees, while off-duty and operating a Department vehicle, will have in their possession a jacket or vest that clearly displays the department insignia, their badge, ID, handcuffs, body armor, and sidearm to perform effectively a police function while at the same time, presenting a favorable image.
 8. Off-duty employees are not authorized to use their take home vehicle for conveyance to and from non-APD part-time employment, or non-duty related functions. Off-duty employees shall use their take home vehicle in a professional manner. Department personnel may use their take home vehicle for conveyance to and from physical training.
 9. Only on-call status employees are permitted to use their take home vehicle for unofficial business. On-call employees will carry all the equipment necessary for a call-out.
 10. If an on-call/off-duty sworn employee using the APD vehicle chooses to respond to a priority one call, he/she must advise the dispatcher. Employees shall have their police radio on while operating their vehicle. The radio will be tuned to the proper frequency for their location.
 11. When responding to calls involving a felony, while off-duty, the employee may be required to handle the call to best preserve and handle evidence, and maintain continuity. In such cases, the employee shall be compensated with overtime pay per Department regulations and the APOA contract.
 12. Employees participating in the Assigned Take-home Vehicle Program will not be authorized to transport any passengers except under the following conditions: the transportation of the employee's children for school/daycare purposes while the employee is en-route to and from work, the approval of a ride-along and when the employee is on an on-call status.
 13. When responding to a felony call with non-sworn personnel as passenger(s) except for approved ride-along, employees will first deposit the passenger(s) at a convenient location, and will then respond to the call consistent with department regulations.



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14. Emergency code runs will not be made while the vehicle is occupied by non-sworn passengers, except for APD approved ridealongs.
15. The APD vehicle will not be utilized for carrying heavy or excessive loads, and will not have objects protruding from the trunk or window.
16. All personnel driving marked department vehicles will have the assigned government plate properly affixed to their vehicle at all times. Unmarked vehicles will display government plates or civilian "cover" plates specifically assigned to the vehicle by the Department of Motor Vehicles, unless otherwise authorized by a supervisor. Unmarked vehicles equipped with civilian plates will not participate in traffic enforcement.
17. A valid New Mexico driver's license and a valid City Operator's Permit is required to operate any Department vehicle.
18. Employees will be permitted to use their take home vehicle for unofficial business while off duty. All employees on unofficial business will have in their possession a jacket or vest that clearly displays the department insignia, their badge, ID, handcuffs, body armor, radio, camera and firearm to effectively perform a police function while at the same time, presenting a favorable image. On-call employees will carry all the equipment necessary for a call-out.
19. To be authorized the use of a marked take-home vehicle, the employee must be in non-restricted status, i.e. full duty. Employees who are on restricted duty (injury leave, administrative leave, administrative assignment, FMLA, military leave) or otherwise not in an unrestricted duty capacity and will be out of service for more than fourteen days will turn in their vehicle to Operations Review.
20. Employees will only be authorized to use their take home vehicle for unofficial business within 25 miles of the Albuquerque metropolitan area (25 miles from the Bernalillo County line). Any employee who resides outside these boundaries may be authorized a take home vehicle at the discretion of the Chief of Police. If authorized, employees that reside outside of the Albuquerque metropolitan area will be allowed to travel for unofficial business to and from the Albuquerque metropolitan area in their assigned take home vehicle.
21. Sworn employees, while off-duty and operating a Department vehicle, will make every effort to be properly attired: jeans, slacks and shirts will be considered appropriate attire. Cut-offs, tank-tops, and shorts (except those similar in style as



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the authorized Duty shorts) will be considered inappropriate. Authorized footwear are those with closed toe shoe only.

22. If an off-duty sworn employee using the APD vehicle chooses to respond to a priority one call, he/she must advise the dispatcher or log on the call utilizing their MDT. Employees shall have their police radio on while operating their APD vehicle. The radio will be tuned to the proper frequency for their location.
23. When responding to calls involving a felony, while off-duty, the employee may be required to handle the call to best preserve and handle evidence, and maintain continuity. In such cases, the employee shall be compensated with overtime pay per Department regulations and the APOA contract.
24. Emergency code runs will not be made while the vehicle is occupied by non-sworn passengers, except for APD approved ride-a-longs.
25. When responding to a felony call with non-sworn personnel as passenger(s) except for approved ride-along, employees will first drop off the passenger(s) at a convenient and safe location, and will then respond to the call consistent with Department regulations.
26. No one other than an authorized APD employee will be permitted to drive the issued police take-home vehicle. Employees will not presume any special privileges with an APD vehicle while off-duty.
27. The Take-Home vehicle is a passenger use vehicle only. The Take-Home vehicle is a privilege and not to be abused. All employees assigned an APD vehicle will exercise good judgment in utilizing it on and off duty. Employees will not drive or use the vehicle so as to cause unfavorable comment, or reflect discredit on the Department. Off-duty employees shall use their take home vehicle in a professional manner.
28. While off-duty, the APD Vehicle is for passenger use only and will not be utilized for carrying heavy or excessive loads, and will not have objects protruding from the trunk or window. For example, light grocery shopping or shopping in general is allowed if items shopped can be contained in a few bags and within reason. Personally owned animals will not be transported in a city vehicle.
29. When using the take-home vehicle off duty, the vehicle will not be parked at establishments whose primary means of business is the sale of alcohol. Take



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home vehicles will not be parked or used to conduct business where it may appear unfavorable in any manner to the reputation of the department.

30. When practical all employees will not use their radio or MDT while operating an APD vehicle. Officers will pull over before using an MDT except in emergency situations.

31. Employees will not operate an APD vehicle within eight hours after consuming any alcoholic beverages or while still under the influence of alcohol. Nor will any alcoholic beverages be transported in any APD vehicle outside the scope of one's duty.

32. Off-duty employees are not authorized to use their take home vehicle for conveyance to and from non-APD employment.

33. APD vehicles will be properly secured and parked to prevent damage to the vehicle and theft of its contents.

34. All personnel driving marked department vehicles will have the assigned government plate properly affixed to their vehicle at all times. Unmarked vehicles will display government plates or civilian "cover" plates specifically assigned to the vehicle by the Department of Motor Vehicles, unless otherwise authorized by a supervisor. A log of "cover" plates will be kept by the supervisor and forwarded to Operations Review for quarterly audits.

35. Unmarked vehicles equipped with civilian plates will not participate in traffic enforcement.

L. Sanctions for Violation of the Assigned Take-Home Vehicle Program

1. Sanctions for violation of any part of this Take-home Car Program are contained in the current Albuquerque Police Employees Association Collective Bargaining Contract. All employees having a take-home car will be subject to these sanctions.
2. If the existing APOA contract has expired, the most current prior contract will prevail.

M. Automated Traffic Violations

1. Should personnel receive an automated violation citation, they must either pay the fine or contest the violation through the issuing agency's process and notify their



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chain of command. While the City of Albuquerque no longer uses automated photo traffic enforcement, other nearby jurisdictions, such as Rio Rancho, Santa Fe, and Las Cruces do.

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B. Personnel Responsibilities

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1. The employee assigned an APD take-home vehicle shall be fully responsible for seeing that the general maintenance and proper care of the vehicle is performed (the City shall perform and pay for the maintenance), and shall be prohibited from:
 - a. Altering the body, general design, appearance, markings, mechanical, or electrical system. The addition of equipment, i.e. headlight wig-wags, dash-mounted emergency lights, rear deck mounted emergency lights, CB radios, radio scanners, or other equipment, to a vehicle will require prior approval from the APD Fleet Manager or the Operations Review Lieutenant. Bumper stickers and ad/placard plates are prohibited unless authorized by the Chief of Police.
 - b. Making any repairs, or having any repairs made to the vehicle other than those made at an authorized city service facility garage.
 - c. Using oil, lubricant, or other liquid additives in the vehicle other than those supplied by authorized City of Albuquerque Fueling Depots.
 - d. Installing window tint without the expressed, written permission of the Operations Review Lieutenant.
2. Employees will be responsible for the appearance and cleanliness of their vehicle, both interior and exterior.



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C. Vehicle numbers will be placed on the front fenders, the top of the vehicle, and the trunk of each marked unit. Personnel will not remove these numbers. If a number comes off for any reason, the vehicle will be taken to Motor Transport for replacement of the number.

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D. Police Vehicles in Need of Repair

1. When a vehicle breaks down or is in need of repair during the shift, the employee will take the vehicle to the police garage if it is safe to drive. Under no circumstances shall a vehicle requiring only minor repair be parked near the Law Enforcement Center or substations.
2. During duty hours, if a repair cannot be completed immediately, employees will leave the vehicle and go back into service.
3. If the employees have their vehicle serviced while off duty, they will not be compensated for the time they spent waiting for their vehicle.
4. In all cases, a Repair Work Order Form must be prepared by the employee or shop foreman, giving a clear, comprehensive description of the problem.
5. Personnel will ensure that a vehicle, if drivable, has a full tank of gasoline before taking the vehicle in for repair or preventative maintenance (P.M.).
6. Personnel shall not remove the vehicle from the maintenance shop, or storage area without authorization from the fleet supervisor or designee.

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6-7

E. Securing Department Issued Property

1. Personnel will remove all Department issued property from their assigned vehicle/motorcycle when the vehicle is left at the police garage.



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2. Personnel will be held responsible for the loss of any issued property left unattended in the vehicle.
3. If personnel are incapacitated and are unable to secure their Department issued property or personal property, it will be the on-scene supervisor's responsibility to ensure that the property is properly secured.
4. Personnel shall secure their Department issued vehicles when left unattended or when the vehicle is out of their sight or immediate control. This will include both on-duty and off-duty.

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1. Each vehicle will be formally inspected each month by the employee's supervisor to include cleanliness, preventive maintenance schedule, and equipment. A formal inspection will be conducted by the employee's supervisor when the employee is turning in a vehicle that will be reissued.
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1. Any employee whose vehicle becomes unserviceable as a result of a chargeable traffic accident can be denied issuance of another vehicle.
2. The denial of issuance of another vehicle will be determined by a consensus of the employee's immediate supervisor, the area/division commander, and a representative of the Albuquerque Police Employees Association, if applicable.
3. Vehicles will be issued, turned in, and exchanged through the Fleet Manager and Operations Review. The Special Investigations Division is exempt from this provision.
4. Personnel will sign a Take-home Car Agreement every time a vehicle is assigned or re-assigned.
5. Area and Division Commanders will provide the Fleet Manager's office with current lineups, which include vehicle assignments, upon completion of each bid, or when there has been any change in assignment status.

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H. Parking of Police Vehicles at the Law Enforcement Center

1. Personnel will not park Department issued vehicles at the metered spaces near or around the Law Enforcement Center between 0800 hours and 1800 hours, Monday through Friday.



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2. Personnel who violate this Section will lose their take-home car privileges based on the current APOA collective bargaining agreement. If the existing APOA contract has expired, the most current prior contract will prevail. It is the responsibility of each employee who is issued a take-home car to review the current contract for sanctions.
3. Supervisors will ensure that police vehicles that have been withdrawn from the take-home car plan under this section are parked at a police facility during the driver's off-duty hours.

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I. Use of Seat Belts

All Department personnel will utilize seat belts when operating Department vehicles unless exempted by a supervisor or when specific situations override safety considerations.

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All Department vehicles (except SID vehicles) must have a "G" government license plate or valid temporary tag. If a Department Vehicle does not have a "G" plate or valid temporary tag, the person to whom the vehicle is issued must report to the Operations Review Lieutenant to obtain a "G" plate or valid temporary tag.

K. Assigned Take-Home Vehicle Program

1. Department employees shall drive Department vehicles for official purposes only, providing they hold a city driver's license for that class of vehicle.
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3. All employees assigned an APD vehicle will exercise good judgment in utilizing it, and will not drive or use the vehicle so as to cause unfavorable comment, or reflect discredit on the Department. When practical all employees will not use their radio or MDT while operating an APD vehicle. Officers will pull over before using an MDT except in emergency situations.
4. Employees will not operate an assigned vehicle within eight hours after consuming any alcoholic beverages.
5. To be authorized the use of a take-home vehicle, the employee must be in non-restricted status, i.e. full duty. Employees who are on restricted duty (injury leave, administrative leave, administrative assignment, FMLA, military leave) or otherwise not in an unrestricted duty capacity and will be out of service for more than five days will turn in their vehicle. Once the employee returns to full duty, a vehicle will be re-issued to the employee.



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6. APD vehicles will be properly secured and parked to prevent damage to the vehicle and theft of its contents.
7. Sworn employees, while off-duty and operating a Department vehicle, will have in their possession a jacket or vest that clearly displays the department insignia, their badge, ID, handcuffs, body armor, and sidearm to perform effectively a police function while at the same time, presenting a favorable image.
8. Off-duty employees are not authorized to use their take home vehicle for conveyance to and from non-APD part-time employment, or non-duty related functions. Off-duty employees shall use their take home vehicle in a professional manner. Department personnel may use their take home vehicle for conveyance to and from physical training.
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13. When responding to a felony call with non-sworn personnel as passenger(s) except for approved ride-along, employees will first deposit the passenger(s) at a convenient location, and will then respond to the call consistent with Department regulations.
14. Emergency code runs will not be made while the vehicle is occupied by non-sworn passengers, except for APD approved ridealongs.
15. The APD Vehicle will not be utilized for carrying heavy or excessive loads, and will not have objects protruding from the trunk or window.



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16. All personnel driving marked department vehicles will have the assigned government plate properly affixed to their vehicle at all times. Unmarked vehicles will display government plates or civilian "cover" plates specifically assigned to the vehicle by the Department of Motor Vehicles, unless otherwise authorized by a supervisor. Unmarked vehicles equipped with civilian plates will not participate in traffic enforcement.

L. Sanctions for Violation of the Assigned Take-Home Vehicle Program

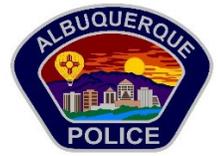
Sanctions for violation of any part of this Take-home Car Program are contained in the current Albuquerque Police Employees Association Collective Bargaining Contract. All employees having a take-home car will be subject to these sanctions.

If the existing APOA contract has expired, the most current prior contract will prevail.

M. Automated Traffic Violations

Should personnel receive an automated violation citation, they must either pay the fine or contest the violation through the issuing agency's process and notify their chain of command. While the City of Albuquerque no longer uses automated photo traffic enforcement, other nearby jurisdictions, such as Rio Rancho, Santa Fe, and Las Cruces, do.

Policy Development Form
Office of Policy Analysis



Name and Title: Chief of Staff John Ross & Officer Julie Maycumber

Phone:

Email: jross@cabq.gov

SOP: 2-5 Use of Police Vehicles

Date Completed: 10/4/18

In order to gain a clear understanding of the reason for the policy change, please answer the questions below with as much detail as possible as this information will be shared with internal and external stakeholders interested in participating in APD's policy development process.

Explain the rationale or purpose for the new policy or amended policy? Example: Best practices, case law, liability, conflicts with other policies or regulations, CASA related.

Update policy with published Special orders.

Chief of Staff J. Ross has also included new take home car policy.

What is the policy intended to accomplish? Explain the general intent with respect to the specific topic of the policy.

Provide officers with updated and new provisions for using take home cars.

How will the policy be measured to determine its effectiveness? (Example: Will data be collected, if so, in what format and who will maintain the information?)

n/a

Please list any references used to draft the policy such as policies from other agencies, case law, directives from the CASA, research papers, etc.

APD Special Orders

Please submit this form to OPA@cabq.gov

Should you have any questions or concerns regarding this form, contact Jolene Luna at 768-2223 or email jjluna@cabq.gov.

Updated 7/25/18