

**Milpitas Police Department**  
Milpitas PD CA Policy Manual

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## **Chapter 7 - Equipment**

# Department Owned and Personal Property

## 700.1 PURPOSE AND SCOPE

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 duty. Certain procedures are required depending on the loss and ownership of the item.

## 700.2 CARE OF DEPARTMENTAL PROPERTY

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

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and 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.
- (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 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results 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 or damage.

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

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

### 700.3.1 REPORTING REQUIREMENT

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**

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

- (a) A verbal report shall be made to the employee's immediate supervisor as 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 is made.

### 700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, 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 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 Division Commander.

# Personal Communication Devices

## **702.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

## **702.2 POLICY**

The Milpitas Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

## **702.3 PRIVACY POLICY**

Members shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to

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investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Chief of Police. All such searches shall be fully documented in a written report.

#### 702.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

#### **702.4 DEPARTMENT-ISSUED PCD**

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

#### **702.5 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
  - (a) Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police or his or her designee.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or

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material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Milpitas Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

#### **702.6 USE OF PCD**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party

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through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

- (f) Members will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

### **702.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
  - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
  - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

### **702.8 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

### **702.9 OFFICIAL USE**

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

- (a) Barricaded suspects
- (b) Hostage situations

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- (c) Mobile Command Post
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political or community events
- (f) Investigative stakeouts
- (g) Emergency contact with an allied agency or allied agency field unit
- (h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available

# Vehicle Maintenance

## 704.1 PURPOSE AND SCOPE

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

## 704.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of 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 first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

### 704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

### 704.2.2 SEVERE USE

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

### 704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

## 704.3 VEHICLE EQUIPMENT

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

### 704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 24 Emergency road flares
- 1 Yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First Aid Bag containing:
  - (a) 1 Adult Ambu-bag resuscitator
  - (b) 1 Child Ambu-bag resuscitator

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- (c) 1 ten inch by thirty inch trauma pad
- (d) 1 pair safety glasses
- (e) 1 First Aid Kit containing:
  - (a) Multiple band aids
  - (b) Multiple four by four, 12 ply gauze pads
  - (c) 2 rolls two by four and a half yard gauze bandage
  - (d) 1 roll of hypoallergenic paper tape
  - (e) 1 Xeroform Petrolatum dressing
- 2 Emergency paper blankets
- 1 Dosimeter
- 1 Can of disinfectant spray
- 4 Traffic Cones
- 1 Traffic Safety Vest
- 1 Box of Super Sani-Cloth wipes
- 1 Box of PAWS Antimicrobial Hand wipes
- 1 Box of Innovera cleaning wipes for MCT screens
- 1 Fire extinguisher
- 1 Earthquake bag
- 1 Tactical helmet
- 1 Tactical vest
- 1 Roll of crime scene tape
- 1 Reflective vest
- 1 Orange flashlight wand
- 1 Stuffed animal
- 1 Life Hammer Tool in driver's door panel

#### 704.3.2 INVESTIGATION UNIT VEHICLES

Investigation Unit vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 1 Stuffed animal
- Foam germicide

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- 1 First aid kit with Ambu Bag (CPR)
- Fire extinguisher
- 2 Emergency paper blankets
- 24 Emergency road flares
- Latex or nitrile gloves

### **704.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

### **704.5 WASHING OF VEHICLES**

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 their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

### **704.6 NON-SWORN EMPLOYEE USE**

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the "out of service" placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

# Vehicle Use

## 706.1 PURPOSE AND SCOPE

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 Milpitas to provide assigned take-home vehicles.

## 706.2 POLICY

The Milpitas 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.

## 706.3 USE OF VEHICLES

### 706.3.1 SHIFT ASSIGNED VEHICLES

The Watch Commander shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

### 706.3.2 OTHER USE OF VEHICLES

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 Watch Commander. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

### 706.3.3 INSPECTIONS

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 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.

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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.

#### 706.3.4 OTHER:

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

#### 706.3.5 VEHICLE LOCATION SYSTEM

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 other than supervisors will require Division Captain approval.

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

#### 706.3.6 KEYS

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.

#### 706.3.7 AUTHORIZED PASSENGERS

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.

#### 706.3.8 ALCOHOL

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.

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#### 706.3.9 PARKING

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.

#### 706.3.10 ACCESSORIES AND/OR MODIFICATIONS

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

#### 706.3.11 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

### **706.4 ASSIGNED VEHICLE AGREEMENT**

Members who have been assigned a take home vehicle for their use within their job assignment may be used to transport the employee to and from their residence for work-related purposes. Refer to City of Milpitas SOP 6.2 Use of City Vehicles and Privately-Owned Vehicles on City Business.

Members are cautioned that under federal and local tax rules, personal use of a City-owned vehicle may create an income tax liability to the member. Members should address questions regarding tax consequences to their tax adviser.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

#### 706.4.1 ON-DUTY USE

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.

#### 706.4.2 UNSCHEDULED TAKE-HOME USE

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.

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- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Milpitas City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

#### 706.4.3 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Milpitas Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

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.

#### 706.4.4 MAINTENANCE

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 discipline 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) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) 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.

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#### 706.4.5 ASSIGNED VEHICLES

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 employment or appointment status. Residence in the City of Milpitas is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Milpitas 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 Division Captain gives authorization.
- (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:
  - (a) In circumstances when a member has been placed on call by the Chief of Police or Division Captain and there is a high probability that the member will be called back to duty.
  - (b) When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.
  - (c) When the member has received permission from the Chief of Police or Division Captain.
  - (d) When the vehicle is being used by the Chief of Police, Division Captain or members who are in on-call administrative positions.
  - (e) 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, Other: 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.

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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, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The member is responsible for the care and maintenance of the vehicle.

#### **706.5 DAMAGE, ABUSE AND MISUSE**

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

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

When a [City]-owned vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see also Traffic Collision Reporting Policy).

When a collision involves a [City] vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the supervisor should request that an outside law enforcement agency be summoned to investigate the collision.

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Any time a police vehicle is involved in a traffic collision, either singularly or with another vehicle, a Traffic Officer will be summoned to investigate the cause and responsibility. If a Traffic Officer is not available, an on-duty supervisor shall investigate the collision.

An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in the vehicle inspection log book and forwarded to the [watchCommander]. A [watchCommander] shall review the circumstances to determine if there is any vehicle abuse or misuse.

### **706.6 TOLL ROAD USAGE**

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Captain within five working days explaining the circumstances.

### **706.7 ATTIRE AND APPEARANCE**

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.

## Armored Rescue Vehicle (ARV) - MedEvac

### 707.1 PURPOSE AND SCOPE

The purpose and scope of this policy is to set guidelines for the proper use, training, care and storage of the Milpitas Police Department's armored rescue vehicle. In this policy, this vehicle will be referred to as Armored Rescue Vehicle (ARV).

The ARV is an asset that was acquired by the Milpitas Police Department. The purpose and intent of the acquisition and deployment of this vehicle is to enhance and sustain local and regional preparedness for first responders in major urban areas by allowing for delivery of emergency medical services into on-going hazardous situations. This will allow law enforcement, fire service staff, and medical personnel the ability to safely enter unsecured and unstable areas (warm or hot zone). This vehicle will assist with providing immediate medical assistance, enhancing the ability of first responders to rescue persons in need and help protect first responders at the scene of an emergency situation. The vehicle is also designed to meet tactical needs of law enforcement agencies tasked with responding to acts of violence and/ or terrorism. The purpose is to enhance law enforcement's ability to serve and protect the community.

### 707.2 USE OF THE LENCO MEDEVAC

The use of an Armored Rescue Vehicle (ARV) is to preserve life and enhance the safety of citizens and officers. The ARV should be deployed in situations where its use would enhance the tactical advantage of officers, aid in the rescue of injured persons, protect life and property, or improve the likelihood than an incident would be resolved without the use of deadly force or other force options.

The ARV is primarily used for Special Weapons and Tactics Team (SWAT) incidents safe transport of SWAT personnel to and from critical incidents, high risk warrant service operations dangerous high risk tactical operations, high risk rescue operations, training, providing emergency medical staff and/or Tactical Emergency Medicine (TEM) personnel, delivering equipment, and other rescue capabilities. It may also be used for community engagement efforts and other applications deemed appropriate and approved by the Field Services Division Captain or his/her designee.

### 707.3 DEPLOYMENT

An ARV will only be deployed in a manner consistent with the guidelines in this policy. Approval to deploy an ARV will be the responsibility of the Field Services Division Captain or his/her designee. A Watch Commander may authorize the deployment of an ARV if there is an immediate need to prevent loss of life or great bodily injury. Upon deployment of an ARV if there is an immediate need to prevent loss of life or great bodily injury. Upon deployment, the Watch Commander shall notify the Field Services Division Captain as soon as practical. In most cases where the Watch Commander authorized the deployment of an ARV, The SWAT Lieutenant will assign two (2) SWAT Officers to relieve the patrol officers in charge of the ARV at the scene of an ARV deployment.

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Nothing in this policy is meant to preclude the immediate deployment of the ARV to perform an officer or citizen rescue, to save lives that are in immediate danger of great bodily injury or death or to deliver the ARV to the scene of a callout. The Field Services Division Captain should be notified of all deployments of the ARV as soon as possible after a deployment.

### 707.3.1 TACTICAL OPERATIONS, INVESTIGATIONS, AND ENFORCEMENT

Deployment of ARV should be considered in the following circumstances;

- During an incident involving violent felonies;
- Responding to persons with a history of extreme violence involving firearms, explosives or other dangerous weapons;
- When information is present that the suspect has used, intends to use or is likely to use extreme violence against citizens or law enforcement personnel; **and**
- At a scene where a suspected or actual explosive device is located.

With full consideration for the safety of the occupants, an ARV may be used to breach a structure with the vehicle's ram attachment. Using an ARV for this purpose is appropriate only after a clear articulated need exists and only when; (1) a search warrant is obtained and the issuing judge authorized the use of the ARV to breach a structure; and (2) when the ram was utilized, officers reasonably believed that evidence inside the premises was presently being destroyed, or (3) there was an immediate threat of resistance from the occupants which posed a serious danger to officer or citizens. Nothing in this section is intended to prevent the use of an ARV to conduct rescue operations to prevent loss of life or great bodily injury.

An ARV will not be deployed at incidents that do not involve actual, threatened or suspected violence or investigations of misdemeanor crimes, unless the crime involves a firearm. In the absence of actual, threatened or suspected violence, an ARV may be deployed during natural disasters, rescue/emergency operations that necessitate the deployment of the ARV's equipment and capabilities. Examples include but are not limited to the following;

- The ARV's ground clearance and 4-wheel drive capabilities.
- Use of night vision/search equipment to locate missing and/or at risk persons.
- Use of onboard oxygen system during an operation.

Generally, an ARV will not be utilized in crowd control situations or during times of civil unrest, protest or demonstrations unless clear articulable facts dictate the need to deploy the ARV (shots fired, suspected violence involving firearms, actual or suspected presence of explosives, etc.).

### 707.3.2 RESCUE OPERATIONS

An ARV may be utilized to perform rescue operations of citizens or officers. The ARV may be deployed to the scene of an incident involving hazardous chemicals or material and may utilize onboard equipment to assist with the response and successful mitigation of the situation. the ARV

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has the capability to deliver law enforcement personnel specially trained in hazardous material operations to the scene of emergencies requiring this level of expertise.

In certain rescue operations, such as an Active Shooter or Criminal Mass Casualty Incident, the ARV may be used to deploy Fire and/or EMS resources into potential Warm Zones as a Rescue Task Force is strictly meant to expedite life-saving efforts. The use of ARV is meant to provide protection and a safe environment for the Rescue Task Force personnel as well as for victims requiring evacuation or treatment. The Rescue Task Force will be deployed in compliance with the Santa Clara County Active Shooter Protocol.

### 707.3.3 PRE-PLANNED OPERATIONS

A sworn member of the Milpitas Police Department may request to deploy an ARV in a pre-planned operation by making the request to the Field Services Division Captain or his/her designee. The request should include, but is not limited to; the date and time frame of the operation; the location(s) of the operation; and the reason why the ARV is necessary for the success of the operation. The Field Services Division Captain or his/her designee will be responsible for approving/denying the request.

### 707.3.4 PRE-PLANNED SPECIAL EVENTS

With the approval of the Field Services Division Captain, an ARV may be staged at the location of a pre-planned special event for the purpose of providing a rapid response of acts of extreme violence. The vehicle should be parked and staged in a manner appropriate for the circumstances. Each even Incident Commander is responsible for communicating the intended use of the ARV to the Field Services Division Captain prior to deployment. If approval is granted, a trained ARV driver will be assigned to deliver and provide security for the vehicle.

### 707.3.5 PUBLIC RELATIONS

An ARV may be deployed for public relations purposes, such as charity events, with the approval of the Field Services Division Captain. If approval is granted, a trained ARV driver will be assigned to deliver and provide security for the vehicle.

## **707.4 ALLIED AGENCY REQUEST**

Non-Emergency request for the deployment of the ARV by an allied agency will be made through the on-duty Watch Commander who will then contact the Field Services Division Captain for authorization. If there is an allied agency for an immediate ARV deployment to an emergency to assist in life-saving operations, the Watch Commander may authorize the deployment of the vehicle pursuant to Section 707.3 of this policy.

Upon approving an allied agency's request, two officers trained in ARV deployment will be assigned to deliver the ARV to the requesting agency. It is recommended that one officer drive the ARV and one officer assist with escorting the ARV in a marked patrol vehicle. The officer(s) will respond to the incident and deploy an ARV per the orders of the Incident Commander of the allied agency. Milpitas Officers will not deploy an ARV if the deployment conflicts with Milpitas Police

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Department's policies, procedures, practices or established law. Officers arriving on scene with the ARV will act as operators of the vehicle and security for the vehicle.

MPD officers deployed with an ARV should not be directly involved in the tactical operations of the allied agency unless specifically requested to do so by the requesting agency. If the MPD officers are asked to participate in any part of the Allied Agency's operation other than the operation of the AV, the officer(s) shall contact the Field Services Division Captain as soon as practical and brief the Field Services Division Captain on the intended action of the officers and allied agency. this policy is not intended to restrict officers from taking action if necessary to prevent loss of life or great bodily injury.

If the allied agency's request for an ARV develops into an extended operation, the officer's deploying the vehicle will contact the Field Services Division Captain and advise him/her of the situation. The Field Services Division Captain will be responsible for insuring relief officers are deployed as necessary.

If multiple simultaneous requests are made for the ARV, the Field Services Division Captain will evaluate the situation and determine which request take priority based on the nature of the incidents. The Field Services Division Captain shall be notified when the ARV is deployed.

### **707.5 TRAINING**

Officers are to be trained in the operation of the ARV prior to use. Training requirements will be set by the Field Services Division Captain in cooperation with the Emergency Vehicle Operations (EVOC) Training Manager. Training will include knowledge of this policy, rules of the road and basic knowledge of electronic/mechanical functions on the vehicle. The training will also include a driving exercise. SWAT personnel will receive advanced training and are expected to maintain a higher level of operational knowledge and expertise.

Only MPD personnel who have completed training and possess a valid California Driver's License will be authorized to drive/operate the ARV, unless a delayed deployment of an ARV would result in serious bodily injury or death.

The Field Services Division Captain or his/her designee is responsible for training officers on proper use, driving techniques and ensuring the vehicle is properly serviced and maintained.

### **707.6 DOCUMENTATION**

Each deployment of an ARV shall be documented in a police report, a SWAT After Action Report or on the ARV Deployment Log. Training shall be documented and forwarded to the MPD Training Unit.

### **707.7 OPERATING/STORAGE/MAINTENANCE GUIDELINES**

#### **Backing**

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(a) When operating the ARV in reverse and when persons, equipment or other property is within the immediate area of the ARV, a ground guide or spotter should be used unless officer safety would be jeopardized.

#### **Inventory**

(a) The MPD officer operating the ARV during the deployment shall ensure that all of the vehicle's equipment has been returned to the ARV once the deployment is completed. The SWAT Sergeant shall insure quarterly inventories/inspections are completed and a list of the equipment is stored inside of each ARV.

#### **Fueling**

(a) Prior to securing the ARV after deployment, the MPD officer operating the ARV during the deployment shall ensure that the vehicle has sufficient fuel and is ready for re-deployment **-Diesel Fuel**.

#### **Storage**

(a) The ARV will be stored in designated parking locations on the Milpitas Police Department campus unless authorization for an alternative storage location is granted by the Field Services Division Captain.

#### **Damage**

(a) If the ARV is damaged, the MPD officer operating the ARV during the deployment shall report the damage to the SWAT Lieutenant as soon as possible and complete a Vehicle Damage Control Report.