

Correctional Vehicle parked in Blanding

1. Purpose

To establish guidelines for the use of a vehicle stationed at the Blanding office correctional deputies for emergencies and call-outs, ensuring quick response times and the efficient use of resources.

2. Scope

This policy applies to all correctional deputies stationed at the Blanding office who may need to use the vehicle for emergency situations or call-outs.

3. Definitions

Emergency: An unexpected and urgent situation requiring immediate action, such as incidents involving inmate escapes, serious injuries, or critical security breaches.

Call-Out: A situation where a correctional deputy is summoned to respond to an incident outside of their scheduled duty hours.

4. Responsibilities

Correctional Deputies: Ensure the vehicle is used only for authorized purposes, adhere to all traffic laws, and maintain the vehicle's cleanliness and readiness.

Supervisors: Authorize the use of the vehicle for emergencies and call-outs, ensure deputies are aware of this policy, and monitor vehicle use compliance.

Fleet Management: Maintain the vehicle in good working condition, ensure it is regularly serviced, and keep it equipped with necessary emergency equipment.

5. Procedures

5.1 Authorization

Deputies must receive authorization from their supervisor before using the vehicle, except in immediate emergency situations where obtaining prior approval is impractical.

In such cases, the deputy must notify their supervisor as soon as possible after the emergency has been addressed.

5.2 Vehicle Use

The vehicle is to be used exclusively for official duties related to emergencies and call-outs.

No personal use of the vehicle is permitted under any circumstances.

Deputies are not allowed to take the vehicle home. It must be returned to the Blanding office after each use.

The vehicle must be driven responsibly, adhering to all traffic laws and regulations.

5.3 Equipment and Maintenance

Deputies must ensure the vehicle is equipped with necessary emergency supplies, such as first aid kits, communication devices, and any other relevant equipment.

Any issues or damages to the vehicle must be reported to fleet management immediately.

Deputies must refuel the vehicle after use if it falls below half a tank of fuel.

5.4 Post-Use

After each use, deputies must complete a post-use inspection checklist to ensure the vehicle is in good condition and ready for the next emergency.

Any items used from the emergency supplies must be reported and restocked as soon as possible.

6. Compliance

Failure to comply with this policy may result in disciplinary action, including suspension of vehicle use privileges or other appropriate measures.

7. Review and Amendment

This policy will be reviewed annually by the Sheriff or designee to ensure its effectiveness and relevance. Amendments may be made as necessary to address any changes in operational needs or resources.

Therapist Vehicle Use Policy

1. Purpose

The purpose of this policy is to outline the guidelines and conditions under which a therapist employed by the San Juan County Sheriff's Office may use county vehicles.

2. Scope

This policy applies to any therapist employed by the San Juan County Sheriff's Office who is authorized to use county vehicles.

3. Vehicle Use Eligibility

- a. Only a therapist with a valid driver's license and a clean driving record is eligible to use a county vehicle.
- b. The therapist must have completed any required driver safety training provided by the county.

4. Permitted Use

- a. The therapist may use a county vehicle during scheduled work hours and in cases of emergency during non-scheduled work hours.
- b. The county vehicle may be accessed at the Blanding office and used as transportation to locations where the therapist's services are needed, particularly the San Juan County Sheriff's Office Public Safety Building.
- c. Personal use of the vehicle beyond what is necessary to travel to locations where the therapist's services are needed is prohibited, unless specifically authorized by the Sheriff or designee.

5. Responsibilities of Therapist

- a. Ensure the vehicle is maintained in good condition and report any issues or damages to the management immediately.
- b. Keep the vehicle clean and tidy.
- c. Follow all traffic laws and regulations.
- d. Ensure the vehicle is parked in designated parking areas at the office in Blanding.
- e. Notify the management promptly if the vehicle is involved in an accident or if any legal issues arise while using the vehicle.

6. Fuel and Maintenance

- a. The county will cover the costs of fuel and maintenance for the vehicle.
- b. Therapist must use county-provided fuel cards or reimbursement procedures as directed.

7. Insurance

- a. The county will provide insurance coverage for the vehicle.
- b. Therapist must carry proof of insurance in the vehicle at all times.

8. Consequences of Misuse

- a. Misuse of the vehicle, including personal use without authorization, reckless driving, or failure to comply with this policy, may result in disciplinary action up to and including termination of employment.

10. Policy Review

- a. This policy will be reviewed annually and updated as necessary.

11. Acknowledgment

The therapist authorized to use county vehicles must sign an acknowledgment form confirming their understanding and acceptance of this policy.

Acknowledgment Form

I, [Therapist Name], have read and understood the Vehicle Use Policy for therapist at San Juan County Sheriff's Office and San Juan County. I agree to comply with all terms and conditions outlined in this policy.

Signature: _____



SAN JUAN COUNTY ATTORNEY

Brittney M. Ivins
County Attorney
Mitchell D Maughan
Chief Deputy Attorney
Jens P Nielson
Deputy Attorney

To the San Juan County Commissioners:

Dear Commissioners:

The County Attorney's Office and the County Sheriff have recently collaborated on a revision of certain vehicle policies, including the policy for therapists and correctional vehicles. As part of this effort, we have consulted with our insurance underwriter, UCIP, and the policies of other counties. We feel that the updated policies are compliant with legal requirements and also meet the needs of the departments that make use of these vehicles. We feel we can defend these policies in a legal proceeding if needed.

If any additional information is needed from this office, please advise.

Sincerely,

Jens P Nielson
County Attorney's Office

Sheriff Lacy,

As I have discussed with the Sheriffs and Commissioners, there are several concerns and issues related to allowing employees to use county vehicles for personal use that is beyond incidental use, such as stopping at the drug store on a break if it is not as significant distance off the employee's normal route.

Firstly, any significant use of a vehicle for personal use is considered by the IRS to be compensation for tax purposes. This means an employee using a vehicle must track all personal use miles and business use miles and the county must withhold tax on the value of the personal use miles. This is not something the county can waive or pay for on behalf of the employee, the employee must pay tax on the personal use of the vehicle.

Beginning in 2019 the use of county owned vehicles (actually any public property) became much more complex as the legislature passed bills prohibiting personal use of public property, making a violation a misdemeanor to a felony depending on the extent of prohibited use. The statutes make exception to use of public property for "incidental use" such as the example given above. Use of a vehicle to commute to and from work is clearly beyond the scope of "incidental use". Any personal use of public property beyond incidental use must be authorized in advance by the governing body of the public entity.

One caveat to the authorization of the governing body is that the property authorized for personal use must be used by the employee to perform the duties of their job, and the use to perform their duties must be substantially more than the amount of personal use authorized. This means if an employee does not use a vehicle to perform the duties of their job, the governing body cannot authorize them to use a vehicle for personal use. If they do use a vehicle to perform their duties, they must use the vehicle on the job substantially more than they use it to commute.

If the justification for allowing personal use is to allow more rapid response to emergencies, or to use when "on-call", there should be a reasonable requirement for each employee to actually respond to a certain percentage of calls in order to justify their personal use.

I certainly understand the desire, especially for law enforcement, to have officers ready and equipped to respond when needed, I just want to make sure the county is going through the appropriate process to authorize legitimate personal use in order to protect the officers. An employee that uses a vehicle in violation of the statute is guilty of a felony, shall be terminated from employment, and is disqualified from public employment in the State of Utah. For your officers, use of a vehicle without authorization, or beyond the scope of authorized use means they cannot work in law enforcement or any other public employment in Utah.

There are other concerns that need to be addressed when authorizing use including the reduced coverage provided under statute when public vehicles are used for personal use, increased liability for workers compensation claims, and defense of employees in law suits arising from accidents during personal use.

Please let me know what I might be able to do to help you work with the Commission to protect your employees by getting a good personal use policy in place.

Respectfully,

Johnnie Miller, Chief Executive Officer

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