



KANSAS CITY MISSOURI POLICE DEPARTMENT

PROCEDURAL INSTRUCTION

DATE OF ISSUE

11/30/2022

EFFECTIVE DATE

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NO.

22-10

SUBJECT

Use of Department and Private Vehicles

AMENDS

REFERENCE

PI: Police Radio Communications; Police Vehicular Reporting; Pursuits and Emergency Police Vehicle Operations
Internal Revenue Service (IRS) Code (Bulletin 2010-23
RSMo. 84-575

RESCINDS

PI: 15-04
DM: 16-07
PBM: 16-11
SO: 21-20

I. INTRODUCTION

This directive establishes guidelines for the assignment and use of Kansas City Missouri Police Department (Department) vehicles, e.g., take-home and unit specific, and the use of private vehicles.

II. TERMINOLOGY

- A. The Chief of Police designates Department vehicles approved to be driven home into the following categories:
1. **Standby** - A position responsible for being available at all times to respond immediately to situations as needed. Standby responsibilities are listed in the job description for commanders as essential job functions for the purpose of being capable of responding immediately to the area of an emergency type event as described in the Critical Incident Management Plan.
 2. **Call-Out** - An assignment/position subject to either permanent or shared 24-hour availability, which can vary by time period and personnel that rotate Call-Out responsibilities. They are assigned take-home vehicles for the purpose of being capable of responding immediately to the area of an emergency type event or scene without delay.
 3. **High Visibility Vehicles** - Marked vehicles donated, grant funded and/or leased, will be used based on the requirements/stipulations of their respective funding source in place at the time they were acquired and used for high visibility in the community.
 4. **Security/Parking Issues** - Vehicles approved as take-home due to lack of parking, potential for vehicle damage if left parked overnight, and the need for security with regard to vehicle assignment. Department vehicles that meet the security/parking issues will be used by members only for travel to and from work or in direct conjunction with a duty related assignment.

- B. **Department Vehicle** - Any vehicle owned, leased or rented by the Board of Police Commissioners or authorized designee, and driven by or under the control of any on-duty or secondary employment Department member.
- C. **Personal Use** - A private vehicle driven by or under the control of a Department member used for secondary employment or other uses outside the course and scope of employment.
- D. **Marked Police Vehicle** - Defined by the Internal Revenue Service (IRS) Code, is a vehicle that has painted insignias or words, other than mere markings on a license plate, making it readily apparent as a police vehicle.
- E. **Unmarked Police Vehicle** - Defined by the IRS Code, is a vehicle that does not have painted insignias or words that would otherwise clearly identify the vehicle as a police vehicle. Grill lights, a siren, or a marking on the license plates are not clear markings to identify a police vehicle.

III. POLICY

- A. Members must possess a valid driver's license to operate a motor vehicle in the State of Missouri and have the ability to operate Department vehicles safely within specific vehicle operating procedures and Department standards. The Department reserves the right to review the driving record of all members driving a Department vehicle, at any time, and at its discretion. Members will:
 - 1. Not drive a Department vehicle if their license is suspended or revoked,
 - 2. Follow state and local traffic regulations, which includes Code One operation,
 - 3. Maintain a reasonable rate of speed as appropriate for existing road conditions,
 - 4. Wear seat belts,
 - 5. Avoid aggressive and reckless driving,
 - 6. Never drive when impaired by alcohol or drugs,
 - 7. Limit the use of the MDT and never text or email while driving,

8. Ensure vehicles and equipment are given the proper care and maintenance.
9. Take steps to avoid damage to Department vehicles and theft of its contents, including:
 - a. Keep property secure, i.e., locking doors, maintaining security of valuables or records, etc.
 - b. Never transporting flammable materials unless in the performance of the member's duties, e.g., road flares, fireworks, etc.
 - c. Never make after-market changes to the Department vehicle without written authorization from the Chief of Police.

NOTE: The Chief of Police, or designee, reserves the right to suspend or revoke any Department member from the use of a take-home vehicle, unless otherwise agreed upon in any Collective Bargaining Agreement.

- B. The Board of Police Commissioners (BOPC), the Department, and the Collective Bargaining members have agreed upon both Department and personal use of Department vehicles. For further information refer to the current Collective Bargaining Agreement (CBA) between the BOPC and the Fraternal Order of Police, Lodge #102 (FOP #102).
- C. The Chief of Police must authorize in writing the assignment of all vehicles to a designated Department position. Members will adhere to the procedures outlined in this directive. Exceptions to this policy may be granted by the Chief of Police, upon a showing of good cause.
 1. If a member requests an assigned vehicle to be re-categorized, documentation justifying the change will be forwarded through the member's chain of command with recommendation to the Chief of Police. If the Chief of Police changes a vehicle designation, the approval will be forwarded to the Research and Development Division (RADD) to be filed.
 2. Bureau commanders will annually review their respective authorized take-home vehicle assignment list.
 - a. All commanders will ensure the accuracy of their respective take-home vehicle lists prior to submitting for approval.

- b. Any changes in take-home vehicle status must be reflected in the list, i.e., additions and/or deletions of take-home vehicles that occurred during the previous fiscal year.
 - 3. RADD will compile all up-to-date bureau take-home vehicle lists with supporting documentation and forward it to the Chief of Police for review and approval.
 - a. Upon the Chief of Police approval, the take-home vehicle lists with supporting documentation will be sent to RADD for historical filing.
 - b. An informational copy will be forwarded to the Fleet Operations Unit.
- D. A member must obtain permission to use a take-home vehicle when **not** in Standby or Call-Out status, via Department email or Interdepartment Memorandum, from the division commander who has direct control and accountability for that resource.
- E. Members using their take-home vehicle for Department and/or personal use, whose vehicle status falls under **Standby, Call-Out, High Visibility Vehicles, or Security/Parking Issues**, will remain within a **50 mile radius** of the corporate city limits of Kansas City, Missouri, to comply with being immediately available (Refer to Terminology for more information).

NOTE: The current Collective Bargaining Agreement (CBA) between the BOPC and FOP #102 complies with the use of take-home vehicles addressed in this section. These members fall under the **Standby** status.

- 1. **Only** members residing within the corporate city limits of Kansas City, Missouri, or residing within one of the cities listed below, may use an assigned take-home vehicle to commute to and from their place of residence.
 - a.

Avondale	Birmingham	Ferrelview
Gladstone	Grandview	Houston Lake
Lake Waukomis	North Kansas City	Oakview
Oakwood Oaks	Oakwood Park	Platte Woods
Randolph	Raytown	

- b. The member may choose to leave the assigned take-home vehicle at a designated Department facility at the end of their tour-of-duty.
 - 2. Members residing in areas **outside** the corporate city limits of Kansas City, Missouri, **must** leave their assigned take-home vehicle at a Department facility at the end of their tour-of-duty. The facility's division commander and/or command/supervisory staff will designate parking locations for these vehicles.
- F. A member who is **not** assigned a take-home vehicle and wishes to utilize a division resource for secondary employment should refer to the current directive entitled, "Secondary Employment."
- G. A member must notify their bureau office if their residence status changes in regard to the use of the take-home vehicle, utilizing the "Personnel Data Form, Form 167 P.D."
- H. Members with take-home vehicles who become involved in police related activities during off-duty hours will advise the Communications Unit of their "Off-Duty Contact." A sample radio verbalization is, "1506 with an off-duty contact regarding a stranded motorist."
- I. Use of a Private Vehicle
 - 1. Private vehicle use for police business will be voluntary and will be authorized by the member's Bureau Commander. Certain voluntary assignments may require a member to agree to the use of a personal vehicle for police business. Private vehicles will be used for police business when:
 - a. The member has at a minimum, liability insurance coverage on the vehicle, and
 - b. The use of the vehicle is absolutely necessary for accomplishing the tasks of the Department and a Department vehicle is not available, and
 - c. A member has submitted an "Authorization for Private Vehicle Use, Form 318 P.D." (Form 318 P.D.), through their chain of command and obtained final approval from their Bureau Commander prior to using the vehicle.

2. The Form 318 P.D., should be completed for each occasion unless it is necessary for a member to use a private vehicle on a continuous basis.
3. If it is anticipated that a member will use their private vehicle on a continuous basis, a single Form 318 P.D., may be completed for that period of time and approved annually.
4. A copy of the Form 318 P.D., will be maintained at the element until the member has received compensation from the Accounting and Payroll Section.
5. The original Form 318 P.D., will be maintained at the Financial Services Unit (FSU).

IV. PROCEDURES

- A. Specialty vehicles, e.g., taxi cab, city vehicle, etc., may be used only if no Department vehicle will suffice. An Interdepartment Memorandum will be completed explaining the nature of the assignment, the vehicle description, license number, and owner's name prior to the use of the vehicle. The member's commander must endorse the written request.
 1. This request will be forwarded to FSU.
 2. Members permitted to operate a specialty vehicle must comply with Section III., of this directive.
- B. All-Terrain Vehicles (ATV) and Ultra-Terrain Vehicles (UTV).
 1. Only members who have completed the required training, and can operate the ATVs/UTVs in a safe manner, will operate the vehicles.
 2. ATV/UTV members will utilize proper rider protection equipment at all times. A Department of Transportation (DOT) or Snell approved helmet will be worn when operating the ATVs.
 3. ATVs/UTVs are to be operated off-road, whenever possible. Extended operations on paved surfaces will be limited to that which is reasonably necessary. When ATVs/UTVs are to be operated on paved surfaces, proper markings, appropriate lights and lower speeds will be utilized in compliance with the law.

4. ATVs/UTVs will not pursue a fleeing vehicle unless exigent circumstances exist.
5. An ATV/UTV will not be used as a take-home vehicle.
6. If an ATV/UTV requires maintenance, the unit will transport the ATV/UTV by trailer to Fleet Operations Unit.
7. ATV/UTV members will follow all directives that apply to operating a Department vehicle.

C. Mileage Compensation and Reimbursement for Gasoline Expenditure

1. Members authorized to use a private vehicle for police business will receive mileage compensation at the existing IRS standard for mileage relevant to an assignment.
 - a. This does not include mileage from home to the place of assignment, or
 - b. From the place of assignment to home, and
 - c. Mileage compensation will not be paid for mileage accumulated during an assignment period but not relevant to the assignment.
2. Members requesting compensation for mileage accrued using a private vehicle will:
 - a. Complete an "Application for Mileage Compensation, Form 326 P.D." (Form 326 P.D.), and submit it through their chain-of-command by the fifth (5th) day of the following month the mileage was driven.
 - b. Maintain a copy of the Form 326 P.D., until compensation has been received.
3. Commanders will forward the completed and approved Form 326 P.D., to FSU for reimbursement.
4. Members using specialty vehicles on a temporary basis will complete an "Application for Motor Fuel Reimbursement, Form 5 P.D.," if fuel is to be obtained at the police service station. This form will be submitted for authorization by the commander.

D. Use of Department Take-Home Vehicles by Non-Sworn Personnel

1. Non-sworn members who are assigned unmarked take-home vehicles will adhere to the procedures outlined in this directive.
2. Non-sworn members who are assigned unmarked take-home police vehicles are subject to the taxable fringe benefit requirement of the IRS Code.
3. The W-2 of each non-sworn member assigned an unmarked take-home vehicle will be assessed a daily "safe harbor" rate for the benefit of having the vehicle to commute to and from work. The IRS determines this rate.
4. Each affected non-sworn member will be required to complete the "Personal Use of Assigned Police Vehicle Report, Form 260 P.D." (Form 260 P.D.). The report will outline the number of days the employee worked each month.
5. Element commanders/supervisors will ensure the use of take-home vehicles by non-sworn personnel is reported to the Accounting and Payroll Section in the following manner:
 - a. Non-sworn members will complete the Form 260 P.D., and submit it to the appropriate supervisor.
 - b. Commanders will forward the completed and approved Form 260 P.D., to the Accounting and Payroll Section. It must be received by the Accounting and Payroll Section by the fifth (5th) day of the following month that is being reported.
 - c. The element commander/supervisor will submit, in writing, to the appropriate bureau commander all additions and/or deletions of assigned take-home vehicles.
 - d. Any approved changes to the list of non-sworn members assigned unmarked take-home vehicles will be forwarded by the element commander/supervisor, to the Accounting and Payroll Section and the Fleet Operations Unit.

- E. A member involved in a vehicle damage incident while operating any authorized private or specialty vehicle on-duty will follow the procedures in the current directive entitled, "Police Vehicular Reporting."


F. Weekly Vehicle and Equipment Inspection

1. The weekly "Vehicle and Equipment Inspection Form, Form 5760 P.D." (Form 5760 P.D.), will be used for inspections of all marked and unmarked Department vehicles and equipment assigned to the Patrol Bureau.
 - a. Supervisors will inspect all vehicles weekly. The inspecting supervisor will make the appropriate entries on the Form 5760 P.D., and forward the completed report to the assistant division commander.
 - b. The completed Form 5760 P.D., once approved by the assistant division commander, will be placed in the watch file for a period of six (6) months.
 - c. Commanders will ensure equipment assigned to specialized units will be added to the "Misc. Equipment" section of the Form 5760 P.D., and inspected weekly.
2. Supervisors assigned to other bureaus will ensure that assigned vehicles are inspected on a regular schedule.
3. Any vehicle left at the Fleet Operations Unit will have its equipment (except fire extinguisher) removed and properly secured at the appropriate division.
4. Maintenance responsibilities for vehicles and equipment will be determined by the division commander.
5. Appropriate reports may be required to determine the circumstances surrounding missing or damaged equipment.


G. Members assigned designated Department parking garage spaces are the only members permitted to park there during daytime business hours.

H. Operators of private vehicles authorized to park in the 1125 Cherry Lot, e.g., attending court, outside law enforcement members, etc., will sign the appropriate logs located in the lot office. If not attending court, the member will request permission to park in the Cherry Lot to avoid being asked to move their vehicle after a Building Operations Cherry Lot Audit.

- I. Members with questions on whether vehicle use complies with policy, should contact their bureau office or the Office of General Counsel.


Joseph E. Mabin Jr.
Chief of Police

Adopted by the Board of Police Commissioners this 15 day of November, 2022.


Mark C. Tolbert
President

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