



OFFICE OF THE COUNTY SHERIFF
Montgomery County, Maryland
Darren M. Popkin, Sheriff



GENERAL OPERATIONAL PROCEDURES

<u>Subject:</u> Sheriff's Office Assigned Vehicle Program	<u>Number:</u> 3.08.A	<u>Effective Date:</u> 11/15/2021
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Purpose: The purpose of the Sheriff's Office Assigned Vehicle (SOAV) Program is to serve the community by creating a higher degree of visibility and readiness for emergencies within our community.

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I. General

The intent of the SOAV program is to better serve the community and is not a right. Failure by deputies who are issued a vehicle to comply with the regulations and procedures set forth in this program may result in such deputy's suspension or termination from participation in the program *and* appropriate disciplinary action.

II. Eligibility

This program is primarily for marked vehicles and is open to all deputies in the bargaining unit after satisfactorily completing probation.

III. Restrictions

- A. A deputy residing within Montgomery County, who is assigned a vehicle, marked or unmarked, will be permitted to take the assigned vehicle home to be parked at the deputy's residence when off-duty.

- B. When a deputy living outside the boundaries of Montgomery County is issued a marked vehicle and is off duty and leaving the county, such vehicle will be required to be parked at a government or community facility within Montgomery County, with permission of the legal authority controlling the parking facility and the approval of the Sheriff or Chief Deputy. Such deputies must keep the Chief Deputy or designee informed if their approved parking location changes for any reason. At the discretion of the Sheriff or Chief Deputy, marked vehicles assigned to canine deputies will be permitted to be taken outside the county to be parked at their residence when off-duty; these assigned vehicles will be for to and from use only while off-duty and outside the County.
- C. A deputy living outside the boundaries of Montgomery County, who is issued an unmarked vehicle, will be permitted to take the assigned vehicle home to be parked at the deputy's residence when off duty only if such deputy resides within fifteen (15) air miles of Montgomery County boundaries. These assigned vehicles will be for to and from use only while off-duty and outside the county. A deputy assigned an unmarked vehicle who resides outside and beyond fifteen (15) air miles from the Montgomery County boundaries, when off-duty and leaving the county, will be required to park such vehicle at a government or community facility within Montgomery County as provided by section B. above.

IV. **Program Administration**

- A. The Chief Deputy has policy administration authority over the SOAV program.
- B. The daily administration of the program will be the responsibility of the Vehicle Maintenance Officer (VMO).

V. **Rules and Regulations**

- A. Upon assignment, deputies will inventory all department issued equipment within the vehicle utilizing a Vehicle Inspection Report (MCSO113). The report will be turned in to *their* section supervisor.
- B. Before operating a vehicle, the deputy must make a full safety and operational check of the vehicle, and all equipment carried or installed in the vehicle, including all emergency equipment, to ensure that all such property is present and fully functional. Any malfunctioning or missing equipment must be immediately reported to the VMO. Any vehicle needing major repairs will be taken to the Seven Locks Maintenance **G**arage immediately. Vehicles needing minor repairs will be taken to the *m*aintenance garage as soon as practical based upon job assignment. Missing equipment must be documented in accordance with General Operational Procedure 3.05, Issued Equipment/Uniforms.
- C. Upon being assigned a SOAV, deputies will sign for all supplied equipment utilizing the Request for Replacement Equipment/Uniform form (MCSO147). The form will be submitted to and maintained by the Property Custodian. Deputies will be responsible for all issued equipment.

- D. Deputies assigned a SOAV must submit to their section supervisor a monthly Off-Duty Assigned Vehicle Activity Log (MCSO101) reflecting any law enforcement actions completed while in an off-duty capacity during the preceding calendar month. This monthly form will be completed whether or not any law enforcement action is taken. The submission of this form is in addition to all other reporting requirements applicable to deputies.
- E. Deputies will be responsible for submitting to their section supervisor, a Vehicle Inspection Report (MCSO113) every two months and are subject to unannounced inspections.
- F. Deputies assigned a SOAV are responsible for completing preventive maintenance appointments as scheduled by the VMO in a timely manner. Such deputies are expected to personally inspect the vehicle and add oil or other fluids as needed to maintain appropriate working levels at least at the time of each refueling. Deputies are responsible for the cleanliness of their SOAVs and for maintaining their SOAVs and equipment in working order. SOAVs must be kept free of litter and personal items.
- G. Deputies who are on scheduled leave or sick leave for more than five (5) continuous days, on disability leave, administrative leave, leave-without-pay, or disciplinary suspension, will leave their SOAV at the main office location for use as a spare vehicle if necessary.
- H. Deputies who are on light or limited duty will not utilize their SOAV without authorization from the Sheriff, Chief Deputy or their designee and will leave their SOAV at the main office location for use as a spare vehicle if necessary.
- I. In the event the Sheriff or Chief Deputy reasonably determines that there is an operational need for a deputy's SOAV, a deputy assigned or utilizing the vehicle must immediately return the vehicle to the Sheriff's Office when notified.
- J. Except with the express permission of the Sheriff or Chief Deputy, deputies will only use their SOAV in the following circumstances:
- (1) *Travel to and from tours of duty and during the tour of duty;*
 - (2) *Travel to and from court appearances;*
 - (3) *For training assignments as approved by the Sheriff or Chief Deputy;*
 - (4) *For overtime assignments;*
 - (5) *While conducting approved Sheriff's Office business outside the county limits;*
 - (6) *While off-duty and conducting personal business within Montgomery County; and*
 - (7) *Travel to and from approved secondary employment within Montgomery County.*

- K. On-duty operators of and passengers in SOAVs shall be limited to authorized Sheriff's Office personnel except that others are permitted where required in the performance of the deputy's official duties, in conjunction with authorized Sheriff's Office programs or as otherwise expressly authorized by the Sheriff or Chief Deputy. When an SOAV is used off-duty, except in an emergency, no unauthorized personnel are permitted to operate the SOAV and only authorized personnel and immediate family members may be passengers. Unauthorized animals will not be in the SOAV at any time except in emergency circumstances.
- L. Deputies operating or riding in SOAVs must be ready for duty at all times and:
- (1) **Be** armed with their office issued weapon or handgun or an approved off-duty weapon on their person;
 - (2) **Have** immediately available at least one pair of handcuffs, a flashlight, their assigned portable radio, their official shield, their office issued credentials, and ballistic vest;
 - (3) **Such** deputies must have with them at least some type of attire to make them readily recognizable as a sheriff's deputy. This attire may consist of the issued baseball cap or jacket; and
 - (4) **Deputies** will display their issued credentials upon request.
- M. Except where otherwise expressly authorized by the Sheriff or Chief Deputy, such deputies operating an SOAV will be attired in a manner which promotes a positive image of the office, that does not bring discredit upon the office and that does not create a safety hazard for the deputy.
- (1) Minimum acceptable attire for a male deputy will consist of long pants or Bermuda type shorts, a shirt with sleeves, and shoes or sneakers.
 - (2) Minimum acceptable attire for a female deputy will consist of long pants, or Bermuda type shorts, a skirt or dress, a shirt with sleeves, and shoes or sneakers.
 - (3) Jeans are acceptable.
 - (4) Obscene and/or discriminatorily offensive graphics/words on clothing are not acceptable.
 - (5) Open-toed shoes, flip-flops, backless shoes or shoes with more than a one-inch heel are not acceptable.
 - (6) In all cases, the clothing worn by such deputies will be clean and free of holes.

- N. Deputies operating SOAVs will only make traffic stops for serious violations and any violation that creates a significant hazard to persons or property, or when the deputy's inaction would reflect unfavorably on the Sheriff's Office. In all circumstances, SOAVS WILL NOT BE USED TO ENGAGE IN HIGH SPEED PURSUIT DRIVING. Deputies are expected to assist disabled motorists and to provide back-up to on-duty personnel of any law enforcement agency in need of assistance.
- O. Under the provisions of state law governing limited statewide jurisdiction, deputies are not permitted to enforce the traffic laws outside of Montgomery County.
- P. The SOAV will not be used to transport any items which may damage the vehicle, including large or heavy loads or objects which protrude from the trunk or windows, except when required by such deputy's official duties. The use of all tobacco products is prohibited in SOAVs.
- Q. All weapons, protective equipment, and portable radio will be removed from an SOAV and secured when the vehicle is unattended for other than a short period of time, all as specified by the Sheriff or Chief Deputy. Unattended SOAVs will be locked at all times.
- R. Except where expressly authorized by the Sheriff or Chief Deputy, deputies are prohibited from utilizing the SOAV when engaged in any type of political activity, to include transportation to/from political rallies, caucuses, promotional events, or fundraisers. No bumper stickers, placards, banners, decals, or insignia will be affixed or attached to the SOAV without the expressed written approval of the Sheriff or Chief Deputy.
- S. Deputies will not engage in any type of behavior while utilizing a SOAV, which would undermine the good order, efficiency or discipline of the Sheriff's Office or which brings discredit upon the office
- T. Deputies operating a SOAV will not transport any type of alcoholic beverage in the vehicle, except as required in the official performance of their duties. Such deputies will not operate SOAVs within four (4) hours after ingesting any alcohol or while impaired by alcohol, and will not operate SOAVs after ingesting any type of drug or medication, which impairs their ability to operate a motor vehicle.
- U. Deputies will make no alterations to, nor will they install any additional equipment in their SOAVs without express approval from the Sheriff or Chief Deputy. This prohibition includes such items as removable dashboard lights, portable scanners, radios, or cellular phones. Further, deputies will not use any unauthorized device in the SOAV that will interfere with the vehicle's operation or functionality.

VI. Operating Procedures

- A. Deputies operating a SOAV will monitor the police radio on the frequency for the Montgomery County Police district in which the vehicle is being operated.
- B. Deputies need not notify the Public Safety Communications Center (P.S.C.C.) unless they are responding to a call or have pertinent information for P.S.C.C.
- C. Deputies will refrain from using the radio for other than official business and will use established radio procedures to denote that they are off-duty when using the radio in that capacity.
- D. In the absence of good cause, deputies are required to respond to incidents or calls-for-service that come to their attention on-view, via reports from citizens, or monitored from the police radio when such activity is of a serious nature occurring within reasonable proximity to their location.
- E. Off-duty deputies operating SOAVs are required to respond to serious incidents involving threats to life or property when they are within reasonable proximity to their location. Failure to respond to a call of this nature while off-duty may be considered neglect of duty. Such off-duty deputies operating SOAVs may respond to calls of a less serious nature. However, deputies will not engage in routine patrol when in off-duty status.
- F. Such deputies operating SOAVs off-duty will handle, and clear minor incidents encountered, to include disabled vehicles, stranded motorists, and citizens in need of assistance. When incidents of a more serious nature are encountered off-duty, the deputy will request on-duty personnel of a law enforcement agency to respond and if no on-duty personnel *are* immediately available, the off-duty deputy must remain on the scene until on-duty personnel arrive. The deputy will submit any required reports.
- G. Deputies operating SOAVs are responsible for the safety of all vehicle passengers.
- H. All deputies operating SOAV's will utilize seat belts, and all passengers riding in SOAV's are required to wear them.
- I. Deputies transporting an infant will use an approved child safety restraint seat in accordance with State laws. The child safety seat will be removed when not in use.

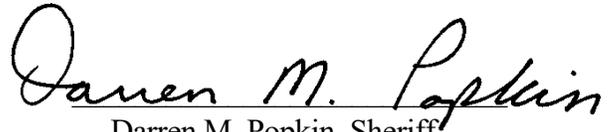
VII. Overtime Compensation

Deputies responding to or handling incidents or calls for service in an off-duty status will be in a no-pay status for the first two hours of action per incident. After the first two hours, deputies will be paid their normal overtime rate for time worked.

VIII. Cancellation

This directive cancels and replaces General Operational Procedures 3.08.A, effective **06/02/08**. Shred replaced directive.

AUTHORITY:

A handwritten signature in black ink that reads "Darren M. Popkin". The signature is written in a cursive style with a large initial 'D'.

Darren M. Popkin, Sheriff

11/15/2021