



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 17.2.2

### TITLE: TAKE-HOME VEHICLES

**EFFECTIVE: 04/08/2018**

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#### PURPOSE

This chapter assigns to members the responsibility for assisting in maintaining take-home vehicles so that they are properly equipped, maintained, and refueled and present a clean appearance. This Chapter provides guidelines for take-home vehicle use as well as the fleet manager's responsibilities.

#### POLICY STATEMENT

1. Take-home vehicles assigned to NOPD members are to be used for transportation while on duty, secondary employment assignments, and commuting to-and- from on-duty shifts.
2. Assigned take-home vehicles may be used for approved police secondary employment and for limited personal use.
3. A department member assigned a take-home vehicle shall complete a City of New Orleans Take-home Vehicle Add/Delete/Change Form. A member and supervisor shall make sure a payroll deduction is taken from his/her pay for vehicle usage (CAO Circular Memorandum 23-04 and CAO Policy Memorandum No. 5(R)) via his/her ADP payroll entry. Members assigned a take-home vehicle shall resubmit (renew) a City of New Orleans Take-home Vehicle Add/Delete/Change Form annually during their birth month.
4. Members assigned a take-home unit shall always keep the appropriate fuel card in the vehicle (CAO Policy Memorandum 5(R)).
5. Members assigned a take-home vehicle shall not share or authorize another person to drive or use the take-home vehicle unless the person is a member of the department, and the use is during the course and scope of his/her job assignment while on-duty.
6. Members assigned a take-home vehicle shall not use the vehicle while off-duty, outside of limited personal use, unless expressly approved by the Superintendent of Police because of the nature of the member's assignment (i.e., Command Staff on callout, investigators while on-call. Etc.).
7. Under no circumstances shall an assigned take-home vehicle be used as a replacement for a member's personal vehicle.

8. Off-duty use of a take-home vehicle without the required personal insurance coverage mandated by this Chapter is an unauthorized use of the vehicle and subject to disciplinary action.
9. Take-Home vehicles will only be authorized to those full-time Public Safety employees or Authorized External Users who need to respond to on-site, City business related incidents on a 24-hour basis that are domiciled in any one of the following parishes: Orleans, Jefferson, St. Bernard, Plaquemines, St. James, St. John the Baptist, St. Charles, and St. Tammany.

## DEFINITIONS

**Limited personal use**—Incidental, personal errands outside the course and scope of City / Department business, so long as such errands are conducted to and from the member's duty shift assignment without significant deviation, are brief in nature, do not detract from the member's responsibilities and do not violate NOPD policy or regulations.

**Off-Duty use of a take-home vehicle**—Any use of an assigned take-home vehicle that is not on-duty use or limited personal use. Off-duty use of a take-home vehicle is **not** covered by the City's Self-Insurance Program.

**Actual Domicile** – Actual Domicile is defined as it appears in Article X of the City Charter (Sec. 2-972 Definitions). "Actual Domicile" means a person's principal domestic establishment, the determination of which shall be based upon such actual facts as where a person sleeps, takes his meals, has established his household, and surrounds himself with his family and the comforts of home, as contrasted with a business establishment, a residence that is not a principal home, or a mere declaration of domicile.

## ASSIGNED VEHICLE AGREEMENT

10. A vehicle assigned to a member for his/her use within his/her job assignment may be used for work-related purposes, to transport the member to and from work, and for limited personal use as authorized in this Chapter and in accordance with CAO Policy (5) R and CAO Circular Memorandum 23-04.
11. Limited personal use of a departmental vehicle shall be covered by the City's self-insurance program when the vehicle is being used within the restrictions of this Chapter. Examples include:
  - (a) Regular commute time to and from the member's on-duty shift assignment and his/her domicile.
  - (b) Use during and driving to and from authorized police secondary employment.
12. The agreement also requires the member to be responsible for the vehicle's routine care and maintenance. Under Internal Revenue Service (IRS) regulations, personal use of the vehicle may be considered a taxable income to the member.
13. The assignment of take-home vehicles is at the discretion of the member's Bureau Chief, with approval of the Superintendent. Assigned vehicles may be changed at any time and/or permission to take-home a vehicle may be withdrawn at any time by the member's Bureau Chief or the Superintendent.
14. Department vehicles shall only be driven by department members and, while undergoing repairs or maintenance, members of the Equipment Maintenance Division (EMD).

**VEHICLES SUBJECT TO INSPECTION**

15. All department vehicles are subject to inspection and/or search at any time by an NOPD supervisor. No member assigned to or operating a departmentally assigned or City vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents. This includes vehicles provided for use by members as part of established "Crime Prevention Districts."
16. All department vehicles assigned as take-home vehicles shall be inspected on a division level, by designated fleet managers, quarterly. The results of the inspection shall be forwarded to NOPD's Fleet Management (Risk Management) Division for record-keeping purposes.
17. All department take-home vehicles shall be inspected by NOPD's Fleet Management (Risk Management) Division annually during the birth month of the assigned member to ensure proper vehicle maintenance and compliance with this chapter.
18. Any member found to be in violation of this chapter shall be subject to disciplinary action, which may include loss of take-home vehicle privileges.

**SECURITY**

19. Members may use take-home vehicles only with prior approval from his/her Bureau Chief and shall:
  - (a) Shall keep the vehicle locked when not attended.
  - (b) Remove All firearms and kinetic impact weapons from the interior of the vehicle and place them in the trunk or properly secured in the member's domicile when the vehicle is not attended according to the guidelines of **Chapter 1.4 - Firearms**.
  - (c) Meet the requirements of CAO Policy Memorandum 5R at all times.

**ALTERATIONS TO VEHICLES**

20. No department vehicle may be altered without prior written approval of the Superintendent of Police or his/her designee, including but not limited to the addition or removal of:
  - (a) Window tinting, except for K-9 units transporting an animal (any approved window tinting will be in accordance with R.S. 32:361.1).
  - (b) Emergency/strobe lights.
  - (c) Stickers or markings identifying a vehicle as a police department unit.
  - (d) Any license plates.
  - (e) Electronic equipment, including MDT's, cameras, radios, and GPS or AVL devices.

**MEMBER RESPONSIBILITIES**

21. A member who is assigned a take-home vehicle shall be responsible for maintaining the vehicle in good running order. The member shall be responsible for both scheduled and preventive maintenance and timely repairs to the vehicle in compliance with CAO policy.
22. Failure to follow the maintenance schedule or to keep the vehicle in good mechanical condition shall result in the member's loss of the take-home privilege.
23. A member assigned a take-home vehicle shall be responsible for maintaining the appearance of the vehicle, both interior and exterior, clean, and professional.
24. A member assigned a take-home vehicle is responsible for obeying all traffic and parking

laws while on and off duty and shall adhere to Rule 2, Moral Conduct and Rule 3, Professional Conduct of the Department Operations Manual.

25. Members driving a take-home vehicle shall always maintain his/her duty weapon and police radio while driving/using the vehicle.
26. When a member is on vacation, on leave or out of the Orleans Parish for more than five (5) business days, the vehicle shall be stored at the member's place of assignment.

### **MEMBER APPEARANCE**

27. Unless authorized by his/her District/Division Captain, a member assigned a take-home vehicle shall always be neat and professional in attire while operating/using the vehicle. Members shall not wear any type of clothing or accessories that might bring embarrassment or discredit to him/her or the department while operating a department vehicle.

### **CAPTAIN'S RESPONSIBILITIES**

28. Captains of each unit shall be responsible for maintaining a set of spare keys for all vehicles assigned to their unit, including take-home vehicles.
29. The Captain of each respective Bureau, District, Division, Section, or Unit shall have a NOPD Form 106 (Vehicle Inventory Reporting Form) completed for each assigned take-home vehicle, in addition to the City of New Orleans Take-Home Vehicle Add/Delete/Change Form. These forms shall be forwarded through the required chain-of-command for approval and to the NOPD Fleet Manager each time a vehicle's status is changed.
30. The Captain of each respective Bureau, District, Division, Section, or Unit shall issue a copy of CAO Policy Memorandum No. 5(R) and CAO Circular Memorandum No. 23-04 to any member assigned a take-home vehicle under his/her command, and the member shall acknowledge receipt. Members must always keep a copy of CAO Policy Memorandum 5(R) in the vehicle. Vehicle registration documentation and a copy of the City's self-insurance letter shall always be kept in the vehicle.

### **FLEET MANAGER**

31. The NOPD Fleet Manager shall forward all City of New Orleans Take-home Vehicle Add/Delete/Change Forms to the CAO for final approval. Once the form is approved, the Captain of Fleet Management shall forward a copy to the member's place of assignment. A copy of the approved form shall be placed in the member's personnel jacket.
32. The NOPD Fleet Manager shall conduct a quarterly vehicle, equipment, and take-home assignment inventory. The inventory shall be sent to the Chief Administrative Office in the format specified by the Chief Administrative office. The inventory shall include all information detailed in #5, B of the CAO Policy Memorandum 5(R) and any additional information as specified by the Chief Administrative Office. The inventory shall cover all vehicles owned or leased by the City and/or under the control of the department.

### **RESTRICTIONS ON DEPARTMENTAL VEHICLE USE**

33. Members requesting to use a police vehicle, marked or unmarked, take-home, or not, to go out of state shall request permission, in writing and in advance, through his/her chain of command to the Superintendent of Police or his/her designee.

34. Members using a police vehicle, marked or unmarked, to go out of Orleans Parish shall request permission through his/her Bureau Chief, unless it is in the performance of their official duties. Members domiciled outside of Orleans Parish shall ensure they have completed and have an approved City of New Orleans Take-home Vehicle Add/Change/Delete form prior to use outside of Orleans Parish.
35. For mileage calculation purposes needed on the **City of New Orleans Take-home Vehicle Add/Change/Delete form** and for purposes of the **Take – Home Vehicle Personal Use Charge**, only Google Maps software / application shall be used. No adjustments to the indicated route, or selection of alternate routes may be used. The following instructions shall be followed:
- (a) On a computer, open **Google Maps**.
  - (b) Click on the “**Directions**” icon.
  - (c) Type the legal address for your registered domicile on file with the City of New Orleans in the first box labeled “**Your location.**”
  - (d) Type in the legal address for your principal place of assignment in the second box labeled “**Choose destination or click on the map.**”
  - (e) Click on the “**Driving icon.**”
  - (f) Click on “**DETAILS**”. (This will generate a map with directions.)
  - (g) Print the resulting "map" using the print icon in the application and note the mileage indicated.
  - (h) The requesting member shall sign the map printout and date it with the date on which it was printed for inclusion with the **City of New Orleans Take-home Vehicle Add/Change/Delete form**.

Any alteration to the map generated, the use of an address other than the member's domicile address on file with the City of New Orleans or the use of an “alternate” route is a violation of the guidelines that govern the process for authorizing a take-home vehicle and subsequent personal use charges and may subject the member to criminal charges and discipline.

#### **RESTRICTIONS ON TAKE-HOME DEPARTMENTAL VEHICLE USE**

36. Assigned take-home vehicles may only be used within Orleans Parish, driving to and from the member's domicile as indicated on the approved take-home form and his/her duty assignment or unless prior written authorization is granted by the Superintendent of Police.
37. The City's self-insurance program shall not cover an assigned take-home vehicle when the member uses the vehicle off-duty outside of the restrictions of limited personal use, this Chapter or City policy.
38. Members shall not be assigned a take home vehicle, and shall lose any existing take home vehicle privileges while:
- (a) On administrative reassignment under criminal investigation;
  - (b) Suspended;
  - (c) On Limited duty; and/or
  - (d) Extended sick leave.

This information shall also be provided to the member through their disciplinary letter or reassignment paperwork.

39. Use of a take-home vehicle off-duty shall not violate NOPD policies or regulations governing purchase of alcohol, transporting of family members or members of the public outside of duties as a member of the NOPD, or other activities that may result in public

criticism.

## DISCIPLINARY ACTION

40. Members arrested for driving under the influence while operating a city vehicle or personal vehicle, either on-duty or off-duty, shall lose his/her take-home vehicle privileges for no less than one year, in addition to any other disciplinary action such as a possible suspension and/or termination (CAO Policy Memorandum #89R).
41. A member under suspension shall leave his/her take-home vehicle parked at his/her assignment throughout the duration of the suspension. The Captain of the Bureau, District, Division, Section, or Unit shall ensure the suspended member complies with this provision.
42. Sustained violations of this chapter shall include in any disciplinary letters a statement that members shall not be assigned a take-home vehicle, and shall lose any existing take-home vehicle privileges while:
  - (a) On administrative reassignment;
  - (b) Suspension;
  - (c) Limited duty; and/or
  - (d) Extended sick leave.

## INSURANCE

43. Members assigned a take-home vehicle are required to endorse his/her current personal automobile policy to provide coverage for Non-Owned Autos for off-duty use. The liability limits shall be at least the mandatory state minimum financial responsibility limits.
44. Members assigned a take-home vehicle who do not own a personal vehicle or have a personal automobile insurance policy in force MUST purchase a personal Non-Owned Automobile Liability and Physical Damage Coverage (Comprehensive and Collision) policy for off-duty use. The liability limits shall be at least the mandatory state minimum financial responsibility limits.
45. Members assigned a take-home vehicle who use the vehicle off-duty shall provide a copy of his/her current personal automobile insurance policy, or his/her current personal non-owned automobile insurance policy (Comprehensive and Collision) to the Fleet Manager prior to any off-duty use. The policy or endorsement, as required, shall always be maintained while the take-home vehicle is assigned to the member is used off-duty.
46. It is the responsibility of the Fleet Manager to make sure insurance policies, or proof of insurance coverage, are submitted as they are renewed. The following is the minimal vehicle insurance coverage required of every member with a take-home vehicle who uses it off-duty:
  - (a) Bodily injury and property damage liability - Mandatory State Minimum Financial Responsibility Limits always when assigned.
  - (b) Uninsured Motorist - No less than the Minimum Financial Responsibility Limits, or the member's liability limits, whichever is always greater when assigned.
  - (c) Comprehensive and Collision - The deductibles will be the sole responsibility of the member and will not be borne in any way by the City, and all property damage losses will be paid to the City.
  - (d) Non-owned coverage including Bodily Injury and Property Damage Liability and Physical Damage ("Comprehensive" and "Collision").

**USE OF A TAKE-HOME VEHICLE ON APPROVED POLICE SECONDARY EMPLOYMENT**

47. A member must list his/her take-home vehicle in the N.O.P.D. equipment used on all required Police Secondary Employment forms including the detail section of the NOPD Form 21 (Paid Detail Authorization Form) for approval to use it on a paid detail.