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| POLICY TITLE: USE OF STATE-OWNED AND PERSONAL VEHICLES | | PAGE <u>1</u> OF <u>5</u> |
| POLICY NUMBER: 2.40 – ACC & JCC | | |
| CHAPTER 2: FISCAL MANAGEMENT | | |
|  | STATE of MAINE DEPARTMENT OF CORRECTIONS | PROFESSIONAL STANDARDS: |
| | Approved by Commissioner: <i>DR. Joseph R. Fitzpatrick</i> | See Section VII |
| EFFECTIVE DATE: May 30, 2006 | LATEST REVISION: September 29, 2014 | 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

Adult Community Corrections
Juvenile Community Corrections

III. POLICY

It is the policy of the Department of Corrections to ensure the safety and security of employees and others through the establishment of procedures that authorize use, accountability, control, maintenance, and cleanliness of state-owned vehicles.

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V. ATTACHMENTS

Attachment A: Transportation in State-Owned Vehicle Release of Liability Form

VI. PROCEDURES

Procedure A: Priority of Use

1. A Department of Corrections employee shall not use a personal vehicle for Department of Corrections purposes when a state-owned vehicle is readily available. If a state-owned vehicle is not available, a Department of Corrections employee is authorized to use a personal vehicle subject to the State of Maine's use and reimbursement guidelines for use of personal vehicles and this policy.
2. Off duty use of state-owned vehicles is prohibited.

Procedure B: Responsibility for State-Owned Vehicles

1. All state-owned vehicles, whether assigned to a probation officer or to a regional pool of vehicles, shall be operated and maintained in accordance with Central Fleet Management policies governing state-owned vehicles.
2. The Regional Correctional Administrator, or designee, shall be responsible to maintain appropriate records regarding the use of state-owned vehicles.
3. The Department of Corrections Service Center Director, or designee, shall be responsible to maintain appropriate records regarding the use of state-owned vehicles.

Procedure C: Vehicle Assignments

1. Vehicles shall be assigned by the Regional Correctional Administrator, or designee, in each region in compliance with policies established by the Bureau of Governmental Services, Fleet Management and the Department of Corrections.
2. The person to whom any vehicle is assigned shall be responsible to ensure that all documentation related to the use of the vehicle is up to date and properly maintained.
3. In the case of a vehicle assigned to a regional pool of vehicles, the Regional Correctional Administrator, or designee, shall determine who is responsible to ensure that all documentation related to the use of the vehicle is up to date and properly maintained.

Procedure D: General Rules for Drivers of State-Owned Vehicles

1. A state-owned vehicle shall not be used outside the probation officer's or juvenile community corrections officer's assigned duty area when the officer is not on

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scheduled duty status unless authorized by the Regional Correctional Administrator or Regional Correctional Manager. The officer assumes "on-duty" status during the period of use of the state-owned vehicle.

2. Drivers of state-owned vehicles shall operate such vehicles 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 the violation of any such law shall be the sole responsibility of the driver involved. Drivers of state-owned vehicles shall adhere to policies, procedures, and other instructions covering the use and operation of state-owned vehicles. Drivers shall not exceed safe driving speeds for road conditions and shall obey all posted speed limits. 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.
3. All drivers must have a valid Maine driver's license appropriate for the vehicle class when operating state-owned vehicles. Only departmental employees shall drive state-owned vehicles and only for state business.
4. Drivers and passengers shall wear safety belts. The driver shall be responsible to ensure that all passengers use safety belts.
5. There shall be no smoking in state-owned vehicles.
6. The use of State of Maine fuel credit cards is restricted to state-owned vehicles. 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 use.

Procedure E: Persons Authorized to be Transported in State-Owned Vehicles

1. A probation officer or juvenile community corrections officer assigned a state-owned vehicle may transport the following passengers:
 - a. Client who has been taken into custody;
 - b. Law enforcement officer;
 - c. Other Department of Corrections staff;
 - d. Person traveling to attend an official function with the officer;
 - e. Governmental official or employee authorized by the Commissioner or Deputy Commissioner, Associate Commissioner, Regional Correctional Administrator or Regional Correctional Manager;

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- f. Member of the officer's immediate family within the officer's assigned duty area, or outside the officer's assigned duty area if authorized by the Regional Correctional Administrator or Regional Correctional Manager; and
- g. Any other person, including a client not in custody, if authorized by the Regional Correctional Administrator, or Regional Correctional Manager, provided a release of liability form is signed by the person or the person's legal guardian (Attachment A).

Procedure F: Care and Maintenance of State-Owned Vehicles

1. The officer to whom a vehicle is assigned shall ensure that their state-owned vehicle is inspected, mechanically sound and properly equipped.
2. The officer to whom a vehicle is assigned shall maintain and adhere to a maintenance schedule as required by Central Fleet Management.
3. The officer to whom a vehicle is assigned may not alter the physical appearance of their assigned vehicle unless prior authorization is obtained from Central Fleet Management.
4. An officer found to be negligent in the maintenance of their assigned vehicle which negligence results in damage to that vehicle, may be billed for the damage at the discretion of the Associate Commissioner.
5. The Regional Correctional Administrator, or designee, may, at any time, inspect any vehicle assigned to any officer in their region in order to ensure that the vehicle is being properly maintained and is being used in accordance with this policy.

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

1. Any driver experiencing any problem with a state-owned vehicle, e.g., an accident, vandalism, or theft, shall report the problem immediately to the Regional Correctional Administrator, or designee, and document the problem. The Regional Correctional Administrator, or designee, shall forward a copy to Central Fleet Management.
2. If at any time a driver notices a safety problem or mechanical failure with their vehicle, the driver shall immediately report the problem to Central Fleet Management, who shall determine if the vehicle is to be removed from service.
3. Any driver involved in an accident while driving a state-owned vehicle shall complete an Accident Report using the form located in the vehicle and submit it to the Regional Correctional Administrator, or designee. Within twenty-four (24) hours of receipt of the Accident Report, the Regional Correctional Administrator, or

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designee, shall forward it to the State of Maine's Division of Risk Management. The driver shall also complete any other documentation required by state law.

4. Any driver may be subject to discipline for improper use of a state-owned vehicle, a violation of this policy and procedures, or any property damage or personal injury resulting from the use of the state-owned vehicle, including damage to the vehicle itself, if the damage or injury is unreported or it is determined that the damage or injury is a direct result of the driver's gross negligence or willful conduct.

Procedure H: Personal Vehicle Use

1. If a state-owned vehicle is not available or appropriate, an employee may use a personal vehicle for state business, other than for transport of a client or a client's family member.
2. The employee should be aware that the Division of Risk Management does not cover theft of or damage to personal vehicles, even if being used for state business. However, the Department of Corrections may consider coverage on a case by case basis. The Division of Risk Management 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 immediately to the Regional Correctional Administrator, or designee, document it on accident report and forward the accident report to the Regional Correctional Administrator, or designee. The Regional Correctional Administrator, or designee, shall contact the Division of Risk Management.
4. When operating a personal vehicle on state business, the driver shall at all times operate the vehicle in a safe manner and in compliance with federal, state, and local laws, including traffic and parking laws. Any fine or other sanction imposed as the result of the violation of any such law shall be the sole responsibility of the driver involved.

VII. PROFESSIONAL STANDARDS

None

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