

## ILLINOIS STATE POLICE DIRECTIVE EQP-002, DEPARTMENT VEHICLE USAGE

<b>RESCINDS:</b> EQP-002, 2018-033, revised 12-20-2018.	<b>REVISED:</b> 05-10-2023 <span style="float: right;"><b>2023-156</b></span>
<b>RELATED DOCUMENTS:</b> EQP-001, EQP-003, PER-045, SRV-208, SRV-009	<b>RELATED CALEA STANDARDS (6<sup>th</sup> Edition):</b> 22.19.9, 41.3.1, 41.3.3, 46.1.8, 46.1.9, 46.2.3, 53.1.1, 61.1.6, 61.2.1, 61.2.2, 61.3.2, 61.3.3, 61.4.1, 70.1.2, 70.1.3, 70.2.1, 70.3.1, 81.2.4, 81.2.5, 84.1.3

### I. POLICY

The Illinois State Police (ISP) will ensure department vehicles are used by employees only when engaged in the performance of an assigned duty or in accordance with the procedures set forth in this directive.

### II. DEFINITIONS

II.A. Assigned Vehicle – a department vehicle that is issued to a specific sworn employee or that the Director has approved to be issued to a code employee.

**NOTE:** All vehicle assignments must be promptly entered into the ISP fleet management program.

II.B. Authorized Driver – an ISP employee who is either personally assigned a department vehicle or has received Bureau Chief/Commander approval to use a department vehicle to perform official duties on behalf of the state as outlined in 44 Illinois Administrative Code 5040.350.

II.C. Department Vehicle – any vehicle owned or leased by the state, or otherwise approved by the Department of Central Management Services as part of the ISP Fleet.

II.D. I-PASS Account Manager – an ISP employee appointed by a Division to manage an I-PASS account and the transponder use of employees under its authority.

II.E. I-PASS Agency Coordinator – an ISP employee appointed by the Bureau Chief of Fleet Services Bureau (FSB) to develop agency I-PASS account procedures and oversee their implementation.

II.F. I-PASS Transponder – an electronic device purchased from, or provided by, the Illinois Toll Highway Authority. This device, when properly placed in a vehicle, will allow the vehicle to pass through open lanes on the Illinois Tollway without stopping.

### III. PROCEDURES

**NOTE:** State of Illinois vehicles are to be used only during the course of official state business (see the exceptions in paragraph III.E.). Because the vehicle is property of the state of Illinois, there is no expectation of privacy in the vehicle or its contents. Any state-owned vehicle is subject to search without consent or notice at any time by appropriate personnel of the state of Illinois or the ISP.

III.A. Persons authorized to operate department vehicles

III.A.1. An ISP authorized driver who possesses a valid driver's license of the proper classification for the vehicle may drive that department vehicle.

III.A.2. Any state of Illinois employee may drive a department vehicle if the authorized driver is incapacitated and it is necessary to move the vehicle or driver to a place of safety, or if operational needs require someone else to drive.

III.A.3. A mechanic may operate a department vehicle if it is necessary to identify mechanical defects or to see if work on a vehicle has been properly completed.

III.A.4. Individuals authorized by the Director may operate department vehicles.

## III.B. Vehicle passengers

Only department employees or employees of the state of Illinois may be transported in department vehicles, except in the following situations:

- III.B.1. Employees may transport passengers who are not employees of the state of Illinois in department vehicles when the Director provides approval.
- III.B.2. Employees may transport individuals who are officially participating in the ISP Ride-along Program and have met all program requirements in ISP Directive SRV-009, "Ride-Along Program."
- III.B.3. Employees may transport individuals in department vehicles in those situations where it would be inhumane not to do so.
- III.B.4. Employees may transport individuals not otherwise authorized in department vehicles when it is necessary to conduct department business.

**NOTE:** The restriction on vehicle passengers also applies to employees who are granted 24-hour use of a department vehicle.

## III.C. Seatbelt use

- III.C.1. Individuals driving or riding in department vehicles will use the seat belts/shoulder harnesses provided in each vehicle regardless of the individual's seating position in the vehicle.
- III.C.2. Officers will comply with the law regarding the use of child occupant restraints. Only in circumstances necessary for immediate safety will the officer transport children in department vehicles without using the appropriate child restraint.

## III.D. Department vehicles will not be driven out-of-state unless one of the following conditions is met:

- III.D.1. An employee is conducting official state of Illinois business with approval of their Supervisor.
- III.D.2. An employee is attending a business-related conference, training, or competition with the approval of their Commander.
- III.D.3. An employee in approved out-of-state travel status has received their Commander's approval to use the department vehicle.
- III.D.4. Crossing the state line is necessary to turn around after patrolling the entire length of our roadways to the state line(s).
- III.D.5. An employee is involved in a vehicle pursuit conforming with ISP policy and the laws of the state being entered. (See ISP Directive OPS-003, "Vehicle Pursuits and Forcible Vehicle Stops.")

## III.E. Off-duty or other than official state business use of a department vehicle

- III.E.1. Department vehicles may be used for other than official state business within the boundaries of the state of Illinois, in accordance with Executive Order 1992-4 (as amended by Executive Order 1999-3) and 44 Illinois Administrative Code 5040.350, et seq., when one or more of the following circumstances are present.
  - III.E.1.a. An employee is away from their official residence overnight in the course of conducting business for the Department or with the approval of their Commander while on standby status.
  - III.E.1.b. Any inter-troop or inter-division sworn transferee may use their official vehicle until the transferee establishes permanent residence or for a 45-day period, whichever occurs first. If the employee does not establish permanent residence in the



## III.G.2. Security of items in unattended vehicles

- III.G.2.a. Illinois Wireless Information Network (IWIN) Equipment – The security of mobile data computers and equipment related to IWIN is covered in ISP Directive SRV-208, "Mobile Data Computer Systems." Following their shift, if the user's vehicle will be secured in a locked garage, all IWIN equipment may remain in the vehicle.
- III.G.2.b. Weapons - Any time the vehicle is to be left unattended with a vendor who has access to the trunk via keys or trunk access button, the officer will remove all weapons from the vehicle.
- III.G.2.c. Other items – Vehicle operators must lock any un-mounted, state owned item having a value of \$100 or more in the trunk whenever the vehicle is left unattended unless, following their shift, the user's vehicle is secured in a locked garage.
  - III.G.2.c.1) This includes hand-held radar and lidar units but not moving radar, mounted video camera equipment or any other mounted equipment, unless unusual circumstances necessitate it or troop policy requires it.
  - III.G.2.c.2) The radiological probe mounted on the hazardous material units will not be removed.
- III.G.2.d. The driver of the Department vehicle is responsible for any stolen or missing item if the vehicle is left unlocked when unattended.
- III.G.2.e. At the end of an employee's work day, un-mounted items having a value of \$100 or more may be secured in the employee's residence instead of the vehicle trunk unless the user's vehicle is secured in a locked garage. A Commander may require such items to be secured in an employee's residence or local work policy may require it.

## III.H. Damage

The Department will not be responsible for damage to or the loss of personal property by fire, theft, or collision due to the negligence of the operator of a department vehicle.

- III.I. The Department will not be responsible for parking tickets, traffic violations, or tow fees. The operator will pay parking or storage charges.

## III.J. Communications equipment

Any employee or other police officer assigned to ISP Task Forces or Metropolitan Enforcement Group (MEG) units operating a department vehicle equipped with a two-way radio may use that radio.

- III.J.1. Two-way radios are to be used only for official business.
- III.J.2. Two-way radios will be operated in accordance with department communications directives and Federal Communications Commission rules and regulations.

## III.K. I-PASS Transponders

- III.K.1. Issuance – The department shall issue I-PASS transponders to drivers of vehicles who may travel Illinois Tollways while conducting official state business by using their assigned departmental vehicle.
- III.K.2. The I-PASS Account Manager will notify the I-PASS Agency Coordinator of a change of Account Manager or changes to the account. Changes must be sent to [ISP.Transponder@illinois.gov](mailto:ISP.Transponder@illinois.gov).
- III.K.3. I-PASS Transponder Accounts - Transponders should remain with the work unit they were issued by unless arrangements are made with the I-PASS Account Manager to transfer the I-PASS to another account.

## III.K.4. Use of Transponders

- III.K.4.a. I-PASS transponders shall only be used when driving a vehicle on official state of Illinois business or by the driver using their assigned departmental vehicle in accordance with off-duty travel as prescribed in III.E. of this directive.
- III.K.4.b. The ISP will be billed for I-PASS transponder tolls on non-Illinois tollways. Drivers should avoid use of out-of-state tollways unless operationally necessary and preapproval has been obtained through the driver's chain-of-command.

III.K.5. Monitoring of charges – I-PASS account managers will review the quarterly invoice from the Illinois Toll Highway Authority for accuracy and any irregularities which may constitute the improper use of an I-PASS transponder. If improper use is identified, the individual will be required to justify the use of the I-PASS or make payment to the Illinois Toll Highway Authority for the charges.

## III.L. Required Reporting for Vehicle Use

## III.L.1. Sworn Driver Certification

- III.L.1.a. In accordance with 625 ILCS 5/7-601, officers given authority to use their assigned vehicle for off-duty use will annually sign a Driver Certification Form for Sworn Personnel, form ISP 2-586 acknowledging their requirement to carry liability insurance on their assigned vehicle during off-duty use.
- III.L.1.b. Work location Fleet Officers will maintain Driver Certification Form for Sworn Personnel forms.
- III.L.1.c. Driver Certification Form for Sworn Personnel forms should be completed between July 1 and July 31 each year or within 30 days of eligibility for off-duty use of a department vehicle.

## III.L.2. Civilian Driver Certification

- III.L.2.a. In accordance with 625 ILCS 5/7-601, code employees assigned a department vehicle must complete annually, between July 1 and July 31, the Driver Certification For Civilians Assigned A State Vehicle, form ISP 2-503.
- III.L.2.b. Civilian employees will forward completed forms to the Logistics Bureau, Fleet Management.

## III.L.3. Vehicle Use by Civilian Employees

- All civilians assigned a department vehicle must complete a Vehicle Usage Log, form ISP 2-585. The form tracks vehicle usage during the month and serves as a tax record for taxable fringe benefits.
- III.L.3.a. The form is due to the FSB Bureau Chief, by the 7<sup>th</sup> day following the end of each reporting month.
  - III.L.3.b. Failure to report vehicle use may result in disciplinary action against the employee and/or the loss of the use of the state vehicle.

## III.L.4. Taxable Fringe Benefit

- III.L.4.a. Federal tax rules (see Internal Revenue Service (IRS) Publication 535) require the Department, with exceptions (police vehicles operated by state officers are exempt), to treat the use of state vehicles as a taxable benefit to be included in the employee's income.
- III.L.4.b. The Department will, quarterly, process the value of a personally assigned state vehicle on the payroll to withhold federal and state tax, retirement, and social security when applicable. Per IRS Publication 15-B, the ISP will apply the Commuting Rule at \$1.50 each way (from home to work or from work to home) for all civilian vehicle assignments when no personal use of the vehicle is authorized. Exempt Commutes – Traveling from home to a place other than your primary work location for business purposes and traveling from a location where you were

conducting state of Illinois business (not your primary work location) to home are both considered exempt commutes and are not taxable.

III.L.4.c. Personnel affected by the "personal use" taxable fringe benefit will validate their taxable commuting by completing the Vehicle Usage Report, form ISP 2-006, by the 7<sup>th</sup> day of each month. The Vehicle Usage Report will be sent to the Office of Finance (OOF) by the 14<sup>th</sup> day of each quarter.

| Indicates new or revised items.

**-End of Directive-**

**ILLINOIS STATE POLICE DIRECTIVE  
EQP-002, DEPARTMENT VEHICLE USAGE  
ADDENDUM 1, USE OF FRONT PASSENGER AIR BAGS**

<b>RESCINDS:</b> EQP-002, Addendum 1, 2018-033, revised 12-20-2018.	<b>REVISED:</b> 05-10-2023 <span style="float: right;"><b>2023-156</b></span>
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The National Highway Traffic Safety Administration (NHTSA) has concluded air bags are proven, effective safety devices. A study of real-world crashes conducted by NHTSA found that the combination of seat belts and air bags is 75 percent effective in preventing serious head injuries and 66 percent effective in preventing serious chest injuries.

Most air bag injuries are minor cuts, bruises, or abrasions and are far less serious than the injuries air bags prevent. Deaths resulting from the deployment of air bags were due to the fact those persons were either sitting too close to the air bag or were not restrained by seat belts or child safety seats and were thrown forward during pre-crash braking.

Occupants who are very close to or on top of the air bag when it begins to inflate can be hit with enough force to suffer serious injury or death. However, occupants who are properly restrained and sit ten or more inches away from the air bag cover will contact the air bag only after it has completely or almost completely inflated.

Almost everyone over age 12 is much safer with air bags than without them. This includes short people, tall people, older people, pregnant women, in fact, all people, male or female, who buckle their seat belts and who can sit far enough back from the air bag. Ideally, the occupant should sit with at least ten inches between the center of the breastbone and the cover of the air bag.

- I. Risk factors associated with air bag injuries
  - I.A. Infants in rear-facing infant seats
  - I.B. Children under the age of 12 years
  - I.C. Improperly adjusted seat belts
  - I.D. Passengers with unusual medical conditions preventing them from obtaining the minimum 10 inches distance needed from the air bag
  
- II. Reducing the risk
  - II.A. Always secure a rear-facing infant seat in the back seat. Placing a rear-facing infant seat in the front seat places the infant seat too close to the inflating air bag.
  - II.B. Children age 12 and under should always be placed in the back seat using appropriate child restraints.
  - II.C. Seat belts should always be used and properly adjusted. Improperly adjusted seat belts can allow too much motion, permitting the subject to move too close to the inflating air bag.
  - II.D. Persons with certain medical conditions have been advised by a physician that an air bag poses a special risk to them because of their condition. This condition would restrict them from staying at least ten inches away from the air bag. These persons should sit or be placed in the back seat.

-End of Addendum-