

## 3-01/090.10 - Operation of Vehicles

For procedures regarding potential violations of this section, refer to section 3-09/070.45, Corrective Action.

Department members driving any type of vehicle, county or private, shall observe the following rules of conduct:

- Members, while on duty, shall not violate any traffic laws. They shall in the course and scope of their employment set a good example for other drivers.
- Members shall always employ defensive driving techniques, and an operator shall avail himself of every reasonable means to avoid or prevent a collision/incident.
- Members shall not operate vehicles in an unsafe or negligent manner. Unsafe backing, failure to allow for proper clearance, or failure to allow for adverse driving surfaces or weather conditions resulting in damage to a county/permittee vehicle or any other vehicle or property shall be considered a violation of this subsection.
- Members, in cases of emergency, shall be guided by the laws and regulations regarding emergency operation of vehicles.
- Absent extenuating circumstances, members shall not operate a cellular telephone while driving any marked, county-owned vehicle. When practical, members shall use a cellular telephone headset/earpiece (e.g., bluetooth, other hands-free device, etc.) when engaged in a telephone conversation while driving; however, such devices shall not be worn when the cellular (wireless) telephone is not in use.

**NOTE:** This prohibition shall apply to the use of the cellular telephone for both voice communications as well as data communications.

- The radio shall be utilized as the primary tool for communication while driving a motor vehicle.
- Members shall not operate an MDT/MDC or similar device/instrument while driving any county-owned vehicle unless one or more of the following applies:
  - The driven vehicle is at rest
  - The communication is of an emergent nature, and radio traffic prevents its timely transmission
  - The communication is necessary for officer safety, and radio traffic prevents its timely transmission; and
  - The communication is solely comprised of actuating the one-button signal for the “Acknowledge,” “En-Route,” and “10-97” status updates;
- Members who are in the field training program shall not use a global positioning system (GPS) while driving and/or in any county-owned vehicle except in an emergent situation. This will give the member who is in the field training program the opportunity to learn the jurisdictional area.

Members, whether on or off-duty, shall not operate a county vehicle while under the influence of alcohol. Members will be considered under the influence of alcohol if they have a blood alcohol content of .02 percent or higher in their system. If a member has the odor of an alcoholic beverage on their breath or there is reasonable suspicion to believe the member is under the influence of alcohol, the unit commander or higher shall order a test of the member. If a member refuses a direct order to be tested, the member shall be subject to discipline for violating section 3-01/030.10, Obedience to Laws, Regulations, and Orders.

Exceptions:

When working in an undercover capacity and the failure to consume an alcoholic beverage and drive a vehicle might engender suspicion which could jeopardize the safety of the undercover operative and put the investigation at risk, the undercover operative may drive a county vehicle as long as reasonable care and/or control of the vehicle is exercised.

Determining whether the operation of a county vehicle by an undercover operative after the consumption of alcohol in the performance of duty violates this section shall be determined based upon the totality of the circumstances. It shall be presumed that an employee who has a 0.08 percent or more by weight of alcohol in his or her blood is unable to exercise reasonable care and control of a vehicle, and therefore is prohibited from driving a county vehicle.

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