

| To | From |
|----|------------------------------------|
| | BOARD OF HARBOR COMMISSIONERS |
| | EXECUTIVE DIRECTOR |
| | DED & CHIEF OF STAFF |
| | DED & CHIEF FINANCIAL OFFICER |
| | CHIEF OF PUBLIC SAFETY & EMERG MGT |
| | DED - MKTG & CUSTOMER RELATIONS |
| | DED - DEVELOPMENT |
| | SR DIRECTOR, COMMUNICATIONS |
| | SR DIRECTOR, GOVERNMENT AFFAIRS |
| | ACCOUNTING |
| | CARGO/INDUSTRIAL REAL ESTATE |
| | CARGO MARKETING |
| | CITY ATTORNEY |
| | COMMISSION OFFICE |
| | COMMUNITY RELATIONS |
| | CONSTRUCTION |
| | CONSTRUCTION & MAINTENANCE |
| | CONTRACTS & PURCHASING |
| | DEBT & TREASURY MANAGEMENT |
| | EMERGENCY MANAGEMENT |

CITY OF LOS ANGELES
HARBOR DEPARTMENT

OFFICE MEMORANDUM

April 26, 2018

| To | From |
|----|-----------------------------|
| | ENGINEERING |
| | ENVIRONMENTAL MANAGEMENT |
| | FINANCIAL MANAGEMENT |
| | GOODS MOVEMENT |
| | GRAPHICS |
| | HUMAN RESOURCES |
| | INFORMATION TECHNOLOGY |
| | LEGISLATIVE AFFAIRS |
| | MANAGEMENT AUDIT |
| | MEDIA RELATIONS |
| | PLANNING & STRATEGY |
| | PORT PILOTS |
| XX | PORT POLICE X |
| | RISK MANAGEMENT |
| | TRADE DEVELOPMENT |
| | WATERFRONT/COMM REAL ESTATE |
| | WHARFINGERS |
| | |
| | |
| | |

SPECIAL ORDER 18-04

TO: All Port Police Personnel

SUBJECT: Modification to Policy 706 Vehicle Use

Effective immediately, revised Policy 706 shall be implemented. A new section on the Vehicle Location System has been added to Policy 706. This system provides for tracking of Port Police vehicles. The transmitting components have been installed in some Port Police vehicles. The system will be brought on line immediately following the promulgation of this Special Order.

All staff are directed to read and be familiar with the attached policy which will be incorporated into the Policy Manual at its next publication.



THOMAS E. GAZSI
Chief of Police

TEG:GPC:ng

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-duty and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Port of Los Angeles to provide assigned take-home vehicles.

706.2 POLICY

The Los Angeles Port Police 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.

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.

Los Angeles Port Police

Los Angeles Port Police Policy Manual

Vehicle Use

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 SECURITY AND UNATTENDED VEHICLES

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

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

706.3.5 MDC

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, or if some exigency requires immediate response without first logging on, the member shall notify the Communications Center. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

706.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track and record 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. If an emergency response makes it impractical to log onto the system immediately this information should be communicated over the radio to dispatch so that responding units and incident commanders have awareness of responding units not shown on AVL.

System data may be accessed by supervisors at any time. However, access to historical data requires advance notification of the reason for access and approval of a Command Officer holding the rank of captain or above.

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

RECORDED DATA

All recording media, recorded data are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law. Members shall not record, create or retain duplicate or personal copies. Any recordings of an incident should not

Los Angeles Port Police

Los Angeles Port Police Policy Manual

Vehicle Use

be publicly released during an ongoing investigation without consulting the City Attorney's office or the office of the Chief of Police, as appropriate. Officers may be required to provide public safety statements without the opportunity to view recordings prior to giving the statement.

Review of recorded AVL data will be permitted as follows:

(a) Officers:

1. For investigatory or tactical reference during an ongoing investigation or public safety response.
2. Prior to submitting to an administrative interview.
3. When preparing crime or arrest reports. Viewing recordings should not be a reason for officers to write a less detailed report.
4. When an officer is involved in an incident that is being investigated under the policy for Officer-involved Shooting and Deaths, the officer shall not review any recorded data until authorized by the Command Duty Officer. Once authorized, the officer shall review the data. An officer may have an employee representative present during the review of the data. Additionally, an officer may elect to review the recordings without an investigator or supervisor present. The separating and monitoring of officers involved in a critical incident shall be maintained during the review of data and review shall not occur jointly among involved employees.
5. When there is evidence of misconduct, officers shall not be allowed to view recordings until authorized to do so by a supervisor.

(b) Supervisors:

1. Live data may be viewed to determine location of officers or vehicles for officer safety, dispatch, and managing of incidents.
2. When investigating a specific act of officer misconduct or meritorious conduct and with prior notification of the reason and approval from a Command Officer holding the rank of captain or above.
3. When assessing officer performance as directed by a command officer of the rank of Captain or above.
4. To assess proper functioning of the system.
5. In the event of a critical incident supervisors shall not view data unless directed to do so by investigators or the Command Duty Officer.
6. As assigned by Command Staff, to audit the system, its use, and performance or that of personnel.

(c) Other Department Personnel:

1. Investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation. In administrative investigations, historical AVL data should not be the sole evidence of misconduct. Historical AVL data may be used to substantiate or impeach other evidence or testimony.

Los Angeles Port Police

Los Angeles Port Police Policy Manual

Vehicle Use

2. Training staff with prior supervisor approval to assess possible training value. If an involved officer objects to showing a recording for training purposes, the objection will be evaluated by the chain of command prior to staff accessing the historical data.
 3. Staff responding to subpoenas or public records requests and in conformance with the records release and security policy. All such recordings should be reviewed by the custodian of records prior to public release.
 4. System managers to perform audit functions of the system or its use.
 5. Technicians to assess proper functioning of the system.
 6. Other department personnel, with supervisor approval, who request to review recordings for official purposes.
 7. Dispatchers for officer safety, efficiency of assigning units to calls, and management of incidents.
- (d) Outside Personnel:
1. Court personnel or prosecutorial agency through proper process and with permission of the Chief of Police or authorized designee.
 2. Media representatives through proper process and with permission of the Chief of Police or authorized designee.
 3. Non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may be permitted to review data with approval of assigned investigators or a supervisor.

706.3.7 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.

706.3.8 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.

706.3.9 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.

706.3.10 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.

Los Angeles Port Police

Los Angeles Port Police Policy Manual

Vehicle Use

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.

706.3.11 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.

706.3.12 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 may use the vehicle to commute to the workplace and for department-related business. The member must be approved for an assigned vehicle by his/her Division Commander and shall sign an agreement that includes the following criteria:

- (a) The member must live within a 60-minute commute of his/her regularly assigned work location (based on average traffic flow). A longer response time may be permitted subject to Division Commander approval. Members who reside outside the permissible response time may be required to secure or garage the vehicle at a designated location or the central office at the discretion of the Division Commander.
- (b) Except as may be provided by a memorandum of understanding time spent during normal commuting is not compensable.
- (c) City-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances. The member may be required to maintain insurance covering any commuting or personal use.
- (d) The member may be responsible for the care and maintenance of the vehicle. The Department should provide necessary care and maintenance supplies.
- (e) The vehicle shall be parked in secure off-street parking when parked at the member's residence.
- (f) Vehicles shall be locked when not attended.
- (g) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) When the member will be away (e.g., on vacation) for periods exceeding one week the vehicle shall be stored in a secure garage at the member's residence or at the appropriate Port Police facility.
- (i) All department identification, portable radios and equipment shall be secured.

Los Angeles Port Police

Los Angeles Port Police Policy Manual

Vehicle Use

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.
- (c) The member lives within a reasonable distance.
- (d) Off-street parking will be available at the member's residence that meets the requirements set forth in this policy.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices shall 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 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.

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

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

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

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

Los Angeles Port Police

Los Angeles Port Police Policy Manual

Vehicle Use

- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - (a) In circumstances when a member has been placed on call by the Chief of Police or Division Commanders 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 traveling to or from a work-related activity or function.
 - (c) When the member has received permission from the Chief of Police or Division Commanders.
 - (d) When the vehicle is being used by the Chief of Police, Division Commanders 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 shall carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - (a) 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).
 - (b) All weapons shall be secured while the vehicle is unattended.
 - (c) All department identification, portable radios and equipment shall 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 Port Police 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.

Los Angeles Port Police

Los Angeles Port Police Policy Manual

Vehicle Use

706.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Los Angeles Port Police 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.

706.4.5 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.

706.5 UNMARKED VEHICLES

Vehicles are assigned to various Groups and their use is restricted to the respective Group and the assigned member, unless otherwise approved by a Group supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the Group for that purpose. Any use of unmarked vehicles by those who are not assigned to the Group to which the vehicle is assigned shall also record the use with the Watch Commander on the shift assignment roster.

Los Angeles Port Police

Los Angeles Port Police Policy Manual

Vehicle Use

706.6 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.

706.7 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 Commander within five working days explaining the circumstances.

706.8 SAFETY BELTS

- (a) **Employee's Responsibility.** Employees and all others operating or riding in department vehicles shall wear three point safety belts when provided. Two point safety belts (lap belts) shall be worn when three point safety belts are not provided. Employees intending to operate or ride in a department vehicle shall ensure that all occupants of the vehicle are using the available safety belts before the vehicle is operated.
- (b) **Child Seat Restraints.** A child twelve (12) years of age and under, who is to be transported in any department vehicle, shall be secured in the rear seat of the vehicle. A child who is under six (6) years of age or weighing less than sixty (60) pounds shall be secured in a child passenger seat restraint (car seat). Employees shall place the child in a car seat which is Federal Safety Standard approved, and employees should attempt to place the child in a car seat which is appropriate for the child's weight.
- (c) **Department Vehicle:** A department vehicle is any motor vehicle which is under the direction and control of the Port Police, including privately owned vehicles used for City business.
- (d) **Adjustments:** Safety belts shall be adjusted so they provide maximum protection with reasonable comfort.

Los Angeles Port Police

Los Angeles Port Police Policy Manual

Vehicle Use

- (e) **Inspection:** Safety belts shall be inspected at the start of each watch. Any department vehicle equipped with an unserviceable safety belt shall be removed from service.
- (f) **Tactical Considerations.** When a potentially dangerous tactical situation is perceived or anticipated, the safety belt may be removed to allow adequate time for safe response to the situation. During special operations, the safety belt may be removed when, in the belted employee's judgment, wearing the safety belt might adversely affect the special operation or endanger the employee. Examples:
 - 1. Officers may remove their safety belts immediately prior to arriving at the location of an emergency call so they can quickly leave their vehicles upon arrival.
 - 2. Officers may remove their safety belts immediately prior to stopping a suspect. However, officers should be careful not to remove their safety belts prematurely and thus risk being without safety belt protection during a pursuit.

706.9 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.