

USE OF TEMPORARY VEHICLES FOR OFFICIAL POLICE DUTY	Document Number	GO 809
	Effective Date	08-05-11
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1. PURPOSE

The purpose of this policy is to establish the guidelines for the use of temporary vehicles when a police subsidized vehicle is unavailable.

2. PERSONS AFFECTED

All sworn personnel.

3. POLICY

It shall be the policy of the Hawai'i Police Department that approved vehicles may be used temporarily under certain conditions and situations as described in this directive.

4. RESPONSIBILITIES

4.1. Members

4.1.1. Members shall be responsible for providing an acceptable replacement vehicle whenever a subsidized vehicle is being repaired as a result of off-duty damages, or is unavailable due to routine service or repair.

4.1.2. Members shall ensure that the subsidized vehicle being returned to service after repair and/or maintenance shall be returned to service in satisfactory condition within 30 days.

4.2. Commanders

4.2.1. Commanders of the rank of captain or above shall authorize the use of temporary vehicles or shall approve the use of a department supplied vehicle as required by this directive and/or collective bargaining agreement.

4.3. Police Chief

4.3.1. The Police Chief may grant exceptions for circumstances beyond the scope of this directive to ensure operational integrity.

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5. PROCEDURES

5.1. Temporary Vehicles

- 5.1.1. If the officer's subsidized vehicle is unavailable for official use, an approved temporary vehicle may be used.
- 5.1.2. The vehicle shall be properly equipped with a blue light and have the capability to communicate on the police radio network. Plainclothes officers are exempt from the requirement of the blue light. For the purposes of this section, a modified blue rooftop or visor light furnished by the Radio Shop and a portable radio will satisfy the requirements of this order.
- 5.1.3. A department supplied vehicle may be approved for official use as a temporary vehicle providing the following conditions are met:
 - a. Authorization shall be given by the district or division commander;
 - b. The use of such a vehicle shall not exceed 30 calendar days for any one incident except with the approval of the Police Chief;
 - c. Full car allowance shall be continued if a subsidized vehicle is damaged in the performance of duty involving no fault of the officer and a department supplied vehicle is used temporarily;
 - d. In all other situations not specifically covered by the General Orders or contract agreement, a deduction from the officer's monthly car allowance shall be made when an officer uses a department supplied vehicle. The amount of deduction from the officer's monthly car allowance will be based on the period that the vehicle is used on a prorated basis.
- 5.1.4. The officer is responsible for providing an acceptable replacement vehicle whenever his automobile is being repaired as the result of off-duty damages, or when it is unavailable due to normal routine services or repairs.

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- 5.1.5. In the event damages should be incurred while on duty where no gross negligence or carelessness is involved on the part of the employee, the department will provide a replacement vehicle for official use at no cost to the employee or reassign the employee to non-motorized duty.
- 5.1.6. Employees whose subsidized automobiles necessitate repairs as a result of on-duty damages shall suffer no loss of car allowance for a period not to exceed six (6) months.
- 5.1.7. Automobile allowance shall be continued during any authorized leaves of absence with pay, including industrial injury leaves, not exceeding a continuous period of six (6) months.
- 5.1.8. Whenever a temporary vehicle must be used, the concerned officer shall immediately contact the Finance Division describing the vehicle to be used for insurance and fuel allocation purposes.
- 5.1.9. The *Use of Temporary Vehicle for Official Duty (G.O. 809)* form shall be initiated by the concerned officer and submitted to the district or division commander for approval. The approval form is to be forwarded to the Finance Division within three working days after the vehicle is put into service.

5.2. Claims

- 5.2.1. With approval of the Police Chief, cost of repairs for damages to subsidized vehicles may be reimbursed to the extent not compensated for by the deductible provisions of the insurance policy, but not in excess of \$250 provided the following criteria are met:
 - a. The damage was incurred while on official duty or incurred while performing an official police function;
 - b. The damage was the result of a malicious or negligent act of a third party, or the damage was not the result of negligence or carelessness on the part of the officer;
 - c. The department receives:

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- A final written statement of cost for the repair job and list of damages;
 - A written statement from the officer or insurance carrier indicating the amount of the member's deductible clause;
 - A statement from a police department official indicating accident did occur during assigned duty hours and was not due to officer's negligence.
- d. No claim shall be filed with the County whenever civil action by the officer is pending against another individual for such damages;
- e. Any amount paid by the County to the officer must be reimbursed in the event the officer subsequently makes collection either through his insurance carrier or by any other means.
- 5.2.2. The officer shall not file a claim for damages to the subsidized vehicle where the third party responsible for the damage has fully reimbursed the officer for such damages.
- 5.2.3. The officer shall not file a claim for damage to the subsidized vehicle where the negligent act was by a person acting as an agent or representative of the County. In such case, the appropriate remedy is the filing of a claim against the County pursuant to the provisions of the County Charter.
- 5.2.4. Officers operating county-owned vehicles are not to personally settle any claim for damages resulting from an accident.
- 5.2.5. Officers shall be responsible for the proper use and security of all required equipment and for the repair or replacement of required equipment which is stolen, lost, or damaged as a result of negligence.

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5.2.6. Claims for damages shall be filed within 60 days from the date of occurrence.

5.3. Insurance

5.3.1. Public liability and property damage insurance shall be provided by the department for:

- a. All county-owned and/or privately-owned vehicles subsidized for the official performance of duty;
- b. Authorized vehicles that may be temporarily required for official duty. (Example: Loaner or other privately-owned vehicle.)

5.3.2. Collision and comprehensive insurance on private, subsidized vehicles shall be the responsibility of individual members.

5.4. Expenses Incurred – Members shall not incur any expense or assume any obligations to the department on repairs, services, and rental or leasing charges of subsidized or temporary vehicles without prior approval of the Finance Division.