General Order

Houston Police Department

ISSUE DATE:	NO.
September 17, 2018	400-07

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 400-07, dated October 17, 2005

SUBJECT: VEHICLE USE AND ASSIGNMENT

POLICY

Department vehicles are assets belonging to or under the control of the City of Houston and are provided to employees for the purpose of carrying out police missions. All department vehicles are allocated to divisions or assigned to specific personnel through the authority and approval of the Chief of Police.

This General Order applies to all employees.

DEFINITIONS

City Vehicle (a.k.a. Department Vehicle). For purposes of this General Order, these terms are used interchangeably to refer to a vehicle owned or leased by the City of Houston or assigned by an outside agency, including a federal agency, for use by the Houston Police Department.

Motor Pool Vehicles. Department vehicles available for authorized employees to temporarily check out to use while performing official City business. These vehicles include motor pool vehicles assigned to the HPD Fleet Unit or to an HPD command, office, division, or unit and are differentiated in this General Order when policies differ as either Fleet Unit motor pool vehicles or *divisional* motor pool vehicles.

Operational Necessity. The fact of being critical to operational continuity and/or functions in fulfillment of the mission of the Houston Police Department. As applied in this General Order, take-home vehicle assignments, either permanent or rotational, are determined by *operational necessity* when vehicle resource availability is immediately required or expected.

Out-of-Town Travel. A destination to which it cannot be reasonably expected that an employee can travel, conduct business, and return within a business day.

Permanent Take-Home Vehicle. A department vehicle assigned to an employee who, because of assignment and/or job duties, is deemed to have a perpetual need for a take-home vehicle with home storage privileges based on, but not limited to, *operational necessity.* The employee is generally assigned to a division in which employees are on-call and often are:

a. Routinely called out to perform an assignment beyond normal duty hours.

b. Required to report directly to various work sites.

c. Required to carry and/or maintain specialized equipment.

Primary Household. For purposes of this General Order, a *primary household* is where an employee resides on a regular basis. This includes an employee's true, fixed, principal, and

permanent home to which that employee intends to return and remain even though currently residing elsewhere. The Chief of Police reserves the right to make the final determination of *primary household* considering evidence such as, but not limited to, driver licenses, voter registration rolls, homestead exemptions, property tax rolls, registered utilities, and mailing addresses.

Rotational Take-Home Vehicle. A department vehicle rotationally assigned as a take-home vehicle to divisional employees sharing on-call status in increments of 90 *calendar* days or less. Rotational take-home vehicle assignments are not a requirement of a position, but are based on the needs of a division. Officers with rotational on-call assignments that cumulatively last more than 90 *calendar* days in the *calendar* year shall pay the *take-home vehicle fee* only for the time period over the 90 *calendar* days in the same *calendar* year.

***Take-Home Vehicle Committee* (THVC).** Committee appointed by the Chief of Police to hear, review, and recommend which job duties or assignments are such that take-home vehicle assignments are appropriate and beneficial to the department. The THVC evaluates employee requests for take-home vehicle assignments and makes recommendations to the Chief of Police. These recommendations are based on, but not limited to, *operational necessity*.

Take-Home Vehicle Fee. A fee assessed to employees assigned a permanent take-home vehicle or, in some cases, a *rotational take-home vehicle* as noted above to reimburse the City for non-City business driving. The fee is paid via payroll deduction.

1 VEHICLE ALLOCATION

City vehicles shall be allocated based on documented needs, available resources, and department goals. See General Order 400-20, **Vehicle Allocation**.

2 GENERAL GUIDELINES

No employee has a right or entitlement to the use of a City vehicle. Employees, by nature of job assignments and responsibilities, will be assigned and/or allowed to use City vehicles at the discretion of the Chief of Police.

Employees who operate a City vehicle shall adhere to the rules and restrictions outlined in this General Order and other applicable department policies. Employees who utilize vehicles owned or leased by an outside agency (e.g., federal vehicles) shall follow any additional rules and restrictions for the use of those vehicles as set by the providing agency.

Employees shall adhere to the reporting requirements of relevant General Orders. See General Orders 200-02, **Employees Facing Legal Action** and 400-08, **City Vehicle Crashes**.

Driving a motor vehicle is an essential job function necessary to the carrying out of the duties of a police officer. Therefore, all classified employees shall maintain a current valid Texas driver license.

On an annual basis, the department shall obtain and review the driving record of each employee (see General Order 200-11, **Employee Integrity Program**). Employees shall be disqualified from driving a City vehicle if they:

a. Do not have a current valid Texas driver license.

b. Have been convicted of a felony involving the use of a motor vehicle.

c. Have been convicted of DWI or DUI within 36 months prior to review.

d. Have been convicted of any combination of three moving violations or at-fault crashes within 36 months prior to review.

Neither the City nor the department is required to find or create a new position to accommodate an employee who has been disqualified from driving on City business. The disqualified employee may apply for a posted position anywhere in the City, including the employee's own department, for a non-driving position for which the employee qualifies.

3 ASSIGNMENT OF TAKE-HOME VEHICLES

Only the Chief of Police may authorize the assignment of take-home department vehicles.

Requests for assignment of take-home vehicles shall be evaluated by the *Take-Home Vehicle Committee* (THVC), which shall make a recommendation to the Chief of Police. All forms mentioned herein and related to take-home vehicle assignments are available on the department's Intranet Portal.

Employees assigned a take-home vehicle, whether permanent or rotational, shall submit a *Take-Home Vehicle Assignment* form to the chair of the THVC. This form shall be resubmitted when changes occur (e.g., address change, change in vehicle). This form is required regardless of the funding source or vehicle provider and regardless of any exemption from the take-home vehicle fee. Failure to update this information may result in the suspension of take-home vehicle privileges.

Unless given an exemption, all employees assigned a *permanent take-home vehicle* shall pay the take-home vehicle fee. See the definition of *rotational take-home vehicle* for information about when the take-home vehicle fee applies to a *rotational take-home vehicle*. To authorize the payroll deduction, the employee shall complete and submit a *Take-Home Vehicle Fee Authorization* form to the THVC via their division commander. It is the employee's responsibility to complete and submit a *Take-Home Vehicle Fee Cancellation* form to the THVC when the take-home vehicle fee no longer applies.

All employees who have received authorization to have a take-home vehicle are reminded that the authorization is valid for only the residence address and job assignment and duties listed at the time of approval. An employee who changes residence or job assignment or duties after receiving prior approval must resubmit an application to the THVC and meet the current guidelines to retain take-home vehicle privileges.

Mileage Radius Limit

All employees authorized a take-home vehicle must reside within a 30-mile radius (one way) from the Houston Police Department Edward A. Thomas Building located at 1200 Travis Street, Houston, Texas. The executive assistant chief of the requesting employee may make an exception to this mileage limit of up to a 50-mile radius (one way) from the Edward A. Thomas Building (1200 Travis). However, outside agencies, e.g., federal agencies, may impose more restrictive residential mileage radius limits for take-home vehicles they provide the department. In such cases, division commanders are responsible for ensuring compliance.

The determination of the distance from the Edward A. Thomas Building shall be based on the *primary household* of the employee. The distance shall be determined by a straight line measurement of miles. If it is questionable whether an employee's *primary household* is within the applicable mileage radius limit the employee shall prepare and submit correspondence through the chain of command to the Chief of Police describing where the residence is located and clarifying the nature of the ambiguity.

No employee may park a department vehicle at a non-assigned location and then continue his daily commute beyond the applicable mileage radius limit in order to circumvent the intent of this General Order. Employees shall not operate City vehicles for non-City business driving outside the area that includes Harris County and its surrounding counties (Montgomery, Liberty, Chambers, Galveston, Brazoria, Fort Bend, and Waller). Travel directly to and from the employee's permanent work assignment(s) is excluded from this order and is governed by the applicable take-home vehicle mileage radius limit.

Absences

Employees assigned a take-home vehicle and who will be absent from duty for more than five consecutive working days, shall ensure their assigned vehicle is available on police property during that time period for use by others, as determined by the division commander.

4 MOTOR POOL REGULATIONS

Motor pool vehicles, both Fleet Unit and *divisional*, are to be used for official City business only. Motor pool vehicle usage records are audited and improper use of a motor pool vehicle shall lead to disciplinary action. No motor pool vehicle shall be assigned as a take-home vehicle unless authorized by this General Order or the Chief of Police.

The HPD Fleet Unit and all Command Staff members shall:

a. Ensure motor pool vehicles assigned to their respective organizational units are inspected on a regular basis and that vehicle condition is properly recorded.

b. Maintain a central location for the storage of keys to motor pool vehicles assigned under their direct control.

Checkout

Employees shall follow the below guidelines when checking out a motor pool vehicle:

a. Employees must have an immediate need for the vehicle.

b. Employees may check out a vehicle for the duration of their duty hours with their division commander's approval.

c. In order to check out a *divisional* motor pool vehicle, employees shall properly complete the vehicle usage log. To check out a Fleet Unit motor pool vehicle, employees shall complete a motor pool slip and give it to motor pool personnel in the Transportation Office. Employees shall retain a copy of the slip until the vehicle is returned.

d. Prior to operation employees shall inspect the assigned vehicle and note the starting mileage. Any damage to the vehicle shall be reported immediately to the appropriate supervisor. Additionally, any damage to a Fleet Unit motor pool vehicle shall be reported immediately to the Transportation Office. Damage not reported prior to operation shall be assumed to have occurred while the vehicle was in the employee's possession. This does not preclude the reporting of crashes as required under department policy.

Overnight Use

Employees may check out a vehicle from the *divisional* motor pool for overnight use with the approval of a supervisor in the employee's division who holds the rank of lieutenant or higher or civilian equivalent. The division shall maintain documentation of the use and approval.

Long-Term Use

Long-term temporary motor pool vehicle checkouts are appropriate for authorized *out-of-town travel* or when an assigned take-home vehicle is unavailable for more than 48 hours due to repairs.

Long-term temporary motor pool vehicle checkouts not involving take-home privileges require approval of the employee's division commander.

Parking

Motor pool vehicles shall be parked in authorized areas only.

Check-In

When there is no longer an immediate need for a motor pool vehicle, employees shall check in the vehicle without delay. For HPD Fleet Unit motor pool vehicles, Fleet Unit personnel shall monitor the Central Police Complex and surrounding parking areas to ensure compliance with this policy.

Employees shall follow the below guidelines when checking in a motor pool vehicle:

a. Employees shall return a motor pool vehicle by parking it in an authorized area. A Fleet Unit motor pool vehicle shall be parked in the motor pool turn-in area at the central police garage.

b. All trash and personal property shall be removed from the vehicle by the employee returning the vehicle. The department is not responsible for items left in a motor pool vehicle.

c. Employees returning a vehicle shall physically inspect the vehicle upon return. Any damage to a vehicle shall be reported immediately to the appropriate supervisor. Additionally, any damage to a Fleet Unit motor pool vehicle shall be noted on the motor pool return slip and reported immediately to the Transportation Office. This does not preclude the reporting of crashes as required under department policy.

d. The vehicle's keys shall be returned to the appropriate personnel or storage place. Keys to Fleet Unit motor pool vehicles shall be returned to the Transportation Office or, if after hours, to the Motor Pool drop box, which is located in front of the Transportation Office.

e. Employees shall record the ending mileage on the appropriate log or form.

f. For Fleet Unit motor pool vehicles, the employee shall sign the motor pool return slip. Motor pool inspection personnel shall inspect the vehicle and countersign the motor pool return slip.

Duplicate Keys

Only authorized personnel from the HPD Fleet Unit may make duplicate keys for a motor pool vehicle.

Motor Pool Records

The HPD Fleet Unit and all Command Staff members shall maintain accurate records as noted below on all department vehicles assigned under their direct control. Records shall include:

a. An accurate inventory of the vehicles.

b. A log for recording vehicle usage including:

    1. Appropriate vehicle identification information.

    2. Name and employee number of employee checking out the vehicle.

    3. Date and time of checkout and check-in.

    4. Mileage at checkout and check-in.

c. A log or form for recording damage to the vehicles.

d. A log or form for recording the vehicles' regular inspections and condition.

The above records shall be maintained according to the records retention schedule.

5 OPERATING RULES FOR DEPARTMENT VEHICLES

Employees operating a City vehicle shall do so in a safe and responsible manner. Employees shall operate motor vehicles in accordance with the applicable laws of the state of Texas and the City of Houston. Employees shall adhere to any operating rules provided by department policy. Department vehicles:

a. Shall be used only as authorized by department policy.

b. Shall be driven by only authorized department employees, unless approved by a supervisor or directed by a police employee during an emergency.

c. Shall be driven by only employees who possess a valid and appropriate Texas driver license. The Chief of Police reserves the right to require Defensive Driving Certification (DDC) training or any other training on a routine or special basis for any employee who operates a City vehicle. An employee who causes a motor vehicle crash while driving a City vehicle regardless of previous DDC training attendance shall be required to make every reasonable attempt to successfully complete DDC training.

d. Shall be parked in a legal manner except during emergency situations.

e. Shall not be placed in motion until the driver and all passengers have been fastened in their available seat restraints (e.g., seat belts and shoulder harnesses).

f. Shall be inspected by the employee before being driven and any unsafe condition, disrepair, or damage shall be reported to a supervisor immediately.

g. Shall not be modified without prior authorization from the appropriate department official.

h. Shall not be used to haul any type of cargo unless the cargo is properly secured and the height of the cargo is such that it will safely pass under obstructions along the intended route.

i. Are subject to all tolls, parking, or other fees associated with driving a City vehicle and utilizing such services. Employees shall be personally liable for any citations or violations of this provision. It is incumbent on employees to register their take-home vehicle license plates for appropriate toll road access privileges. Toll and other fees may be reimbursed upon the presentation of appropriate documentation.

j. Shall be kept clean (see section 6 of this General Order, *Care and Maintenance of Vehicles*).

k. May be used for *out-of-town travel* to conduct City business with the prior approval of the Chief of Police or designee when this mode of travel is the most cost effective. See General Order 200-17, **Travel Authorization and Reimbursement Procedures**.

l. May be subject to additional restrictions regarding operation and use at the discretion of the Chief of Police.

Consumption of alcoholic beverages in a City vehicle by a driver or passenger is prohibited. No alcoholic beverage container shall be allowed in a City vehicle unless it is in the scope of the employee's duties or responsibilities (see General Order 300-28, **Use of Intoxicants**, section 3, *Exceptions*).

Employees shall not drive a City vehicle while under the influence of alcohol or a controlled substance. Employees using prescription or non-prescription medication or substances having side effects that may hinder or impair safe driving shall not drive a City vehicle.

Utilizing earphones or non-emergency use of electronic devices while driving a City vehicle is prohibited. The use of cellular telephones in hands-free mode is permitted.

Employees are prohibited from using any tobacco product or electronic cigarette or charging an electronic cigarette in a City vehicle. See General Order 200-31, **Smoking, Tobacco Use, and Electronic Cigarettes**.

Employees operating City vehicles shall conduct a vehicle check upon taking care, custody, and control of the vehicle to ensure that no weapon, narcotic, or item of evidence is in the vehicle prior to operation. All vehicles used for patrol type functions shall be checked at the beginning and end of each shift, as well as immediately after transporting a prisoner, suspect, or citizen for any reason. All other City vehicles shall be searched immediately prior to and immediately following the transportation of a prisoner, suspect, or citizen for any reason.

Employees shall ensure no bumper sticker, sign, or insignia is placed anywhere on a department vehicle without the authority of the Chief of Police.

Attention to Duty

Classified employees, at all times while operating a City vehicle, shall maintain radio contact with the department. Officers shall monitor the radio channel corresponding to the districts through which they travel. Officers shall serve as a supplementary force to the regular police units, taking appropriate police action when necessary.

Civilian employees, at all times while operating a City vehicle, shall be prepared to notify the police dispatcher of any situation warranting immediate police attention.

6 CARE AND MAINTENANCE OF VEHICLES

All department vehicles shall receive regular preventative maintenance checks. Division vehicle coordinators shall receive biweekly preventive maintenance forecasts by the City of Houston's Fleet Management Department (FMD). Based on this information, division vehicle coordinators shall contact FMD personnel to schedule needed vehicle preventive maintenance work. If a major repair is needed during the check, the vehicle shall remain in the shop until the problem is corrected. Notification of such action shall be given to the appropriate division or individual.

Employees with take-home vehicles are responsible for ensuring that all required maintenance is performed. Replacement vehicles may be provided with proper authorization for take-home vehicles due to regular preventative maintenance or repair.

All employees who drive a department vehicle shall:

a. Secure the vehicle and all department owned items in the vehicle.

b. Empty the vehicle interior of debris and trash after each use.

c. Keep the interior and exterior of the vehicle clean and presentable.

d. Add fuel to the vehicle under their control when needed.

e. Routinely check tire air pressure and fluid levels, particularly engine oil, when filling up with gas.

f. Enter all required information into the Automated Fuel Information System terminal or obtain fuel via other department approved methods (e.g., Voyager Card, reimbursement).

Before employees refuel a nondepartment vehicle, division commanders must send written approval to the Transportation Office via the chain of command on the approved Appendix B travel/training form. Drivers shall ensure that all information is provided to the Transportation Office.

Vehicle Abuse

The Fleet Unit shall report through the appropriate chain of command any known abuse or neglect of a police motor vehicle. The Chief of Police may revoke privileges for the use of a City vehicle for an employee found to abuse, neglect, or otherwise keep a City vehicle in an unpresentable condition.

Employees may be held liable for damages to vehicles and required to make full restitution to the City for repair costs in cases of vehicle abuse. Vehicle abuse includes, but is not limited to:

a. Excessively racing a cold engine.

b. Continuing to operate a vehicle or item of equipment when engine instruments or warning lights indicate malfunctions.

c. Overloading a vehicle or using it for purposes other than those for which it was designed.

d. Failing to ensure that the appropriate preventative maintenance is accomplished.

7 DISABLED VEHICLES

When a City vehicle needs to be serviced or repaired, employees shall:

a. Take the vehicle to the assigned or nearest City garage facility.

b. Park the vehicle in the appropriate repair lot.

c. Complete a shop card and submit it to the garage supervisor.

Employees operating a department vehicle that becomes disabled shall notify the dispatcher and remain with the vehicle until it is removed by a department approved wrecker.

8 VEHICLE INSURANCE

Employees are insured by the City of Houston for liability to a third person arising from the operation, maintenance, or use of motor vehicles *owned or leased by the City*.

Employees need not carry insurance riders to provide liability coverage for the operation, maintenance, or use of motor vehicles *owned or leased by the City of Houston*; therefore, no reimbursement for such riders will be honored by the City of Houston.

Employees who operate a vehicle *owned or leased by an outside agency*, e.g., a federal agency, shall verify if the outside agency provides insurance on the vehicle for use during official City business.

9 RELATED GENERAL ORDERS AND REFERENCE MATERIAL

200-02, **Employees Facing Legal Action**
200-11, **Employee Integrity Program**
200-17, **Travel Authorization and Reimbursement Procedures**
200-31, **Smoking, Tobacco Use, and Electronic Cigarettes**
300-17, **Employee Drug and Alcohol Testing**
300-28, **Use of Intoxicants**
400-08, **City Vehicle Crashes**
400-20, **Vehicle Allocation**
City of Houston Administrative Procedure No. 2-5 Revised, Authorization and Reimbursement for Local and Out-of-Town Travel and Travel Related Expenses

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