



MAINE STATE POLICE GENERAL ORDER

E-80

SUBJECT: MAINE STATE POLICE POLICY REGARDING VEHICLE USE

EFFECTIVE DATE: 08.28.2021

EXPIRATION DATE: 08.28.2028

RECENT HISTORY: AMENDED (08.28.2021); AMENDED (08.01.2020); AMENDED (06.25.2018); AMENDED (01.11.2016); REVISES MSP GO E-80 (FORMERLY G.O. 102), RESCINDS MSP GO E-81 (07.14.2010)

DISTRIBUTION CODE: 2 (MAY BE PUBLICLY DISCLOSED)

APPLICABILITY CODE: C, S, Z

MLEAP: 7.22, 7.23

SIGNATURE OF COLONEL:

A handwritten signature in blue ink, appearing to read "John Cote", is written over a light blue rectangular background.

I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy regarding the use by Maine State Police officers of agency-assigned vehicles.

II. POLICY

1. The policy of the Maine State Police is to assign a vehicle to each sworn officer of the agency, who may use the vehicle in accordance with the provisions of this policy and any applicable employment contracts.

III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
 - A. Colonel. "Colonel" means the Chief of the Maine State Police, or her or his designee.
 - B. Release/waiver form. "Release/waiver form" means a "Release and Waiver of Liability, Assumption of Risk, and Indemnity Agreement" form.

IV. PROCEDURE

1. USE OF SEAT BELTS DURING THE OPERATION OF MAINE STATE POLICE VEHICLES **MLEAP 7.22**
 - A. Each operator and passenger of a Maine State Police vehicle shall wear a seat belt at all times when the vehicle is in use, unless:
 1. A person, e.g., a mechanic, who operates a vehicle only within a State of Maine parking lot or garage may do so without wearing a seat belt, so long as the vehicle does not enter any part of a public way;
 2. A person who possesses a medical certificate from a physician stating that the wearing of a seat belt would seriously aggravate or complicate an existing medical condition.
2. OPERATION OF MAINE STATE POLICE VEHICLES
 - A. Maine State Police vehicles may only be operated by Department of Public Safety employees, except:
 1. A marked vehicle shall only be operated by a sworn officer of the agency; however:
 - a. Maine State Police mechanics and maintenance personnel may operate marked vehicles for the sole purpose of moving the vehicle in order to repair it or in the course of repairing it.
 - b. State, county, and municipal law enforcement officers and recruits may operate marked and unmarked Maine State Police vehicles for training purposes while attending the Maine Criminal Justice Academy.
 - c. To a reasonable and appropriate extent, State, county, and municipal law enforcement officers may operate marked and unmarked Maine State Police vehicles at the request of a Maine State Police officer, for

purposes that further and are in accordance with the mission of the Maine State Police.

3. PASSENGERS IN MAINE STATE POLICE VEHICLES

A. An officer may transport the following as passengers in her or is assigned vehicle:

1. Another sworn law enforcement officer;
2. A Maine Department of Public Safety employee;
3. A member of the officer's immediate family; however, if the officer plans to leave the officer's assigned patrol area in the course of transporting the officer's family member, permission to do so must first be given by the officer's immediate supervisor;
4. Victims, complainants, witnesses, and prisoners in cases in which the Maine State Police is the primary responding or investigating agency, or such individuals in cases in which another law enforcement agency is the primary responding or investigating agency, if that other agency requests such transportation and a Maine State Police officer is available to do so;
 - a. Prior to doing so, however, the officer must contact her or his immediate supervisor or the regional communications center ("RCC") of jurisdiction to provide notification that such transportation is being provided by the officer;
5. An individual on a public way whose safety may be or is in danger, such as, e.g., a hitchhiker or an operator or passenger of a disabled vehicle;
 - a. Prior to doing so, however, the officer must contact her or his immediate supervisor or the RCC of jurisdiction to provide notification that such transportation is being provided by the officer;
6. An individual such as a dignitary, if first instructed or authorized to do so by the officer's Commanding Officer or immediate supervisor;
7. A person who attends a function, such as lunch or a meeting, with the officer.

4. PERSONS ACCOMPANYING OFFICERS ON ROUTINE PATROL (INCLUDING CIVILIAN "RIDE-ALONG" PASSENGERS)

- A. An officer may be accompanied by the following passengers while on routine patrol in her or his assigned vehicle:
 - 1. Another Maine State Police officer;
 - 2. A Maine State Police officer applicant, if authorization is first given by the Commanding Officer of the Troop or Unit to which the officer is assigned and the applicant signs a release/waiver form;
 - 3. A Maine State Police recruit, if authorization is first given by the Maine Criminal Justice Academy;
 - 4. Any other person accompanying the officer as a civilian "ride-along" passenger, if authorization is first given by the Commanding Officer of the Troop or Unit to which the officer is assigned and the person (or if the person is under eighteen (18) years of age, a parent of the person) signs a release/waiver form.
- B. Whenever an officer is accompanied by either a Maine State Police officer applicant or a civilian passenger while on routine patrol (including, but not limited to, by a civilian "ride-along" passenger), the officer must contact her or his supervisor and the RCC of jurisdiction to provide advance notice that the officer is accompanied by the passenger.
 - 1. The officer shall request that a call for service number be started for a civilian "ride-along" (8211).
 - 2. Information provided by the officer in the Call for Service report must include:
 - a. The reason the passenger is accompanying the officer (for example, the passenger is an applicant for employment with the Maine State Police, a member of the Legislature, or a student or intern studying criminal justice or law);
 - b. The name, date of birth, home address, and telephone number of the passenger;
 - c. Emergency contact information obtained from the passenger, in case a situation arises that necessitates contact/notification of someone closely associated with the passenger.

5. RETENTION OF RELEASE/WAIVER FORMS

- A. Signed release/waiver forms must be placed on file at the headquarters of the Troop or Unit to which an officer is assigned for a minimum period of seven (7) years, unless the release/wavier forms have been completed in order to allow a minor to accompany

an officer as a passenger while on routine patrol, in which case such forms must be retained until a minimum period of seven (7) years have passed after each such passenger's eighteenth birthday.

6. OPERATION OF MAINE STATE POLICE VEHICLES OUTSIDE OF AN ASSIGNED PATROL OR WORK AREA

A. An on-duty uniformed officer assigned to a field division shall notify the officer's immediate supervisor and obtain approval prior to leaving the officer's assigned patrol area.

1. In the event of an emergency, the officer may use discretion to determine whether he or she must leave the officer's assigned patrol area, and, if the officer does leave that area, the officer shall notify her or his supervisor as soon as practicable.

B. An on-duty officer assigned to a Maine State Police division that is not a field division shall notify the officer's immediate supervisor and obtain approval prior to leaving the officer's assigned work area.

1. In the event of an emergency, the officer may use discretion to determine whether he or she must leave the officer's assigned work area, and, if the officer does leave that area, the officer shall notify her or his supervisor as soon as practicable.

7. PERSONAL VEHICLES OF MAINE STATE POLICE OFFICERS

A. An officer of the Maine State Police shall not use her or his personal vehicle for any Maine State Police-related business, unless authorization is first given by the Commanding Officer of the Troop or Unit to which the officer is assigned.

1. A Commanding Officer may not authorize a mileage-reimbursement payment to an officer who has used her or his personal vehicle for Maine State Police-related business, without the prior approval of the Colonel.

8. OFF-DUTY USE OF MAINE STATE POLICE VEHICLES

A. Generally, the use of an assigned vehicle by an off-duty officer is restricted to occasional personal use and emergency use;

1. **Under no circumstances, however, may an assigned vehicle be used for purposes related to outside employment.**
 - B. An off-duty officer may use her or his assigned vehicle for occasional personal use within the officer's assigned patrol or work area.
 - C. An off-duty officer may use her or his assigned vehicle for occasional personal use outside the officer's assigned patrol or work area, so long as the officer's immediate supervisor gives prior approval of such use.
 - D. Whenever a Maine State Police vehicle is used for unassigned travel by an off-duty officer, the officer shall be either in the proper uniform of the day or attire approved by her or his Commanding Officer, and shall assume an "on-duty" status for communication and operational purposes.
 - E. An off-duty officer must have her or his department-issued handgun on her or his person at any time the officer is operating a Maine State Police vehicle, unless otherwise provided by Maine State Police General Order E-8, Maine State Police Policy Regarding Firearms.
 - F. An off-duty officer using her or his assigned vehicle for unassigned travel shall be responsible for the costs of fueling and maintaining the vehicle during such travel.
 - G. An off-duty officer's personal liability for a vehicle assigned to her or him shall be that stated in applicable employment contracts.
 - H. If an off-duty officer using an assigned vehicle for unassigned travel encounters a traffic accident or another type of incident that requires law enforcement involvement or intervention, the officer shall take initial action as necessary with respect to the accident or incident, shall notify the RCC of jurisdiction, and, if necessary, shall remain at the scene until an assigned officer arrives at the scene.
9. INSPECTING, MAINTAINING, SECURING, AND EQUIPPING OF MAINE STATE POLICE VEHICLES
- A. At the beginning of each shift or prior to each assignment, officers shall generally inspect the contents and appearance of their respective vehicles, as well as generally assess the operability of routinely-used patrol equipment. **MLEAP 7.23**
 1. If during the such inspection any issues or defects with the vehicle or the vehicle's equipment are found, an officer shall document and forward a report of such issues or defects to the officer's immediate supervisor and, if necessary, contact Fleet Maintenance so that the issue or defect can be addressed.

(a) The documentation may be in an email.

B. Each officer shall ensure that her or his assigned vehicle is properly maintained by:

1. Ensuring that the proper oil level of the vehicle is maintained;
2. Ensuring that each tire on the vehicle is at the proper tire pressure level;
3. Scheduling routine maintenance of the vehicle as directed by the Manager of Maine State Police Fleet Maintenance;
4. Scheduling repair of the vehicle if it is having mechanical problems or has been damaged; and
5. Ensuring that the exterior and interior of the vehicle remains clean.

C. Each officer shall ensure that her or his assigned vehicle is properly secured by:

1. Ensuring that the vehicle is properly secured when not occupied, including by:
 - a. Locking the vehicle when it is left unattended;
 - b. Engaging any factory-installed security system or installed after-market alarm or security system, if so equipped;
 - c. Removing the ignition key from the vehicle when it is not needed in order to leave the engine running;

(1) If the engine must be left running, then the doors of the vehicle must be locked;

- d. Ensuring that any anti-theft devices are functioning properly and are in use at all times, unless it is necessary to disable the system for service or repair of the vehicle;

(1) This includes, for example, any factory-installed devices or installed after-market devices;

(A) If any anti-theft equipment malfunctions in an officer's vehicle, the officer shall schedule repair of the equipment as soon as practicable, as well as notify her or his supervisor of the equipment malfunction;

- e. Ensuring that any issued firearms are properly secured when the vehicle is left unattended, including, for example, locking one's issued rifle in a gun mount, if the vehicle is equipped with such.

(1) Members of a Maine State Police Specialty Team (such as, for example, the Tactical Team) shall store firearms and other equipment in a manner specified by the Commander or Leader of each respective team.

D. An officer shall not alter the external physical appearance of her or his assigned vehicle in any way.

- 1. For example, window and bumper stickers and decals, other than those applied by Maine State Police Fleet Maintenance, or that are specifically authorized by the Maine State Police Command Staff, are prohibited.
- 2. Original equipment on an assigned vehicle (e.g., vehicle hubcaps, spotlights) may not be removed or altered in any way unless authorization is first given by the Manager of Maine State Police Fleet Maintenance.
- 3. Equipment that changes the outward appears of an assigned vehicle may not be added to an assigned vehicle unless authorization is first given by the Manager of Maine State Police Fleet Maintenance.

ATTACHMENTS

"Release and Waiver of Liability, Assumption of Risk, and Indemnity Agreement" form



200930 FF - Release
and Waiver of Liability

NOTICE

THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY

**MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE
MAINE STATE POLICE.**