

POLICIES FOR COMMENT | 700

700 Department-Owned and Personal Property

702 Vehicle Maintenance

703 Vehicle Use

704 Cash Handling, Security and Management

NAVIGATE TO THE POLICY BY CLICKING THE NUMBER OR TITLE

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Discretionary

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY

Discretionary MODIFIED

All property issued shall be documented in the appropriate equipment log. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return signed by a supervisor.

700.2.1 CARE OF DEPARTMENT PROPERTY

Discretionary MODIFIED

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to Corrective action including, but not limited to, the cost of repair or replacement.

- (a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any department-issued property or equipment assigned for their use.
 1. A supervisor receiving such a report shall conduct an appropriate investigation and direct a memo to the appropriate Section Commander that shall include the result of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.
 2. A review by the staff to determine whether misconduct or negligence was involved should be completed.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practicable and, if appropriate and approved by the staff, replaced with comparable department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

Fitchburg Police Department

Policy Manual

Department-Owned and Personal Property

- (e) In the event that any department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 USE OF PERSONAL PROPERTY

Discretionary

The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Chief of Police or appropriate Section Commander. The employee should submit for approval the description of personal property that the employee has requested to carry, the reason for its use, the period of its use and the terms of its use. Personal property of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

700.3.1 DEFINITIONS

Discretionary

Definitions related to this policy include:

Personal property - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Uniform Regulations Policy.

700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Discretionary **MODIFIED**

Claims for reimbursement for damage or loss of personal property must be made in written form. This notification is submitted to the employee's immediate supervisor. The supervisor will assess the claim and then route the notification to the Deputy Chief.

Upon review by the Deputy Chief and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police or designee, who will then forward the claim to the finance department.

The Department will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

700.3.3 REPORTING REQUIREMENT

Discretionary

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Discretionary

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes

Fitchburg Police Department

Policy Manual

Department-Owned and Personal Property

to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

Discretionary

If employees of another jurisdiction cause damage to personal property or property belonging to the City of City of Fitchburg, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Section Commander.

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Discretionary

Employees are responsible for assisting in maintaining department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

Discretionary **MODIFIED**

When a department vehicle becomes inoperative or in need of a repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Communication through approved methods, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

The employee's supervisor should be notified when an assigned vehicle becomes inoperative or in need of repair.

702.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Discretionary **MODIFIED**

Vehicles that may have suffered damage, or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair.

702.2.2 SEVERE USE INSPECTION

Discretionary

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceeds the manufacturer's use parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Severe conditions may include rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

Best Practice **MODIFIED**

All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured in the armory prior to the vehicle being released for maintenance, service or repair, except in instances of minor maintenance when the department member will be remaining with the vehicle (such as oil changes).

702.3 VEHICLE EQUIPMENT

Discretionary

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

Fitchburg Police Department

Policy Manual

Vehicle Maintenance

702.3.1 PATROL VEHICLES

Discretionary MODIFIED

Officers shall inspect the patrol vehicle, both marked and unmarked, at the beginning of the shift and ensure that the following equipment, at a minimum, is in the vehicle. Please see attached form for required equipment.

702.4 VEHICLE REFUELING

Discretionary MODIFIED

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall fill the squad with fuel to ensure it is ready for future use. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank. Vehicles shall only be refueled at an authorized location.

702.5 WASHING OF VEHICLES

Discretionary MODIFIED

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

702.6 NON-SWORN EMPLOYEE USE

Discretionary MODIFIED

Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Vehicle Use

703.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Fitchburg to provide assigned take-home vehicles.

703.2 POLICY

Best Practice

The Fitchburg Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

Best Practice

703.3.1 SHIFT ASSIGNED VEHICLES

Best Practice MODIFIED

The Shift Sergeant shall ensure member assignments and vehicle numbers are completed for each shift. Officers shall document their assigned vehicle through appropriate computer software. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

703.3.2 OTHER USE OF VEHICLES

Best Practice MODIFIED

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Shift Sergeant and dispatch.

This subsection does not apply to those who are assigned to transport vehicles to and from a maintenance facility or car wash.

703.3.3 INSPECTIONS

Best Practice

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after

Fitchburg Police Department

Policy Manual

Vehicle Use

the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.4 SECURITY AND UNATTENDED VEHICLES

Best Practice **MODIFIED**

Unattended vehicles should be locked and secured at all times. Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 MOBILE DIGITAL COMPUTER

Discretionary

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify Dispatch. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

703.3.6 VEHICLE LOCATION SYSTEM

Discretionary

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Section Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.7 KEYS

Discretionary

Fitchburg Police Department

Policy Manual

Vehicle Use

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.8 AUTHORIZED PASSENGERS

Best Practice

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.9 ALCOHOL

Best Practice

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.10 PARKING

Discretionary

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.11 ACCESSORIES AND/OR MODIFICATIONS

Discretionary

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.12 NON-SWORN MEMBER USE

Best Practice MODIFIED

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Best Practice

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

Fitchburg Police Department

Policy Manual

Vehicle Use

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Best Practice

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Best Practice **MODIFIED**

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the City of Fitchburg City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked and keys removed when not attended.

703.4.3 ASSIGNED VEHICLES

Best Practice **MODIFIED**

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the City of Fitchburg is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Fitchburg may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Section Commander gives authorization.

Fitchburg Police Department

Policy Manual

Vehicle Use

- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or Section Commanders and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Police or Section Commanders.
 - 4. When the vehicle is being used by the Chief of Police, Section Commanders or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, the vehicle must be locked and all keys shall be removed.
- (h) Vehicles are to be secured at the police department when a member will be away from their residence for periods exceeding one week.
- (i) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

State

When driving a take-home vehicle to and from work outside of the jurisdiction of the Fitchburg Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or of bodily harm exists (Wis. Stat. § 175.40(6m)(a)) (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Fitchburg Police Department

Policy Manual

Vehicle Use

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Discretionary **MODIFIED**

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in corrective action and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) All weapons shall be removed from any vehicle left for maintenance.
- (f) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 DAMAGE, ABUSE AND MISUSE

Best Practice

When any department vehicle is involved in a traffic crash or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic crash report shall be filed with the agency having jurisdiction (see the Traffic Crash Response and Reporting Policy).

Damage to any department vehicle that was not caused by a traffic crash shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Sergeant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.6 ATTIRE AND APPEARANCE

Discretionary

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

Best Practice MODIFIED

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence policy.

704.2 POLICY

Best Practice

It is the policy of the Fitchburg Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

704.3 ROUTINE CASH HANDLING

Best Practice MODIFIED

Those who handle cash as part of their duties shall discharge those duties in accordance with the Property and Evidence policy.

704.4 OTHER CASH HANDLING

Best Practice MODIFIED

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or is outside their defined cash-handling duties shall, as soon as reasonably practicable, verify the amount, summon another member to verify their accounting, and process the cash as safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Any cash taken for evidence or for safe-keeping, in excess of \$1,000, requires notification of a supervisor, special handling, verification and accounting. Each member involved in this process shall complete an appropriate report or record entry.