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|  | GENERAL ORDER Effective: 09-06-2022 | # 05-03 |
| | Section: Equipment & Technology | Replaces or Modifies: GO #05-03; 10-21-2021 |
| | Title: Vehicle Assignment and Use Issued by: Chief Deputy Mattie Provost | |

I. Purpose:

Establish procedures for assignment and use of vehicles throughout the Fort Bend County Sheriff’s Office (FBCSO).

II. Policy Statement:

It is the policy of the FBCSO to base the distribution, assignment, and use of vehicles on the needs of each function. All FBCSO vehicles are only to be used for lawful purposes to further the mission of conserving the peace in Fort Bend County.

Only personnel approved through the guidelines of this General Order may utilize take-home vehicles.

Fort Bend County Vehicle Policy (#612) – The Commissioners Court of Fort Bend County has authority over the budget and establishes the level of funding for all resources, including vehicles. The Sheriff has authority to regulate the deployment and use of this resource. Assignment and use of FBCSO vehicles is exclusively covered in this General Order. Provisions of the Fort Bend County Vehicle Policy are only applicable as specifically mentioned in this General Order.

III. Definitions:

Damage – Does not include situations where repairs are not warranted. This determination must be made by a supervisor.

County-Owned Vehicle – Includes vehicles owned or leased for use by Fort Bend County and/or the FBCSO. This term may also include a vehicle not owned or leased by the employee that is being used for official duties of the FBCSO by the employee. This term includes, but is not limited to, forfeited vehicles, grant-funded vehicles, maintenance/pool vehicles, and contract-funded vehicles.

FBCSO Vehicle – County-owned vehicles that are under the care, custody, or control of the FBCSO.

Fleet – Any crash of a FBCSO vehicle that involves damage to the FBCSO vehicle, another vehicle, or other property. Damage to a FBCSO vehicle that is not being operated at the time of the damage (e.g. parked vehicle) will be investigated and documented as damage to FBCSO property for internal purposes (not shown as a Fleet).

V. Details and Procedures:

A. The captain of Support Services Division shall oversee the maintenance of a master list of all

FBCSO vehicles (including, but not limited to details on the vehicle's identification, person or group the vehicle is assigned to/ operational readiness/ division vehicles assigned to/ status on whether the vehicle is approved for "take-home" use). Any change to a vehicle's status will be reported to the Support Services Division.

- B. Division commanders are to keep apprised of the condition of the FBCSO vehicles under their command and ensure that vehicles are used in a manner that most benefits the performance of functions. All reports concerning damage of vehicles shall be submitted by Division Commanders to the Support Services Division, with any findings included.

C. Use and Care of Vehicles

1. All employees operating a County-owned vehicle shall do so in a safe manner, obeying all applicable laws (including, but not limited to, rules of the road and drivers' license requirements). Specific operating issues concerning response to law enforcement matters and emergencies are dealt with in a separate General Order.
2. If a vehicle is damaged and the damage is shown to be the result of careless or negligent action or inaction on the part of an employee, the employee is subject to disciplinary action, including, but not limited to, the possibility of reimbursing the County for the costs of repair.
3. Employees operating vehicles are to report any safety issues for resolution and shall ensure that the vehicle is cleaned and maintained on a regular basis.
4. Except in cases where the action is part of an employee's legitimate duties, an employee shall not have any illegal substance in a County-owned vehicle.
5. Except in cases where an action is part of an employee's legitimate duties, an employee shall not possess an open container of any alcoholic beverage in the passenger areas of a County-owned vehicle. The definition for terms in this subsection are those found in the Texas Penal Code, Chapter 49.031.
6. Any employee that damages a County-owned vehicle shall report this to a supervisor in a timely manner. A report of the action shall be completed with a finding on whether the damage was due to carelessness or negligence.
7. Any time a FBCSO vehicle is found damaged without knowledge of who damaged the vehicle, a supervisor will be notified to conduct an investigation in an effort to determine the circumstances surrounding the incident.
8. Use of a County-owned vehicle in Fort Bend County, contiguous Counties, and/or a County contiguous to Harris County requires no specific supervisory approval. This does not relieve an employee of the duty to keep his/her supervisor informed about his/her activities. Use of a County-owned vehicle outside these areas requires prior supervisory approval. Out-of-State use of a County-owned vehicle requires prior approval of the Chief Deputy.
9. A County-owned vehicle that is assigned to a sworn employee may be used at an extra job if there is a legitimate benefit to the Sheriff's Office in its delivery of services to the citizens of Fort Bend County. Use in this section means the use of the vehicle is an integral part of the extra job. When an assigned vehicle is to be used at outside employment, the vehicle's use

must be documented on the Off-Duty Employment form. Majors are responsible for ensuring that personnel under their command are properly documenting the vehicle use and off-duty employment. **NOTE:** Police motorcycle and vehicle escorts must be approved by the Chief Deputy and will be considered on a case-by-case basis. In ALL instances involving a motorcycle or vehicle escort, the driver must have the appropriate escort training before approval will be granted.

10. An employee who is ineligible to be covered under the County's automobile liability insurance is subject to being prohibited from operating County-owned vehicles at the discretion of the Chief Deputy. If this bars the employee from performing his/her job assignment, the employee is subject to disciplinary action.
11. If an employee's drivers license is suspended or revoked for any reason, this must immediately be reported to a supervisor. An employee who receives 3 or more moving violations as shown on their driving record in a 3-year period may be subject to disciplinary action.
12. Employees shall use County-owned vehicles for official duties. Any private use of County-owned vehicles shall be minimal and if it reaches a point that would negate the Working Condition Benefit Exclusion for Qualified Non-Personal Use Vehicles found in the Internal Revenue Service Rules (see IRS publication 15-B 920130 and its successors), this shall be reported to the Chief Deputy through the chain of command. If the Chief Deputy determines this use still benefits the Sheriff's Office, he/she may authorize continued use with this reported to the appropriate County Department to ensure that taxes are paid on this by the employee (County policies on this process will be followed.)
13. Employees using a wireless communications device while operating a County-owned vehicles will only do so by using a hands-free device or while the vehicle is stopped. The definition of terms for this subsection are those found in the Texas Transportation Code 545.425. Exceptions to this are for necessary emergency communications and use of MDCs.
14. Any use of a County-owned vehicle that could reasonably be seen to bring discredit or diminish the public's confidence in the Sheriff's Office is prohibited.

D. Fleets

1. Upon any fleet occurring in Fort Bend County or a contiguous County, a non-involved supervisor shall go to the scene.
2. In fleets that do not involve a death or reasonable suspicion that death may be imminent, the supervisor will ensure that an investigation and report is completed either by FBCSO personnel or an outside agency with jurisdiction.
3. In fleets that involve a death or reasonable suspicion that death may be imminent, the supervisor will ensure that an investigation and report is completed buy an outside agency with jurisdiction. If an outside agency cannot or will not investigate, the Chief Deputy shall be notified through the chain of command for resolution.
4. In all fleets that involve a death, reasonable suspicion that death may be imminent, serious bodily injury to a County employee, official, or extensive vehicle/property damage, a Major

shall be notified as soon as reasonably practical.

5. If a fleet occurs outside of Fort Bend County and its contiguous Counties, the employee involved, if able, shall report the fleet to a supervisor in a timely manner. This shall be reported through the chain of command to the Major level. An outside agency shall conduct the investigation and report. A Major shall direct FBCSO's response and actions, including, but not limited to, ensuring an investigative report is completed even if an outside agency cannot or will not conduct the investigation.
6. Majors are responsible for ensuring that a review is done on each fleet with a written finding on any policy violations. Upon completion of a fleet review, a copy shall be forwarded to the Chief Deputy. All fleet reviews will also be forwarded to the Support Services Division to be filed for future analytical purposes.
7. A crash report done on a fleet where State Law does not require a report to be filed will not be sent to the Texas Department of Transportation, it will remain only in FBCSO files.
8. It is incumbent upon each employee operating a vehicle to do so in a safe manner. Where investigation supports a finding that the employee's operation of items including, but not limited to, cell phones, MDC's, or other similar devices was a causative factor in the fleet - - the employee will be subject to disciplinary action.
9. This General Order does not address the policy concerning Drug/Alcohol Testing. The General Order on this topic shall be consulted for direction.

E. Specialized Vehicles

1. Employees operating motorcycles while performing official duties for the Sheriff's Office shall have passed a Police Motorcycle Operations Course and maintain proficiency. The Patrol Division Commander shall approve the particular course(s) taken and will ensure compliance with this section.
2. It is the responsibility of the employee operating a motorcycle while performing official duties for the Sheriff's Office to practice safe driving habits. To this end, the employee may choose not to ride the motorcycle during actual inclement weather or when lighting conditions are poor. The employee may utilize a different FBCSO vehicle during this time or when the motorcycle is down due to maintenance. Any action of this nature will require supervisory notification and approval.
3. Majors are to ensure that the Command Manuals or Division Standard Operating Procedures set specific standards for all other specialized vehicles.

F. Use of Personal Vehicles for FBCSO Business

1. Any use of a personal vehicle for FBCO business must have prior approval at the Captain level or higher.
2. Approval for any employee having a car allowance must come from the Chief Deputy and comply with provisions of the Fort Bend County Vehicle Police (#612) concerning this topic.

3. Prior to an employee receiving any form of reimbursement for this use, he/she must comply with provisions of the Fort Bend County Vehicle Policy (#612).

G. Take Home Vehicles

1. Certain employees will be authorized to have take-home vehicles. The criteria for having a take-home vehicle is that the employee's duties carry a reasonable expectation that he/she will be subject to being called to duty during non-scheduled work hours or the nature of the employee's duties reasonably justify a need for a take home vehicle. A take-home vehicle is not a benefit or entitlement of any particular employee. It is a functional necessity attached to a particular duty assignment.
2. Due to the expectation attached to their roles, Captains and higher-ranking officers will generally be authorized to have take-home vehicles, unless the Chief Deputy determines that the Captain's specific duties do not justify a take-home vehicle.
3. While not officially classified as a take-home vehicle, some vehicles may be taken home on a temporary or rotating basis. In some cases, they may only be authorized when an employee is on a particular "on-call" status. In other cases, they may only be authorized during a period of heightened emergency alert situations.
4. Majors will make recommendations on which employees will be authorized to have a take-home vehicle and any restrictions concerning temporary or rotating issues as applicable, with the Chief Deputy giving final approval.
5. Prescribed vehicle use acknowledgement form will be maintained by fleet management.

H. Purchase, Maintenance, Repair of FBCSO Vehicles and Pool/Spare Vehicles

1. The process for budgeting/ purchasing vehicles is governed under Fort Bend County policies.
2. Maintenance and repair costs of vehicles are governed under Fort Bend County policies.
3. The Chief Deputy will coordinate with the appropriate County Departments to ensure that reports needed by them (e.g. Risk Management) are accomplished with the maximum of efficiency possible. As such, forms and procedures will be maintained and communicated to accomplish this goal.
4. Transfers into or out of the vehicles assigned to FBCSO to or from another County entity must have approval of the Chief Deputy and will comply with Fort Bend County policies on this topic.
5. Captains and higher-ranking officers are to develop working relationships with the appropriate County officials to ensure that the needs of the Sheriff's Office are being met. Conflicts that result in loss of operational efficiency that cannot be resolved will be reported through the chain of command to the Chief Deputy for resolution.
6. A pool vehicle is one not assigned to the FBCSO, which is defined under Fort Bend County policies as a Maintenance/Pool vehicle. Use of this type of vehicle is governed under the Fort Bend County policies.

7. Spare vehicles are those that are assigned to the FBCSO and do not have a specific use assignment, but are necessary to maintain readiness to respond to requests for service. The use of these vehicles will be managed by the Majors of each bureau and Captains of each division based upon operational needs in compliance with the directives of the Chief Deputy.