

POLICY TITLE: USE OF STATE-OWNED AND PERSONAL VEHICLES		PAGE 1 OF 7
POLICY NUMBER: 2.9		
CHAPTER 2: FISCAL MANAGEMENT		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
EFFECTIVE DATE: December 15, 2003	LATEST REVISION: October 17, 2017	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Entire Maine Department of Corrections

III. POLICY

It is the policy of the Department of Corrections to ensure security and the safety of staff and others through the establishment of practices that govern use, accountability, control, maintenance, repair, and cleanliness of state-owned vehicles and that govern the use of personal vehicles.

IV. CONTENTS

- Procedure A: Vehicle Use, General
- Procedure B: Rules for Drivers of State-Owned Vehicles
- Procedure C: Maintenance and Repair of State-Owned Vehicles
- Procedure D: Accidents or Other Problems with State-Owned Vehicles
- Procedure E: Personal Vehicle Use

V. ATTACHMENTS

None

VI. PROCEDURES

Procedure A: Vehicle Use, General

1. All Department staff authorized to use state-owned vehicles and all persons authorized to operate personal vehicles when necessary to conduct state

business shall comply with this policy and all applicable rules governing motor vehicle use adopted by the Department of Administrative and Financial Services (DAFS). Failure to adhere to this policy or those rules may be considered a violation of Department Policy 3.5, Code of Conduct.

2. In addition to this policy, use of state-owned vehicles and personal vehicles for state business by community corrections employees is governed by Department Policy (ACC & JCC) 2.4, Use of State-Owned and Personal Vehicles.
3. This policy does not cover the use of state-owned farm or forest equipment or any other type of equipment for which a license to drive is not required.
4. A Department staff member who is a state employee shall not use a personal vehicle for state business when a suitable state-owned vehicle is readily available. If a suitable state-owned vehicle is not readily available, the staff may use a personal vehicle in accordance with this policy and all applicable DAFS rules, including rules governing reimbursement.
5. Staff who is not a state employee shall only drive a state-owned vehicle if he or she has received prior approval of the Commissioner, or designee, and the DAFS Risk Management Division. Volunteers, student interns, prisoners, residents, persons under community supervision, and anyone else who is not Department staff shall not drive state-owned vehicles.
6. State-owned vehicles shall be used for official state business only, unless an exception has been granted by the Commissioner, or designee. Any such exception is only for commuting to and from work and for de minimis incidental personal use, such as stopping for a personal errand on the way to or from work.
7. An employee who is assigned a state-owned vehicle shall maintain records of his or her personal use of the state-owned vehicle for tax reporting purposes, unless the reporting of personal use is not required by either federal or state tax law.
8. At each facility, the Chief Administrative Officer, or designee, shall be responsible to ensure that sufficient state-owned vehicles are available to accomplish routine facility operations, e.g., prisoner transport, work crew transports, facility maintenance, etc., and to respond to critical incidents and emergency situations.
9. The use of a facility security vehicle shall be approved by the Shift Commander, or other security supervisor designated by the Chief Administrative Officer, or designee. The security supervisor shall be responsible to ensure that keys for security vehicles are kept at Central Control and signed out and in each time a security vehicle is used
10. The Shift Commander, or other security supervisor designated by the Chief Administrative Officer, or designee, shall be responsible to ensure that keys for non-security vehicles are kept at Central Control or in a secure location at the

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
2.9 Use of State-Owned and Personal Vehicles	2. Fiscal Management	Page 2 of 7 10/17/17R

individual departments to which the vehicles are assigned, e.g., maintenance, warehouse, etc.

11. At each facility, the Chief Administrative Officer, or designee, shall be responsible to ensure that appropriate records are maintained regarding use, maintenance, and repair of state-owned vehicles.
12. In each community corrections region, the Regional Correctional Administrator, or designee, shall be responsible to ensure that appropriate records are maintained regarding use, maintenance, and repair of state-owned vehicles.
13. A state-owned vehicle may be assigned to an individual employee in compliance with policies established by the Department of Administrative and Financial Services (DAFS) and the Department of Corrections and that individual is responsible to maintain appropriate records regarding the use, maintenance, and repair of the state-owned vehicle.
14. The driver of a state-owned vehicle or a personal vehicle being used for state business shall use the seat belt when the vehicle is in motion and shall ensure that any passengers are using seat belts, if available. In addition, a state employee riding in any other vehicle while on state business (e.g., a corrections officer riding in an ambulance transporting a prisoner, an employee using a taxi to attend a meeting, etc.) shall use the seat belt when the vehicle is in motion.
15. The driver of a state-owned vehicle shall not smoke in the vehicle and shall ensure that any passengers do not smoke.
16. Animals are not permitted in a state-owned vehicle, unless the animal is:
 - a. a DOC canine on active duty or being transported for veterinary care;
 - b. another criminal justice agency or search and rescue canine on active duty;
or
 - c. a service dog for a person with a disability.

Procedure B: Rules for Drivers of State-Owned Vehicles

1. The driver of a state-owned vehicle must have a valid Maine driver's license appropriate for the vehicle class when operating the vehicle.
2. The driver of a state-owned vehicle shall operate such vehicle in a safe manner at all times and in compliance with federal, state, and local laws, including traffic and parking laws. Any fine or other sanction imposed as the result of a violation of any such law shall be the responsibility of the driver involved. The driver shall not exceed safe driving speeds for road conditions and shall obey all posted speed limits.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
2.9 Use of State-Owned and Personal Vehicles	2. Fiscal Management	Page 3 of 7 10/17/17R

3. The driver of a state-owned vehicle shall take every precaution to protect the vehicle, its passengers and contents. The driver shall lock the vehicle and take the keys when exiting the vehicle.
4. Each state-owned vehicle shall contain a daily travel log, which shall be completed by the driver before the vehicle is turned in. The vehicle shall be returned to the place of issue, once the reason for its use has been concluded. The driver shall ensure the interior of the vehicle is neat and clean, and the vehicle is refueled.
5. The use of state fuel credit cards is restricted to state-owned vehicles. Fuel cards are specific to each vehicle and shall be used only for expenditures related directly to that vehicle. The use of state-owned electronic toll payment devices is restricted to state-owned vehicles and to personal vehicles while they are being used for state business. Under no circumstances are such fuel credit cards or state-owned electronic toll payment devices to be used for any personal purpose.

Procedure C: Maintenance and Repair of State-Owned Vehicles

1. At each facility, the Maintenance Supervisor, or designee, shall ensure that all state-owned vehicles are mechanically sound and properly equipped.
2. The Maintenance Supervisor, or designee, shall ensure that safety repairs on state-owned vehicles are completed immediately and that the vehicle is not used until such repairs are completed.
3. The Maintenance Supervisor, or designee, shall ensure that all state-owned vehicles comply with all state laws pertaining to annual vehicle inspections by qualified individuals.
4. The Maintenance Supervisor, or designee, shall ensure preventive maintenance is routinely scheduled in accordance with the Department of Administrative and Financial Services (DAFS) maintenance schedule to include, but not be limited to, tune-ups, oil changes, filter changes, verification and replenishment of fluids, lubrication, alignments, tire rotation, and tire pressure checks.
5. The Maintenance Supervisor, or designee, shall ensure that vehicles are cleaned inside and out as necessary.
6. In each adult community corrections region and at Central Office, the staff to whom the vehicle is assigned shall have the above responsibilities.
7. In each juvenile community corrections region, the Regional Correctional Administrator shall designate staff to have the above responsibilities.

Procedure D: Accidents or Other Problems with State-Owned Vehicles

1. Prior to operating a state-owned vehicle, the driver shall visually inspect the vehicle for any obvious problem and shall immediately report any problem found

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
2.9 Use of State-Owned and Personal Vehicles	2. Fiscal Management	Page 4 of 7 10/17/17R

to his or her supervisor and document the problem. The supervisor shall ensure the problem is reported to the staff with the responsibility for maintenance and repair of the vehicle. If the problem might affect the safe operation of the vehicle, it shall be taken out of service until the problem is resolved.

2. Any driver experiencing any problem with a state-owned vehicle, e.g., an accident, safety problem, mechanical failure, vandalism, or theft, shall report the problem immediately to his or her supervisor and document the problem as soon as practical. The supervisor shall ensure the problem is reported to the staff with the responsibility for maintenance and repair of the vehicle. If the problem might affect the safe operation of the vehicle, it shall be taken out of service until the problem is resolved.
3. Any driver involved in an accident while driving a state-owned vehicle shall complete an accident report as soon as practical using the form located in the vehicle and submit it to the facility Chief Administrative Officer, or designee, community corrections Regional Correctional Administrator, or designee, or Commissioner, or designee, as applicable. The person receiving the report shall forward it to the DAFS Division of Risk Management. The driver shall also complete any other documentation required by state law.
4. If the accident involves personal injury, the driver shall, if able, immediately call the DAFS Division of Risk Management.
5. Failure to report and/or document an accident or other problem with a state-owned vehicle may be considered a violation of Department Policy 3.5, Code of Conduct.
6. Property damage or personal injury resulting from the use of the state-owned vehicle, including damage to the vehicle itself, may be considered a violation of Department Policy 3.5, Code of Conduct, if it is determined that the damage or injury is a result of the driver's negligence or intentional conduct.

Procedure E: Personal Vehicle Use

1. Staff shall not use personal vehicles to transport prisoners or residents.
2. Staff may use personal vehicles for state business but should be aware that the State does not cover theft or damage to personal vehicles of staff, even if being used for state business. The State may cover personal injury to another person or damage to the property of another.
3. Any driver who has an accident involving personal injury to another person or damage to the property of another while using a personal vehicle for state business shall report the accident as soon as practical to the facility Chief Administrative Officer, or designee, community corrections Regional Correctional Administrator, or designee, or Commissioner, or designee, as applicable. The person receiving the report shall forward it to the DAFS Division of Risk

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
2.9 Use of State-Owned and Personal Vehicles	2. Fiscal Management	Page 5 of 7 10/17/17R

Management. The driver shall also complete any other documentation required by state law.

4. While operating a personal vehicle on state business, the driver shall operate the vehicle in safe manner at all times and in compliance with federal, state, and local law, including traffic and parking laws. Any fine or other sanction imposed as the result of a violation of any such law shall be the responsibility of the driver involved. The driver shall not exceed safe driving speeds for road conditions and shall obey all posted speed limits.
5. If operating a personal vehicle on state property, staff shall operate the vehicle in a safe manner at all times and obey all posted speed limits and other instructions for the operation of vehicles on state property. All staff parking personal vehicles on state property shall lock their vehicles and take the keys with them.
6. Any person experiencing an accident or property damage involving a personal vehicle occurring on state property shall report it to as soon as practical to the facility Chief Administrative Officer, or designee, community corrections Regional Correctional Administrator, or designee, or Commissioner, or designee, as applicable. The person receiving the report shall forward it to the DAFS Division of Risk Management. The driver shall also complete any other documentation required by state law.

VII. PROFESSIONAL STANDARDS

ACA:

- ACI – 4-4189** An annual safety inspection of all vehicles is conducted by qualified individuals in accordance with state statutes for any vehicle that is owned, leased, or used in the operation of the facility.
- ACI – 4-4189-1** Safety repairs are completed immediately. Vehicles are not used again until repairs are made.
- ACI - 4-4197** Written policy and procedure govern the use and security of institution vehicles.
- ACI - 4-4198** Written policy and procedure govern the use of personal vehicles for official purposes and include provisions for insurance coverage.
- 4-ACRS-1B-01 (MANDATORY)** An annual safety inspection of all vehicles is conducted by qualified individuals and in accordance with state statutes for any vehicle that is owned, leased, or used in the operation of the facility.
- 4-ACRS-1B-02** Safety repairs are completed immediately. Vehicles are not used again until repairs are made.
- 4-ACRS-1B-03** Vehicles are operated only by licensed drivers.
- 4-JCF-2A-16** An annual safety inspection of all vehicles is conducted by qualified individuals and in accordance with state statutes for any vehicle that is owned, leased, or used in the operation of the facility.

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
2.9 Use of State-Owned and Personal Vehicles	2. Fiscal Management	Page 6 of 7 10/17/17R

- 4-JCF-2A-16-1** Safety repairs are completed immediately. Vehicles are not used again until repairs are made.
- 4-JCF-1C-17** Facility vehicles are issued only to licensed drivers and are subject to the following requirements:
1. Safety inspection(s) are conducted at least annually by qualified individuals.
 2. Routine maintenance is conducted according to an established schedule.
 3. Mechanical and safety defects are promptly reported and repaired.
 4. Facility staff understand and are familiar with the circumstances under which they may use personal vehicles for official use and the associated liability requirements.
- 4-JCF- 2A-24** The use and security of facility vehicles must be maintained at all times. Keys and responsibility for certain vehicles may be assigned to specific staff, but one person controls the pool vehicles.
- 4-JCF-6B-02** The facility has fiscal policies and procedures adopted by the governing authority including, at a minimum, the following:
1. Internal controls
 2. Petty cash
 3. Public employee blanket bonds
 4. Worker's compensation
 5. Civil liability insurance for employees
 6. Liability insurance for official and personal vehicles
 7. Institutional insurance coverage
 8. Signature control on checks
 9. Juvenile funds
 10. The issuing or use of vouchers

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
2.9 Use of State-Owned and Personal Vehicles	2. Fiscal Management	Page 7 of 7 10/17/17R