

	GENERAL ORDER	Effective: 02-28-2022	# 03-04
	Section: Management & Supervision	Replaces or Modifies: Sheriff's Order 01-01-2013	
	Title: Drug and Alcohol Policy		
Issued by: Chief Deputy Mattie Provost			

I. Purpose:

To set standards on the use and possession of drugs and alcohol within the Fort Bend County Sheriff's Office (FBCSO).

II. Policy Statement:

As a public safety organization involved in activities that many times require the highest need for mental and physical acuity, it is a high policy priority that all employees are free from the intoxicating effects of drugs and alcohol while performing duties.

III. Definitions

Performing Duties – This term includes any time an employee is on duty (whether or not they are actually performing duty activities), whenever an employee reports for duty, any time an employee is operating county owned or leased equipment or vehicles, and any time an employee is acting pursuant to authority granted by their employment with the FBCSO (whether on or off duty).

Drug – Means any substance controlled under the Texas Health and Safety Code (THSC) and includes the term narcotics. This includes but is not limited to controlled substances, controlled substance analogues, and counterfeit substances as defined in THSC Section 481.002 as amended; dangerous drugs as defined in THSC Section 483.001 as amended; and simulated controlled substances as defined in THSC Section 482.1 as amended. Definitions concerning manufacture, sale, delivery, and possession of drugs are those found in the THSC.

Alcohol – Means an alcoholic beverage as defined in the Texas Alcoholic Beverage Code (TABC). Definitions concerning manufacture, sale, delivery, and possession concerning alcohol are those found in the TABC.

Under the influence of drugs or alcohol –

- (1) Not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body; or
- (2) Having a breath alcohol concentration of .02 or greater as determined by testing procedures found in Fort Bend County Policy 301; or
- (3) Having any amount of controlled substance or dangerous drug in the employee's body as determined by testing procedures found in Fort Bend County Policy 301.

Fort Bend County Policy – Policy found in the Fort Bend County Employee Information Manual.

IV. Details and Procedure:

- A. Except in cases of conflict with Sheriff's Office Policy, the Fort Bend County Policy 301 (Drug and Alcohol Detection and Deterrence) is to be followed. An exception to County Policy 301 applies only to the extent of conflict and resolution of this conflict will be determined by the Chief Deputy or Sheriff.
- B. An employee performing duties while under the influence of drugs or alcohol is in violation of this General Order (see section IV of this General Order for issues concerning prescribed medication).
- C. Employees may not manufacture, sell, deliver, or possess an open container of alcohol (as defined in Texas Penal Code Section 49.031 as amended) while on duty, in a county owned or leased vehicle, or in a county owned or leased premises unless the action is pursuant to the employee fulfilling authorized duties and the action is not in violation of State Law.
- D. Employees may not at any time manufacture, sell, deliver, or possess drugs (as defined in Texas Health and Safety Code) unless the action is pursuant to the employee fulfilling authorized duties and the action is not in violation of State Law.
- E. It is not a violation concerning possession if a drug is a properly prescribed and used medication for the employee; however, an employee is responsible for following all precautions on prescribed medications. If an employee performs or attempts to perform duties in an impaired state due to medication and the employee's actions are a causative factor in an inability to properly perform their duties, damage to property, or injury to any person the employee is subject to discipline for violating this General Order.
- F. Only the Chief Deputy or Sheriff may order alcohol / drug testing in cases that are not mandated by other policy or where reasonable suspicion does not exist. If a test is performed under this authority it will consist of either a Department wide test of all employees or testing of specific groups of employees (one example of a group specific situation would be testing of all Narcotics Investigators).
- G. The Chief Deputy will administer Sheriff's Office cooperation with random testing under County Policy 301. The Chief Deputy may delegate these duties as appropriate.
- H. If a Supervisor has reasonable suspicion that an employee is under the influence of or possession of alcohol / drugs in violation of Policy he/she shall take action. Actions under this include but are not limited to:
 - 1. Taking reasonable steps to reduce the risk of the employee harming himself/herself or others. This may include relieving the employee of active duty and ordering other actions consistent with Policy. An order relieving an employee of active duty must have approval of a Lieutenant or higher ranking officer of the Sheriff's Office.
 - 2. Order the employee to submit to testing if applicable. Any order of this nature must have the approval of a Lieutenant or higher ranking officer of the Sheriff's Office.
- I. Any complaint or investigation into an allegation of a violation concerning alcohol /drug use or possession will be sent through the chain of command to the Chief Deputy. This includes but is not limited to any testing and test results.