



# OLR RESEARCH REPORT

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## **STATE POLICE CELL PHONE USE AND OFF-DUTY USE OF POLICE VEHICLES**

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You want to know (1) if the state pays the charges for calls made on cell phones issued to state police officers, (2) why state police officers are allowed to keep their cars while off duty instead of returning them to a motor pool, and (3) whether any statistics on enforcement activities by off-duty police officers are available.

### **SUMMARY**

According to the Department of Public Safety (DPS) legislative liaison, William Podgorski, only command staff and staff in certain critical positions, such as emergency services and major crime personnel, have state-issued cell phones. The state pays for calls made on these phones which are intended for department business only. Officers are expected to reimburse the state for any personal calls.

Every Connecticut state police officer is assigned a vehicle, which he or she may use off duty for private business. The officer is responsible for its upkeep, but DPS pays for it. The policy authorizing off-duty vehicle use is included in the State Police union labor contract but the practice predates the agreement. According to DPS, having officers keep and use their assigned vehicles off duty (1) increases the officers' visibility in the communities where they live, potentially deterring crime, and (2) facilitates rapid deployment of personnel during public safety emergencies. Off-duty officers are expected to provide assistance in cases

involving stranded motorists, motor vehicle accidents, and crimes in progress. An added benefit of the arrangement is that a vehicle assigned to one officer, instead of a car pool, has lower maintenance, repair, and operating costs because the trooper is held responsible for maintaining it. Historically, according to DPS, police vehicles used in fleet operations would last for only one year because they were used continuously by many officers, whereas assigned cruisers last five years, thereby saving the state money.

We are awaiting information from the State Police on off-duty enforcement statistics. We will provide any information we receive in a follow-up report.

### **STATE POLICE VEHICLE USE POLICY**

The State Police assigns a vehicle to every Connecticut state police officer, who may drive it while on or off duty with no mileage restrictions on use within the state. Each of the state's 12 police barracks has a gas pump that the officer may use at any time to fill up the vehicle. The officer must keep at least a quarter tank of gas in the vehicle in order to be ready to respond immediately to emergencies.

The off-duty vehicle use policy is outlined in the DPS administrative and operations manual and the state police union collective bargaining agreement. The 2007-2010 agreement states that:

During the life of this agreement, the employer shall continue to permit the use of assigned vehicles while off-duty subject to those rules, regulations, and orders promulgated by the Commissioner of Public Safety and existing prior to the signature date of the Agreement. . . .The Department will continue to provide the associated costs for vehicle maintenance consistent with past practice (Article 29, "Off-Duty Use of State Vehicles").

The off-duty vehicle use policy was originally included in the 1981-84 collective bargaining contract. The practice predates the agreement, dating back to at least 1965, according to the state police union staff director, Jerry McGuire, and the DPS legislative liaison, Stephen Spellman. But neither official could confirm the specific year the practice began.

## **Vehicle Use Restrictions**

In the wake of rising gas prices in April 2008, Governor Rell directed state agencies to identify ways to “eliminate unnecessary travel and inefficient use of state vehicles” and reduce fuel consumption. The DPS commissioner’s response included barring off-duty state police officers from filling up their assigned vehicles at state police facilities. The union filed a grievance, contending that the ban restricted off-duty use of assigned vehicles in violation of the union contract. The arbitrator sustained the grievance. According to the arbitrator:

It is not for this arbitrator to address whether or not the State’s response to the recent increase of gasoline prices was a good idea or even necessary. Rather, the focus herein must be on the limitations placed on the State’s ability do so by the collective bargaining agreement in effect between the parties (State of Connecticut Police Union and State of Connecticut, Office of Labor Relations, Case 05-5047, CSPU No. 13-08).

The arbitrator concluded that the “unilateral implementation of the memorandum of May 7, 2008 [which contained the ban] placed a restriction on a Trooper’s use of the cruiser that is not permitted [by the agreement]. . . .”

## **Links and Attachments**

For a discussion of the benefits and disadvantages of vehicle take-home policies see (1) *Take Home Cars: An Overview* at <http://www.fop.net/programs/research/takehomecars.pdf> and (2) *Take Home Cars: After the First Shock There are Benefits* by Tom Yates, Law and Order, Vol. 40, No 5, (May 1992) pg. 88-91 (attached). See also OLR Report [2009-R-0050](#), which looks at policies on private use of police vehicles in Connecticut and neighboring states.

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