
Vehicle Use

602.1 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-duty use of Department vehicles and shall not be construed to create or imply any contractual obligation by the County of San Diego to provide assigned take-home vehicles.

602.2 APPLICABILITY

This Section applies to all Departmental employees, Reserve Deputy Probation Officers, volunteers, and contract agency staff*.

602.3 POLICY

The San Diego County Probation Department provides vehicles for Department-related business and may assign vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

602.4 REQUIREMENTS FOR OPERATION

- (a) Authorization - The Department's Appointing Authority (Chief Probation Officer, Assistant Chief Probation Officer or Deputy Chief Probation Officer or designee) must authorize all individuals before they are allowed to use a vehicle on business for the County of San Diego. Form DHR RM 45 (Rev. -10/90- 07/01) "Authorization to Drive a Vehicle on County Business", must be completed, signed by the individual, and signed by the Appointing authority.
- (b) Driver's License - All individuals operating a vehicle on County business must have in their possession a California operator's license validated for the class of vehicle being driven. Individuals who are authorized to drive vehicles on County business must immediately report in writing, through the chain of command, to the Chief Probation Officer, any loss and/or restriction of their driving privilege, either temporary or permanent, regardless of the reason.
- (c) Local State Laws - All vehicles are to be driven carefully and in compliance with all applicable local and state laws and State of California Department of Motor Vehicles regulations. Seat belts and other safety equipment provided in vehicles are to be used. For those vehicles equipped with computers, drivers shall not operate them while the vehicle is in motion. If a driver needs to operate a computer, they must pull over to a safe location and place the vehicle in park. A passenger in the vehicle may operate the computer at any time as long as it is done in a safe manner and does not interfere with the driver. Computers shall be positioned in a manner that they will not interfere with vehicle's operation or its safety devices, such as airbags and seat belts (V.C. 27602). Informal complaints, at whatever level received, and/or citations for violations of the law, while on duty, must be reported through the chain of command to the Deputy Chief or their designee of the service.

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- (d) Insurance - Private vehicles used on County business must be covered by liability insurance for at least the minimum amount required by State law. An individual's insurance for his or her private vehicle is considered as "primary."
- (e) County Vehicle Assignment and Operation - The assignment of vehicles to the Department's three major divisions is at the discretion of the Chief Probation Officer. This function has been delegated to the Assistant Chief Probation Officer who will coordinate the assignment of these vehicles and maintain a "Vehicle Inventory Report" which will identify all vehicles by type, vehicle number, location, and staff to which the vehicle has been assigned.
1. The County will not be liable for any fines incurred as a result of illegal operation or parking of personal or county vehicles.
 2. County cars are to be returned with at least a 1/2 full gas tank, trash emptied, and windows closed, car locked, and the vehicle usage form completed.
 3. Repairs - If a County car breaks down in the field, follow emergency instructions in each car and call County Garage.
 4. Official overnight business use of County vehicles should be held to a minimum and must be authorized in writing on a form signed by the Division Chief prior to use.
 5. County cars may not be taken outside County limits except when authorized by an approved Travel Request, the Board of Supervisors, or Court order. In addition, prior to entering Mexico, it is necessary to obtain a Mexican Insurance Policy from the Administrative Office. A blanket court order (dated December 30, 1966), permits transportation and placement officers to use a County car to transport/visit offenders to/in out-of-county institutions.
 6. When driving a vehicle with the Probation logo officers should avoid stopping when being flagged down by someone. If an officer does stop and makes a promise or assurance the officer should follow through (i.e. calling another agency).
- (f) Volunteers, Reserve Deputy Probation Officers, and Contract Agency Staff* Driving County Vehicles
1. Volunteers, Reserve Deputy Probation Officers (RDPOs) and contract agency staff* are prohibited from transporting any offender, inmate or detainee at any time.
 2. Managers and Supervisors are asked to encourage the use of private vehicles by volunteers, RDPOs, and contract agency staff*. When program requirements necessitate the use of County vehicles by volunteers, RDPOs, and contract agency staff*, the Deputy Chief must approve such use and volunteers, RDPOs, and contract agency staff* must demonstrate the following:
 - Possession of a valid California Driver's License without any restrictions which would prohibit the intended use;
 - Proof of safe driving history as verified by a DMV record check. A safe driving history is defined as, " a traffic record which does not include more than one FTA (Failure to Appear), whether convicted or not, within the past year. Other history of non-compliance with the orders of the Court or DMV regulations shall be judged on a case by case basis."

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- Proof of active insurance with liability limits at the following minimums: \$30,000 per accident; \$15,000 per person involved; \$5,000 property; and,
- Form DHR RM 45 completed and approved with a copy filed on site.

602.5 ACCIDENTS

1. In any accident involving a County vehicle or private mileage vehicle operated on County business (whether in motion, stopped or parked), which results in injury, damage to the vehicle and/or property damage, an employee shall (if able) obtain the following:

- Name, current residence address, and license number of other party(s),
- Vehicle identification number of all vehicles involved,
- Registered owner's name and current residence address,
- Insurance company and policy number of other driver(s),
- Name and address of witnesses and phone number (work phone number preferred).

2. The local police agency having jurisdiction over the accident location must be notified as well as Emergency Medical Services (EMS) if necessary. Advise the police agency that you are a County employee involved in an accident and would like an officer on scene to make a report. If the officer involved in the accident has a radio, the officer shall notify the police agency via the Communications Center.

3. The employee shall (if able) complete a Confidential Vehicle Accident Report within 24 hours of the accident. The Supervisor shall immediately review this report and send it only to the Claims and Investigation Supervisor and County Counsel. It is not to be attached to any other report. The Supervisor shall complete a Supervisor's Investigation Report, and send that form and a signed workers' compensation claim forms within 48 hours of the incident to the Probation Departmental Human Resource Officer. In any accident where, because of injury or other cause, the employee cannot complete the required documentation, the immediate Supervisor or Division Chief shall complete the accident report.

4. Employees and Supervisors are responsible for preparing and submitting, in triplicate, a complete packet of information concerning each accident. The packet shall contain the following:

- Incident Report/Worker's Special Report
- Worker's Compensation Claim (DWC-1) including any relevant forms, e.g. General Claim Worksheet, Authorization To Release Medical Information, and Proof of Service.
- Any police investigation reports concerning the accident. Attach diagrams and pictures of the damaged car.
- Supervisor's Accident Investigation Report (OES RM3),

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- Division Chief's review and written statement regarding the incident.

Except as noted in (2) above, original reports and the three copy packets are to be set to Personnel (MS P-232) by the Division Chief's Administrative Assistant within 30 days of the accident/incident.

5. If the involved vehicle needs to be sent out for repairs, the Supervisor should complete a Vehicle Accident Notification/Request to Repair (D7001) form and forward to Fleet Management, General Services, MS O-19.

602.6 PRIVATE VEHICLE REIMBURSEMENT

1. Authority - The County of San Diego Administrative Code Article XXVIa "Out-of-County/In County Business" sets the authority and the amount of the reimbursement to persons using private vehicles on County business. The Auditor & Controller/Chief Financial Officer (A&C) has prescribed that form AUD 277-A, "Mileage Report for Reimbursement for Use of Private Conveyance" is used when claiming reimbursement. The A&C Rules and Instructions for completing this form are on the back of the form.

2. Procedures:

- (a) The employee and his immediate Supervisor make the decision that the work assignment requires the use of a privately owned vehicle and ensure that the employee has been properly authorized.
- (b) The authorized employee obtains a 277-A from the County intranet site and records the trip-by-trip private vehicle usage on County business in accordance with the Rules and Instructions, on the back of the form.
- (c) Mileage claims for reimbursement shall be submitted within 30 days of the date the mileage was incurred.
- (d) At the end of the month, the miles are totaled and the employee signs, dates and forwards the form to the immediate Supervisor.
- (e) The Supervisor reviews for completeness, accuracy, and compliance with regulations, policies, rules and instructions, then signs indicating approval. The completed form is then forwarded to the mileage clerk in Probation Accounting, Probation Administration Center - Balboa, for final review.
- (f) The list of employees with approved mileage is provided to Probation Payroll every other Wednesday on a non-paying week, and the employee is reimbursed the following Friday with his/ her payroll warrant.

3. Headquarters-The Chief Probation Officer has designated "Headquarters" to be the location where employees are currently assigned to work and directly supervised. An assignment that involves a change in work location of more than four (4) consecutive weeks (such as CORE training) is a change in headquarters (per San Diego County Administrative Manual Section 200-2).

Mileage can be claimed when:

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- (a) Conducting official County business (meetings, training, etc.) at a location other than the designated headquarters for four (4) consecutive weeks or less. Claim mileage to and from headquarters.
- (b) Mileage may also be claimed for trips from home to first point of contact, not to exceed the distance from headquarters to such first point of contact. Similarly, mileage may be claimed from last point of contact to home, not to exceed the distance from last point of contact to headquarters.
- (c) A staff meeting or training is on employee's scheduled day off. Claim mileage from home to the training or meeting site and back.
- (d) Working scheduled overtime at any location on an employee's regularly scheduled day off. Claim mileage from home to the work site and back.
- (e) The employee is called back to headquarters or other work location (non-scheduled overtime) after working their regular shift. Claim mileage from home to headquarters or other work location and back.

Mileage is not allowed when:

- (a) Attending training for more than four (4) consecutive weeks.
- (b) Temporary assigned to another work site for more than four (4) consecutive weeks.
- (c) Other- Submission of another Authorization Form is required whenever one of the following changes occurs: name, home address, headquarters location, or vehicle insurance.

602.7 EMERGENCY VEHICLES

A. Authority: The Chief Probation Officer shall authorize certain Probation Department vehicles to be designated and equipped as emergency vehicles. A publicly-owned vehicle operated by peace officers as outlined in Chapter 4.5 of the Penal Code used by the officers in the performance of their duties is defined as an authorized emergency vehicle (V.C. 165(b)(1)).

B. Equipment: Red lights and sirens are specifically authorized for emergency vehicles engaged in police, fire, and lifesaving services. Other types of vehicles which are engaged in activities which create special hazards upon the highways should be equipped with flashing amber warning lamps (V.C. 30). Authorized emergency vehicles shall be equipped with at least one steady burning red warning lamp visible from at least 1,000 feet to the front of the vehicle. In addition, authorized emergency vehicles may display revolving, flashing, or steady red warning lights to the front, sides or rear of the vehicles. Authorized emergency vehicles may be equipped with a system which flashes the upper-beam headlamps of the vehicle with the flashes occurring alternately from the front headlamp on one side of the vehicle to the front headlamp on the other side of the vehicle. An authorized emergency vehicle while responding to an emergency may display a flashing white light from a gaseous discharge lamp designed and used for the purpose of controlling official traffic control signals. Any authorized emergency vehicle may display flashing amber warning lights to the front, sides, or rear.

Any authorized emergency vehicle may display not more than two flashing white warning lights to the front mounted above the roofline of the vehicle and not more than two flashing white warning

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lights to the front mounted below the roofline of the vehicle (V.C. 25252, V.C. 25252.5, V.C. 25258, V.C. 25259, V.C. 25259.1).

C. General Considerations: The use of emergency lights and sirens, referred to hereafter as Code 3, is discretionary and requires careful consideration of whether the officer's expeditious arrival is necessary in a life threatening situation. The decision should include factors such as:

- Type or nature of the incident;
- Traffic and pedestrian congestion;
- Time of day and weather conditions;
- Proximity/Location of other units;

All of the equipment on the emergency vehicle must be used in a rational and legal manner. Code 3 response is authorized when the vehicle is being driven in response to an emergency situation or while engaged in rescue operations (V.C. 21055). The driver of the vehicle sounds a siren as may be reasonably necessary and displays a red lamp visible from the front as a warning to other drivers and pedestrians. This response may be initiated at the direction of a Supervisor, or by the officer driving the emergency vehicle, whenever sufficient knowledge or cause is known to exist.

The driver of an authorized emergency vehicle is exempt from the rules of the road provided that:

- the red light and siren of the vehicle are activated; and
- the officer is driving in response to an emergency call or while engaged in rescue operations.

A siren shall not be sounded by an authorized emergency vehicle except when required under this section (V.C. 21055). Although VC 21806 requires traffic to yield to the emergency vehicles, the officer should not assume that right of way will be yielded. It is therefore imperative that officers drive with due regard for the safety of all persons and property. It is prohibited to drive on the wrong side of a divided roadway, including freeways (against oncoming traffic).

D. State of Emergency: Every officer is hereby expressly prohibited from using a siren or driving at an illegal speed when serving as an escort of any vehicle, except when the escort or conveyance is furnished for the preservation of life or when expediting movements of supplies and personnel for any federal, state, or local governmental agency during a national emergency, or state of war emergency, or state of emergency, or local emergency as defined in Section 8558 of the Government Code (V.C. 21057). Emergency lights, including amber lighting, may be activated when responding to emergency calls during a state of emergency as outlined above. Amber lighting may also be used by Probation Department vehicles during a state of emergency.

E. Pursuits: Use of Code 3 response in an initiated or primary pursuit of an actual or suspected violator of the law using a Probation Department vehicle is prohibited under Probation Department policy unless extenuating circumstances are present. A vehicle pursuit exposes the public, officers, and fleeing violators to the potential risk of death, serious injury, or damage to personal

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property. Extenuating circumstances where officers in unmarked vehicles encountering an emergency involving life endangering situations which may include outlying risk to the community. In those instances or as a secondary responder, it may be necessary to follow a suspect vehicle. When Probation Officers in an unmarked vehicle become aware that marked police units have arrived, the unmarked probation unit will disengage. Probation Officers may follow the pursuit at a safe distance in accordance with all traffic laws and then assist the responding police unit once the suspect vehicle has stopped.

F. Traffic Stops: Use of lights and/or sirens in response to an initiated traffic stop of a moving vehicle using a Probation Department vehicle is prohibited under Probation Department policy unless extenuating circumstances are present. Extenuating circumstances where officers in unmarked vehicles encountering an emergency involving life endangering situations which may include outlying risk to the community. In these instances, officers are covered under above section E. Pursuits.

G. Ride-Along(s): The decision to respond/utilize Code 3 with a ride-along in the vehicle will be at the discretion of the officer. If the ride-along is a minor, the officer is prohibited from responding to any Code 3 emergency. Factors to consider which may preclude responding/utilizing Code 3 include:

- Type or nature/seriousness of the incident.
- Time of day and weather conditions.
- Proximity/Location of other units.

H. Transporting Offender(s)/Prisoner(s): Officers are prohibited from responding/utilizing Code 3 when transporting a detainee.

I. Officer Needs Help (Emergency Response): A radio call for 11-99, Code 3 Cover or Code Cover shall only be broadcast when an officer is in imminent danger and assistance is needed immediately. Upon receiving an emergency response call from a fellow probation officer or any other peace officer, only officers within a reasonable distance should respond considering the below factors:

- The distance to the 11-99 location,
- Traffic and pedestrian congestion,
- Proximity/Location of other units,
- Time of day and weather conditions.

Officers that are at excessive distances from the 11-99 scene will respond as requested by a communications dispatcher, allied agency officer or Probation Department Supervisor. Probation Officers cover the entire county and may be responding to an "11-99 Code," "Code 3 Cover" or "Code Cover" from a local jurisdiction's dispatcher separate from Probation's Communication Center. To assure the Communication's Dispatcher is aware; officers will provide the following information:

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- Indicate the code responding to "11-99 Code," "Code 3 Cover" or "Code Cover."
- City and location officers are responding from.

J. On-Scene: An emergency vehicle that is engaged in activities for official business which create "special hazards" upon the roadways should utilize flashing lights. Appropriate uses may include but are not limited to: double parked, on- scene at an incident, and parked conducting a field interview or compliance check in the community to alert other law enforcement and citizens in a high crime or traffic location/area.

K. High Profile Vehicles: Officers must understand that certain vehicles, such as sport utility vehicles, trucks and vans, have reduced speed capabilities as compared to standard vehicles. These vehicles may have higher centers of gravity or weight distributions different than sedans, causing them to be less stable under emergency driving conditions (i.e. high speed turning). Officers operating such vehicles must consider the vehicle's reduced capabilities when making decisions to initiate a Code 3 response.

L. Liability: Officers may be subject to administrative action for negligent emergency vehicle operation and the entity may be found liable in civil actions. If the emergency vehicle operation rises to the level of criminal negligence, officers may be subject to criminal prosecution (V.C. 17001, V.C. 17004).

M. Training/Authorization: The Probation Department will provide the required Emergency Vehicle Operation training and on-going annual and biennial training to officers to include an assessment of Code 3 vehicle response policies and Probation Department specific policy. Officers must be in compliance with Emergency Vehicle Operation training to use Code 3 packages, in a current armed assignment, and in compliance to carry a weapon.

* Contract Staff are not covered under the San Diego County Policy but are covered under the contracting office's policy that should reflect the same coverage.

References:

County of San Diego Administrative Manual Section 0080-01-13 (Driver's License Policy)

County of San Diego Human Resource Policy and Procedure Manual Section 1035 (Driver's License Policy)

County of San Diego Administrative Manual Section 0300-2 (Mileage Reimbursement) California Vehicle Code