



OPERATION AND CARE OF DEPARTMENT VEHICLES

Directive: 7 – 100

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G.O. 08-AB-03

I. PURPOSE

The purpose of this Directive is to establish written policy in regards to the operation and care of department vehicles.

II. POLICY

- A. It shall be the policy of the Department that all members operate State vehicles in a lawful, prudent, careful manner that conforms with all laws of the State of Maryland, Department rules, general orders, policies, directives and procedures.
- B. Members will set a proper example for other persons by their operation of State vehicles and will display courtesy to other motorists. No member will drive, use, or park State vehicles on or off-duty so as to reflect unfavorably on the Department or the State of Maryland.
- C. All members share in the responsibility for the good care and maintenance of State vehicles and will therefore take all reasonable steps to prevent damage to State vehicles and report all damage that occurs as required by the Department.

III. DEFINITIONS

- A. State vehicle – Any vehicle that is owned or leased by the State of Maryland and is being used by a member of the Department on a permanent or temporary basis.
- B. Marked vehicle – A vehicle used by the Department of General Services Maryland Capitol Police that is plainly and predominately marked with the DGS shield and lettering designating it as a police vehicle.
- C. Unmarked vehicle – All vehicles used by the Department of General Services Maryland Capitol Police not defined as a marked vehicle shall be considered unmarked vehicles.
- D. Priority response – Operating an emergency vehicle with emergency equipment activated, headlights illuminated, and emergency flashers activated.
- E. Routine response – No emergency equipment is utilized.

- F. Legal intervention – The deliberate action on the part of an officer to strike or act as a roadblock against another vehicle or individual attempting to elude apprehension, with the intent to stop and apprehend the operator or other individuals.
- G. Unattended vehicle – A state vehicle is unattended when the member that is using the vehicle is not in the immediate vicinity of the vehicle and does not have the vehicle in his or her clear observation.
- H. Emergency equipment – Includes the activation of both the audio signal and all visual equipment.
- I. Department vehicle – A state vehicle that has been assigned for the exclusive use of the Department of General Services Police; and may included marked and unmarked vehicles.

IV. GENERAL RULES

- A. Only members who possess a valid Maryland operators permit for the class of State vehicle being operated will operate, drive, move, or be in actual physical control of a State vehicle. A member whose privilege or license to drive has been suspended, revoked, canceled or refused in this State or any other state may not operate any State vehicle.
- B. Any member with a current total of six (6) or more points for moving violations shall not be allowed to operate a State vehicle until the accumulated total for moving violations is reduced below four points. Each member is required to notify the Chief of Police if the member accumulates six or more points for moving violations. This notification must be done within ten (10) days of the points being assessed. Members are reminded that points accumulate when a person admits guilt by paying the pre-set fine indicated on a traffic citation or by going to court and either entering a guilty plea or being found guilty by a judge or jury. Points do not accumulate by the issuance of a traffic citation.
- C. Members will not operate a State vehicle while, or after, consuming an alcoholic beverage, or while under the influence of any drug or combination of drugs, including prescription medications, that may render the member incapable of driving a motor vehicle safely.
- D. Members will not transport persons who are non-members in marked vehicles except in the line of duty and for official purposes.
- E. Members may transport a non-member in an unmarked vehicle provided that the person is a State of Maryland employee and the transport is for a legitimate purpose. Non-members who are not State employees may only be transported in an unmarked vehicle in the line of duty and for official purposes. State vehicles will not be used to conduct personal business, such as transporting children or other family members, friends, etc.
- F. Non-sworn members operating State vehicles will obey all rules of the road and drive in a responsible, safe, courteous, and prudent manner at all times. Sworn members will also obey all rules of the road and drive in a responsible, safe, courteous, and prudent manner. However, Police Officers may exercise the privileges provided for in the Transportation Article.
- G. Any member riding in a state vehicle that is being operated in an unsafe manner, or in violation of the provisions or intent of this general order, will report all details concerning the unsafe driving to

the passenger's immediate Supervisor. Any member that does not report such conduct may be held responsible for any negative consequences and face disciplinary action.

- H. All drivers of State vehicles must read the "Policies and Procedures for Drivers of State Vehicles" booklet and sign the acknowledgement form before operating State vehicles. This statement must be given to the Fleet Manager for the Department of General Services.
- I. No person may drive or ride in the front seat of a State vehicle unless properly restrained by the occupants' restraint device. It shall be the driver's responsibility to ensure that the passengers use the available restraint devices.
- J. A daily Vehicle Mileage Log shall be maintained in each State vehicle on a monthly basis. The Vehicle Mileage Log must indicate all destinations by official and commute mileage, even if driven by different members.
- K. Members will not smoke or possess any lit tobacco products while the employee, or any part of the employee, is inside any State vehicle.
- L. State vehicles will not be used to push or tow any other vehicle, except in emergency situations.
- M. Members will not leave state vehicles unattended unless the vehicle is locked and the key has been removed from the ignition.
- N. Members that have been granted the use of a state vehicle while off duty will drive the vehicle to and from work only, unless official state business necessitates additional driving.
- O. Members may assist a disabled motorist by jump starting their vehicle with battery cables provided the motorist signs the waiver relieving the member, agency and State of all liability.
- P. With the exception of an approved ride along, the following information will be given to the Police Communications Operator on duty whenever a non-employee is transported by a member who is operating a State vehicle:
 - 1. The pickup location and destination;
 - 2. Sex and status of the person transported (i.e. adult male);
 - 3. Reason for transport; and
 - 4. Beginning and ending mileage. ((With the exception of the ending mileage, all required information will be given to the PCO at the beginning of the transport.)
- Q. Children being transported must be secured in accordance with current Maryland child passenger safety laws. (www.mdkiss.org)

V. VEHICLE DAMAGE

- A. Members will conduct a visual inspection of a State vehicle prior to entering and driving the vehicle.
 - 1. If any damage is found anywhere on or in the vehicle, the member will immediately report it to a Supervisor, notwithstanding an emergency situation. If the member cannot immediately report the damage, he or she will report it at the first opportunity. In the event that unreported damage is discovered, the last known member to operate the vehicle may be held responsible.
 - 2. Members will examine the interior of any vehicle that may have been used to transport prisoners for weapons, drugs or other contraband or property that may have been secreted or left inside the vehicle.
- B. If a State vehicle is damaged to any degree, however slight, the member that is driving, using or has possession and control of the vehicle at the time that the damage is done or discovered will immediately report the damage to a Supervisor. Members may be held responsible for any damage which occurs to a state vehicle while in their charge, unless it is shown that such damage was unavoidable and not the result of carelessness or negligence.
- C. If the damage is not the result of a motor vehicle accident, the member will complete and submit the appropriate report. If the damage is not believed to have been the result of an intentional act, an incident report will be submitted. If reasonable grounds exist to believe that the damage was done intentionally, a Destruction of Property crime report will be submitted by a DGS-MCP Police Officer if the damage occurred within the jurisdiction of DGS. If the crime occurred outside of DGS jurisdiction, the appropriate law enforcement agency will be contacted and the DGS member will submit an incident report.
- D. Members will not attempt to repair state vehicles. The use of pressurized tire repair sealants on state vehicles is prohibited. Members may change flat tires on state vehicles if they know how to do so and can change the tire without risk of injury.
- E. Members will not make any alterations to police vehicle equipment or install unauthorized equipment.
- F. If a mechanical defect is discovered or occurs while a member is using the vehicle, the officer will immediately notify the immediate Supervisor.

VI. PARKING STATE VEHICLES

- A. Employees operating State vehicles will observe all parking regulations except in emergencies.
- B. During emergencies, Department vehicles parked in restricted areas will not be parked so as to unnecessarily interfere with traffic or impede fire/rescue operations.

- C. If a Department vehicle must be double-parked or parked in a restricted area, the vehicle's parking lights will be placed on flash. Department vehicles will not be left double-parked or parked in a restricted area for any longer than is necessary to complete official business.
- D. Employees will ensure that the vehicle and contents are secured whenever the vehicle is left unattended.

VII. EMERGENCY DRIVING

- A. The Transportation Article states that the driver of an emergency vehicle has a duty to drive with due regard for the safety of all persons.
- B. While responding to an emergency call or following a violator or suspected violator of the law, a Police Officer may:
 - 1. Park or stand without regard to the other provisions of the Transportation Article,— “Rules of the Road”;
 - 2. Pass a red or stop signal, a stop sign, or a yield sign, but only after slowing down as necessary for safety;
 - 3. Exceed any maximum speed limit, but only so long as the driver does not endanger life or property; and
 - 4. Disregard any traffic control device or regulation governing direction of movement or turning in a specified direction. Transportation Article.
- C. In order to exercise the privileges set forth in the Transportation Article, Police Officers operating Department emergency vehicles will use all emergency equipment, illuminated headlights, and activate the emergency flashers when expediting in a priority posture.
- D. Non-sworn members of the agency will never utilize emergency lights, audible signals or any other equipment in a manner that would indicate that the member is responding priority to the scene or surrounding areas near the scene of an incident.
- E. Use of emergency equipment does not necessarily require driving at a speed greater than the law permits for non-emergency vehicles.
- F. A priority response is authorized when Police Officers are responding to an incident that involves:
 - 1. Personal injury or the potential for personal injury,
 - 2. Illness that may be life threatening,
 - 3. Potential for significant property damage or loss,
 - 4. A crime reported to be in progress or just occurred, or

5. A crime that is a serious felony or violent misdemeanor and a priority response is necessary to prevent the loss of evidence.
- G. Routine calls may have to be upgraded to priority calls depending on how recently they occurred, if they are found to be in progress, or if the potential exists for the situation to deteriorate and become dangerous. Conversely, priority calls may have to be downgraded to routine when circumstances warrant such action.
- H. Before responding to a situation in a priority posture, Police Officers must consider the following factors:
1. The nature/seriousness of the offense and circumstances.
 2. Current road/environmental conditions and officer's familiarity with the roadways to be traveled while responding to the scene.
 3. Pedestrian and vehicular density.
 4. Restrictions, guidelines and all other information contained within this Directive.

If a Police Officer is responding to an incident or call for service in a priority mode and the Police Communications Operator or a Supervisor instructs the officer to discontinue the priority response, the officer will immediately deactivate all emergency equipment and emergency flashers and discontinue exercising those privileges afforded the driver of an emergency vehicle responding to an emergency.

- I. Supervision has the final word in determining the level of response of Police Officers responding to a given incident.
- J. Backup Police Officers may initially respond to an incident in the same mode as the primary officer is required and justified. However, if the nature of the incident or call for service changes, or other information is acquired indicating that a different response mode is appropriate, the backup units will respond accordingly.
- K. PIT Maneuver or Legal Intervention
1. The **PIT maneuver** or legal intervention is a tactic by which a pursuing vehicle can force a fleeing vehicle to abruptly turn sideways, causing the driver to lose control and stop. The acronym "PIT" has a number of different meanings, depending on the agency using it or school teaching it. The most common meanings are: **Precision Immobilization Technique, Pursuit Immobilization Technique, or Pursuit Intervention Technique.**
 2. Police Officers operating a DGS-MCP vehicle *will not* take action that is defined in this order as legal intervention or a PIT maneuver.
 3. Accidents resulting from the stationary placement of a Department vehicle to protect an accident or crime scene shall not be considered legal intervention.