



PERSONAL VEHICLE USE – AUTO LIABILITY

This bulletin aims to identify a matter of concern that requires your attention. We strive to help police chiefs and officers make thoughtful decisions by informing them of the legal issues and the potential consequences of participating in mutual aid units or responding to critical incidents utilizing their personal vehicles.

The information outlined in this bulletin is not all-inclusive. We strongly recommend you speak with your Risk Management Consultant and Municipal Attorney before implementing or making any policy changes.

In a recent claims meeting with a Joint Insurance Fund that is affiliated with the New Jersey Municipal Excess Liability Fund, a claim was discussed that is a matter of concern for our police community. Below is a synopsis of the incident, and it should be noted that the police officer was not at fault:

A local police officer assigned to a County-wide mutual aid SWAT Team was dispatched to respond to an emergency. The officer responded directly to the incident in his personal vehicle, and while driving directly to the scene, the officer was struck by a person under the influence. The vehicle was severely damaged, and the officer sustained injuries that required treatment. The Workers Compensation Act covered the officer for the injuries, but the Joint Insurance Funds liability insurance did not cover the damage to the officer's personal vehicle. In general, auto liability policies follow the ownership of the vehicle.

Critical considerations for the Chief of Police concerning officers who are assigned to any special response team:

- Is there a mutual aid agreement in place outlining when and how officers will respond to these types of emergency incidents?
- Can the call-out/response be verified by some type of technology or voice recording? For example, is there an agency procedure or policy that dictates how officers are notified to respond, such as an emergency call system, text alert, etc., that can be preserved and viewed at a time as necessary?
- Is there a process that requires the officer to report where they are responding from? For example, the officer might be required to notify police communications via radio, call by phone to a dispatch center, or alert a supervisor via text.
- Has the officer called the dispatch center advising that they are responding to the incident? (verification that they are on duty).
- Does the department and the officer realize that, in general, auto liability policies follow vehicle ownership?
- The officer may want to consult with their auto liability carrier to determine coverage limitations while using their personal vehicle to travel to an emergency call for service.
- It is likely best to ensure that officers are aware they must adhere to New Jersey's traffic regulations when operating their personal vehicle and that they are not covered under [N.J.S.A. 2A:53-13 and 13.1](#)
- Sample [Agency Vehicle Usage Policy](#) and [Mutual Aid Template](#).

If you have any questions, please contact your Law Enforcement Risk Control Consultant.