



PAWNEE COUNTY SHERIFF'S OFFICE  
SHERIFF DARRIN VARNELL

Policy # <b>Alcohol Usage</b>	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by The Sheriff's Office Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
<b>Applicable Oklahoma Statutes</b>	
CALEA Standard:	
Date Implemented: 09/22/2022	Review Date:

**Definitions:**

1. Abuse - the misuse of.
2. Alcohol - ethyl alcohol or ethanol.
3. Drugs - any substance taken into the body other than alcohol, which may impair one's mental faculties and/or physical performance.
4. Substance - alcohol or drug.

**Purpose:**

To set uniform guidelines for handling instances where Sheriff's Office personnel may be tested for controlled substances or alcohol during random, transfer, and/or reasonable suspicion testing.

To protect The Sheriff's Office Sheriff's Office interests as well as constitutional rights of individual employees while providing the citizens of the community a safe environment.

Specifically, the policy is designed to:

- Develop a fair and equitable method for administering a random alcohol and drug-testing program.
- Protect the public, coworkers, and the involved employee from alcohol/drug related accidents.
- Prevent losses in time, productivity, and unnecessary expenses that may result from employees performing their duties under the influence of alcohol/drugs.

- Limit the potential for lawsuits against the Sheriff's Office as a result of careless or negligent acts by alcohol/drug involved employees.
- Discourage the use of illicit drugs.

### **Policy:**

The Pawnee County Sheriff's Office encourages any member who believes they have a substance abuse problem to seek help. While the Sheriff's Office and Pawnee County does not provide employee assistance to seek help, both the Sheriff's Office and the County comply with the American Disabilities Act.

Sheriff's Office employees who have tested positive after notification they have been selected for random alcohol and drug testing, as well as Sheriff's Office employees who are suspected of substance abuse and have tested positive, will be subject to the disciplinary process.

Employees who fail to comply with the random request evaluations shall be subject to dismissal.

Incidents involving the use, possession, preparation for sale, or trafficking in illicit, controlled substances will be prosecuted according to state law. The Sheriff's Office will conduct a criminal investigation.

### **Procedure:**

#### A. On-Duty:

1. In cases of suspected substance abuse, notify the on-duty supervisor or the Undersheriff.
2. The supervisor or the Undersheriff will conduct a preliminary investigation. At least one supervisor of higher rank than the suspected employee will be involved in the investigation. They will determine if there is reasonable suspicion of substance abuse and to what extent the member is impaired.
3. If the investigating supervisor determines there is reasonable suspicion of substance abuse:
  - a. Remove any firearm and Taser from the employee's possession.
  - b. Do not allow a member suspected of substance abuse to operate a motor vehicle.
  - c. Notify the member's unit commander.
4. Testing for substance abuse
  - a. During regular business hours, when a reasonable suspicion exists that a member is under the influence of drugs or alcohol the member is required to submit to drug and/or alcohol tests to be determined to by the Undersheriff. This may include breath or blood testing.

5. Duties of the investigating supervisor:
  - a. The investigating supervisor will provide transportation home or to a health care facility for a member relieved of duty. Do not permit the member to operate a motor vehicle.
  - b. Make a radio log entry in ODIS showing the time the member was relieved of duty.
  - c. Secure the member's badge, firearm, TASER, body worn camera (BWC), access card and official identification.
  - d. Place the member on leave with or without pay.
  - e. The Supervisor shall complete an interoffice memo and will prepare and submit all required reports containing all pertinent information about the incident. Include the determination of reasonable suspicion and the physical/mental condition of the member at the time of the infraction. Distribute copies to the following:
    - 1) Sheriff
    - 2) Undersheriff
    - 3) Chief Deputy
    - 4) Jail Administrator
    - 5) The Sheriff's Office legal counsel

6. Duties of the command officer:
  - a. The on-duty supervisor notifies the Undersheriff.
  - b. The Undersheriff will interview the member within 72 hours.
    - The Undersheriff will conduct an interview with the member and then make recommendation to the Sheriff.
    - The Undersheriff shall comply with the direction of the Sheriff.

B. Off-Duty:

1. Members of the Pawnee County Sheriff's Office are prohibited from becoming intoxicated in public establishments inside Pawnee County.
2. If an incident occurs and the member is off-duty and his/her actions are not related to the Sheriff's Office or authority as a Peace Officer, the incident shall be handled according to state law.

C. Civilian Employees

- a. Civilian employees shall be subject to this same policy and its direction.

**Compliance:**

Members of the Sheriff's Office shall comply with the following. Violation of this subsection may result in termination of employment.

1. Consume alcohol while on duty.
2. Become intoxicated while off-duty in any public establishment in the county.
3. Report for duty intoxicated.
4. Consume alcohol 12 hours prior to assigned duty shift.
5. Report for duty after having consumed alcohol.
6. Report for duty with the smell of alcohol on or about the member's breath
7. Report for duty with signs of intoxication.
8. Shall not consume alcohol while off-duty in the company of on-duty members.