

	Effective: 10-01-2021	# 05-05
	Section: Equipment and Technology	Replaces or Modifies: Special Order 2014-1033
	Title: 1033 Program Controlled Property	
Issued by: Chief Deputy Mattie Provost		

Purpose:

To implement specific protocols concerning the appropriate use of, supervision of such use, and evaluation of the effectiveness of such use – including auditing and accountability relating to controlled property. Further, to establish training standard for maintenance, sustainment, and appropriate use of controlled property.

Policy:

All controlled property will be used, maintained, and if applicable disposed of in accordance with this Special Order..

Definitions:

Controlled Property– Property obtained by the FBCSO through the State of Texas 1033 Program (also known at the LESO Program) which is one or more of the following:

- Manned Aircraft – fixed or rotary wing
- Unmanned Aerial Vehicles
- Wheeled Armored Vehicles
- Specialized Firearms and Ammunition under .50 cal (excluded firearms and ammunition for service-issued weapons)
- Explosives and Pyrotechnics
- Any item with a Department of Defense DEMIL code of B, C, D, F, G, or Q3. Upon receipt this code will be associated with an item.

Cannibalization – Taking components/parts from a controlled property for use on some other property controlled or not.

Protocol- In this special order protocol is synonymous with the terms procedure and policy.

SPO – State Plan of Operation is the guiding document between the State of Texas and FBCSO concerning controlled property

LESO – State of Texas Law Enforcement Support Office

Procedure:

- I. SPO – All employees will abide by the terms of the SPO (as amended) pertaining to controlled property.
- II. Responsibility
 - A. The Major over the Bureau where controlled property is assigned is responsible to ensure that provisions of this Special Order are met.
 1. The Major will assign duties to appropriate personnel to insure provisions of this Special Order are met.

- B. Any employee assigned to operate/use/maintain/store controlled property is to do so in accordance with this Special Order and pursuant to orders from supervisory personnel – and at all times in accordance with all applicable laws.

III. Specific Issues

- A. All use shall be for a law enforcement purpose (any other use is prohibited).
 - 1. The assigned Major will monitor and oversee compliance with usage.
 - 2. The assigned Major will monitor usage to ensure that the controlled property is effective in accomplishing law enforcement purposes.
 - B. All controlled property will be operated and stored in a manner that provides adequate security to mitigate the risk of loss or theft.
 - 1. Any loss or theft shall be immediately reported via the chain of command to the Chief Deputy. The Chief Deputy will coordinate informing the County Auditor’s Office and the Texas 1033 Program as applicable.
 - 2. The assigned Major will approve the manner of operation and storage and ensure that this section is maintained and enforced.
 - C. No controlled property will be sold, destroyed, or transferred without approval of the Chief Deputy – who will coordinate approval of the Fort Bend County Commissioners Court (either through direct action or existing policy concerning disposition of property). Further, when applicable State of Texas approval may also be needed.
 - D. No cannibalization of components/parts of a piece of controlled property may occur unless approved by the Chief Deputy, who will coordinate approval from the LESO.
 - E. The assigned Major will ensure by coordinating with FBC Risk Management that adequate liability and property damage and workmen’s compensation insurance is in place to cover any claims concerning controlled property.
 - F. The assigned Major will ensure that accurate records are maintained and controlled concerning controlled property.
 - G. The assigned Major will ensure that personnel operating or managing controlled property will receive any required training established by the Texas 1033 Program.
 - H. The assigned Major will ensure that all reporting requirements established by the Texas 1033 Program are met.
 - I. All controlled property in FBCSO care, custody, or control will be reported to the County Auditor’s Office so that it may be part of the yearly audit of assets conducted by the Auditor’s Office.
 - J. If operation of a piece of controlled property requires a certain type of license (example Pilot license from the Federal Aviation Administration) then only persons with valid licenses may be assigned to operate said property and only in accordance with applicable Federal, State, and Local rules/laws.
 - K. No person may operate/use controlled property unless authorized to do so by the assigned Major or higher authority.
 - L. General Vehicle Assignment and Use of controlled property concerning duty of care and general Vehicle Policies/Call Responses not limited to as applicable:
 - 1. Drug and Alcohol Policy
- IV. Only the Sheriff or Chief Deputy may authorize exceptions to this General Order.