

## **Alcohol Use by Sworn Department Members**

### **2.02.01 PURPOSE**

The San Francisco Police Department stands for Safety with Respect for all. It is the San Francisco Police Department's policy to ensure that members of the San Francisco Police Department exhibit the highest level of professionalism while performing their duties, providing services to the public, and enforcing the laws in a fair, impartial, and ethical manner. Department members hold a position of trust with the public. Therefore, it is essential that officers be in complete mental and physical control while performing their duties. Being under the influence of alcohol or consuming alcohol while on duty will not be tolerated.

This order outlines Department policy and procedures regarding alcohol use by members, including definitions, testing, and investigative procedures. The San Francisco Police Department strives to achieve a safe and healthy workforce and a workplace free from the influence of alcohol.

### **2.02.02 DEFINITIONS**

- A. Impairment** - Consumption of alcohol that results in the member's mental and/or physical state of being altered in a way that may diminish the members ability to perform the duties of a sworn officer safely and effectively. (e.g., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes, etc.)
- B. Influence** - The member under investigation has tested .020 or higher blood alcohol level.
- C. Member** - Any sworn officer of the San Francisco Police Department.
- D. On Duty** - A member is considered on duty during any scheduled paid work hours including details to events, conferences, seminars, meetings, training, while on "standby" pay status and during any voluntary or mandatory overtime assignments.
- E. Reasonable Suspicion** – A belief based on objective and articulable facts sufficient to lead a member to suspect that a member is under the influence of drugs or alcohol.
  - 1. Examples of situations in which there may be reasonable suspicion include but are not limited to:
    - a. The direct observation of drug or alcohol use; or a report by a reliable and credible source that a member has engaged in drug or alcohol use, the identity of which source shall be available to the member and the Union, unless the source is a victim who is eligible for confidentiality. (See Gov § 6254).

- b. Objective signs of being under the influence of alcohol or consumption.
- c. A work-related incident in conjunction with other facts which together support reasonable cause.

### **2.02.03 POLICY**

- A. Members shall not consume alcohol or be under the influence of alcohol while on duty.
- B. Members shall not consume alcohol while in a Department police uniform.
- C. Members shall not store or bring into any Department vehicle or facility any alcoholic beverages, except in the performance of police duties.
- D. Members shall not consume alcohol, be impaired or be under the influence of alcohol while carrying any firearm.
- E. Members shall not consume alcohol, be impaired or be under the influence of alcohol while operating a Department vehicle.
- F. Members shall not consume alcohol while off-duty to the extent that when reporting for their duty assignment their ability to perform their duty is impaired.
- G. Members should not activate from an off-duty status to an on-duty status when their ability to perform their duties as a sworn officer is impaired. (See DGO 2.01 General Rules of Conduct)
- H. An off-duty sworn officer who has consumed alcohol and is called back to duty in response to an emergency or any reason shall immediately inform their supervisor of their alcohol consumption or any impairment. Supervisors shall allow off-duty officers who reasonably believe that they may be impaired to decline to return to duty.
- I. Members shall notify a supervisor immediately if they observe behavior or have reasonable suspicion that any member in the workplace consumed alcohol or is under the influence of alcohol, such that the member's ability to perform the functions of the job safely and effectively is impaired or reduced.

### **2.02.04 PROCEDURES**

- A. **Reporting and Investigative Responsibilities** - The commanding officer of the member's unit, or if not immediately available, the senior ranking supervisor on duty at the time of the report of an alcohol use violation shall be responsible for directing the preliminary investigation. If the member to be investigated was detailed or loaned to another unit, the commanding officer, or the senior-ranking supervisor on duty at that unit shall be responsible for directing the preliminary investigation.

Supervisors shall comply with DGO 2.08 regarding Peace Officers' Rights.

**B. Alcohol Tests** - When reasonable suspicion exists, a member is under the influence of alcohol, the member shall immediately submit to testing to determine the presence of alcohol when ordered by a supervisor.

**C. Duties and Responsibilities of the Investigating Supervisor**

1. On-Duty Member - If a member is on duty and is reasonably believed to be impaired, the investigating supervisor shall:
  - a. Immediately relieve the member from duty.
  - b. Relieve the member of duty firearms.
  - c. Notify the member's commanding officer, who shall notify the members Bureau Chief.
  - d. Notify the Internal Affairs Division (IAD).
  - e. Inform the member of their peace officer rights in disciplinary investigations.
  - f. Order the member to submit to a test to determine the presence of alcohol.
  - g. Order the member to submit a handwritten statement, as a response to the allegations.
  - h. Not allow the member to drive a vehicle.
  - i. Take reasonable steps to prevent the member from leaving the police facility once the investigation has been initiated.
  - j. Investigate and determine whether any of the member's supervisors may have been negligent, by failing to take appropriate action.
  - k. Prepare a supervisor's investigative report and submit it along with any statements, test record, etc., to the commanding officer of the Risk Management Office (RMO) in a sealed envelope clearly marked "confidential" by the end of your tour of duty.
  - l. The investigating officer shall make a notification to the Behavioral Science Unit (BSU) and refer the member to BSU for appropriate Employee Assistance Program (EAP) resources.
  
2. Off-Duty Member - If a member is off-duty, carrying a firearm or driving a Department vehicle, and is reasonably believed to be impaired, the investigating officer shall:
  - a. Notify the member's Commanding Officer, who shall notify the member's Bureau Chief.
  - b. Relieve the member of any firearms.
  - c. Order the member to submit to a test to determine the presence of alcohol.
  - d. Notify IAD.
  - e. Prepare a memorandum with any supportive documentation and submit it to the commanding officer of the RMO in a sealed envelope clearly marked "confidential".
  - f. The investigating officer shall make a notification to the (BSU) and refer the member to BSU for appropriate EAP resources.

**D. Investigative Report** - The investigative report must contain the following information:

1. The accused member's name, rank, and assignment.
2. The time the commanding officer, or senior-ranking supervisor of another unit (if applicable), was notified.
3. Reason the member's conduct was brought to the Investigating Supervisor's attention, and the basis for the belief that the member was consuming alcohol or was under the influence.
4. Witness and victim's statements.
5. Actions taken, including all notifications.

### **References**

DGO 11.11 Intervention and Resource Program  
DGO 11.09 Employee Assistance Program/Stress Unit  
DGO 11.04 Peer Support Program  
DGO 2.08 Peace Officers' Rights  
DGO 2.07 Discipline Process for Sworn Officers  
DGO 2.03 Drugs Use by Members  
DGO 1.06 Duties of Superior Officers  
Disciplinary Penalty & Referral Guidelines