LAW ENFORCEMENT FUNCTION

PURPOSE

The purpose of this policy is to establish a written directive that requires all officers, prior to assuming sworn status, to take and subsequently abide by an Oath of Office and Code of Ethics. In addition, the department's role in criminal justice and social service diversion programs will be specified.

POLICY

It is the policy of the Lander Police Department ("Department") that all officers shall take an Oath of Office prior to assuming sworn status and shall also abide by the Department's Code of Ethics. For all sworn employees, the City Attorney will administer the oath.

An oath is universally recognized as a solemn pledge that someone makes when they sincerely intend to commit to what they advocate and affirm. The trust and support of the community are essential if the Department is to fulfill its commitment to the citizens and the community. Sincere commitment to an oath provides vital guidance to officers during their career on most crucial decisions; a moral anchoring that can endure the test of time, and a solid, emotional foundation when facing difficult moments. Officers must always behave in an ethical manner by abiding by this oath to the best of their ability.

SPECIAL ORDERS

The Chief of Police may issue Special Orders for temporary operational, administrative, or emergency purposes when circumstances require immediate guidance or direction not otherwise addressed in existing Department policies. Special Orders are intended to provide flexibility in addressing short-term needs, special events, critical incidents, or other exigent circumstances that arise in the course of Department operations. All Special Orders shall be consistent with federal and state law, the ordinances of the City of Lander, and City-wide personnel policies, and in the event of any conflict, the controlling authority shall be the higher legal standard. Special Orders shall remain in effect only for the duration of the event, circumstance, or operational need for which they were issued, but no later than 90 days after implementation, unless expressly adopted into permanent Department policy through the established policy review process. Any Special Order that affects employee compensation, benefits, working conditions, or disciplinary procedures must be reviewed and approved by the City Attorney and Human Resources prior to issuance. Special Orders shall be issued in writing, signed by the Chief of Police or designee, and distributed to all affected personnel through official Department communication channels, and each shall state its purpose, scope, effective date, and expiration date. A permanent record of all Special Orders shall be maintained in the Department's policy file, and the Chief of Police or designee shall ensure that expired Special Orders are archived and do not conflict with current policies or practices. Supervisors are responsible for ensuring that affected personnel are informed of and comply with active Special Orders, and employees are expected to familiarize themselves with any Special Orders applicable to their assignment or duties. Failure to comply with a valid Special Order may result in disciplinary action consistent with Department and City disciplinary procedures.

DEFINITIONS

Courage: Having the strength to withstand unethical pressure, fear or danger.

Imminent Danger: A threat, risk, or menace that is about to happen.

Oath: A solemn pledge someone makes when he/she sincerely intends to do what he/she says.

PROCEDURE

A. Oath of Office

1. Police officers take risks and suffer inconveniences to protect the lives, defend civil liberties, and secure the safety of fellow citizens. They endure such risks and tolerate such inconveniences on behalf of strangers. Consequently, police work is one of the more noble and selfless occupations in society. Making a difference in the quality of life is an opportunity that policing provides, and few other professions can offer. A public affirmation of adhering to an Oath of Office is a powerful vehicle demonstrating ethical standards.

2. To have continual success at enhancing integrity within an organization, department leaders must ensure the oath is recited frequently and displayed throughout the organization as well as ensuring ethical mentoring and role modeling are consistent, frequent, and visible. The oath in Appendix A of this policy is adopted as the official oath of office for sworn members of the Department:

3. Prior to assuming sworn status, all police personnel shall take this Oath of Office.

4. A signed copy will be placed in the officer's training and personnel file.

B. Code of Ethics

1. There is little disagreement among law enforcement administrators that upholding professional ethics is the most critical issue facing our profession. From recruiting and selection, through promotions and assignments, to training and field activities, no other factor weaves such a powerful web through every aspect of policing. The conduct and behavior of police officers should emphasize the Department's core values and principles, to the extent that they meet or exceed the public's expectations, in the delivery of professional law enforcement services.

2. All employees of the Lander Police Department are required to abide and uphold the highest standards of ethical conduct for law enforcement agencies and shall share equally in a commitment to its mission, goals and objectives. Thus, all sworn officers shall abide by, and are bound by, the spirit and intent of all adopted standards of conduct. These standards of ethical conduct shall serve as the guide for the conduct of all officers, employees, and citizen volunteers of the Department. Therefore, all officers of the Lander Police Department shall abide by the International Association of Chiefs of Police Law Enforcement Code of Ethics.

C. Standards of Conduct

1. All Lander Police Department employees will abide by the Standards of Conduct, a copy of which appears as The Standard of Conduct ensures Lander Police Department employees uphold the highest standards of expected conduct, both in their professional and private lives. The Lander Police Department Standards of Conduct is available to all personnel, electronically and is posted throughout Lander Police Department facilities.

D. Discretion

1. All sworn officers of the Lander Police Department are expected to use discretion when exercising their legal authority and carrying out their assigned responsibilities. Discretion is the power of free decision or the latitude of choice, within legal guidelines. When discretionary power is poorly exercised, it may be viewed by the

public as bias, favoritism, or even corruption. Therefore, when exercising discretion in the performance of their duty, it is imperative that officers take into consideration the intent of the law, the goals and objectives of the Department, the best interests of the community, and any mitigating circumstances surrounding each incident.

2. Officers of the Lander Police Department may exercise discretion except when their decision is unlawful, violates department policy, or conflicts with the instructions of a supervisor. Officers of this agency do not have any discretion to disobey a lawful order.

3. A "totality of circumstances" approach should be employed by officers at all times during the performance of their duty, especially when exercising arrest authority. Upon evaluation of the situation and consideration of Department policy and procedure, officers should give thought to possible alternative resolutions.

4. The use of discretion should be carefully reviewed by a supervisor and restricted in certain situations such as family violence investigations, DWI investigations, serious motor vehicle crashes, and felonies. Greater latitude of discretionary judgment will be permitted in the investigation of misdemeanors, or City ordinances. Each officer is accountable for the proper use of discretion in any given situation.

E. Alternative to Physical Arrest

1. Officers have at their disposal numerous alternatives for resolving situations, among them, custodial arrest. However, when a situation warrants, and a law violator can be brought to justice without incarceration, while still providing for the public safety, officers are encouraged to select a suitable alternative. Alternatives to physical arrest include:

   a. Issuance of citation – In those cases involving a misdemeanor or violation level offense.

   b. Verbal warning

   c. Informal resolution (e.g., mediation, negotiation, parental notification, etc.)

F. Biased Based Profiling

1. Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Bias based profiling, however, is a discriminatory practice and is illegal. It is the selection of individuals based solely on a common trait group.

2. It is the policy of the Lander Police Department that all enforcement actions be conducted in a manner that is free from bias or discrimination. Officers shall not initiate law enforcement action based on an individual's race, ethnicity, national origin, religion, gender, sexual orientation, age, disability, or socioeconomic status, except when such characteristics are part of a specific and credible suspect description. To ensure compliance, the Department shall require periodic reporting and supervisory review of traffic stop data, enforcement activity, and related citizen contacts. This information shall be analyzed by command staff on a quarterly basis, and corrective action shall be taken if patterns suggesting bias-based policing are identified. Training on constitutional policing and anti-bias practices shall be provided to all sworn officers on a recurring basis.

LIMITS OF AUTHORITY

PURPOSE

The purpose of this policy is to establish and provide guidelines regarding limits of authority placed on department personnel.

POLICY

All searches, seizures, arrests, and investigative detentions conducted by members of the Lander Police Department shall be carried out in full compliance with the Fourth and Fourteenth Amendments to the United States Constitution and Article 1, Sections 4 and 6 of the Wyoming Constitution. Officers shall recognize that, in certain circumstances, the Wyoming Constitution provides broader protections than federal law, particularly in the areas of privacy and due process. When interpreting the scope of constitutional protections, officers shall apply the higher standard of protection when there is any question of conflict between state and federal law. All officers shall receive training on these constitutional provisions, and supervisors shall review enforcement activity to ensure compliance with both state and federal requirements.

It is the policy of the Lander Police Department ("Department") to establish and provide guidelines regarding limits of authority for all members of the department as it relates to legal authority, authority to carry weapons, authority to make arrests and conduct searches and seizures, alternatives to arrest and the use of discretion. The department shall provide periodic refresher training on such matters. Lander Police Department officers must uphold the civil rights of citizens, which are protected by the Constitution of the State of Wyoming and the Constitution of the United States.

DEFINITIONS

Arrest: An arrest may be defined as depriving a person of liberty with the intention of holding them to answer to a particular charge or charges.

Bias based profiling: The detention, interdiction, frisk, search or other disparate treatment of any person solely on the basis of race, ethnicity, religion, gender, sexual orientation, economic status, age, cultural group, or some other identifiable common trait or characteristics of such individual.

Probable Cause: Probable cause is more than mere reasonable suspicion, but less than proof beyond a reasonable doubt. Probable cause exists if based on the facts and circumstances, an experienced Officer would reasonably believe that criminal activity has occurred, is occurring, or is about to occur.

Reasonable suspicion: Also known as articulable suspicion. Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion.

This can be based on the observations of a police officer combined with their training and experience, and/or reliable information received from credible outside sources.

PROCEDURE

Legally Mandated Authority of Sworn Personnel

Sworn Lander Police Department officers shall support and uphold the Constitutions of the United States and the State of Wyoming; laws and statutes of the United States and the State of Wyoming; the ordinances of the City of Lander and the policies, procedures, rules and regulations of the Lander Police Department.

Sworn Lander Police Department officers derive their power and authority from state and local law, as provided for in the General Statutes of the State of Wyoming and the Lander City Ordinances.

Wyoming Statutes detail the legal authority of Wyoming law enforcement officers. Sworn Lander Police Department officers of the Lander Police Department shall enforce Wyoming Statutes, and the ordinances of the City of Lander.

Authority to Carry and Use Weapons

Wyoming Statute §6-2-602 states that the use of defensive force whether actual or threatened, is reasonable when it is the defensive force that a reasonable person in like circumstances would judge necessary to prevent an injury or loss, and no more, including deadly force if necessary to prevent imminent death or serious bodily injury to the person employing the deadly force or to another person. As used in this subsection, "necessary to prevent" includes a necessity that arises from an honest belief that the danger exists whether the danger is real or apparent. The Chief of Police, by City Ordinance, is responsible for the operation of the police department and is authorized to establish rules, regulations, policies, and procedures, as necessary, including the authorization of department employees to carry and use weapons. All sworn officers, and non-sworn personnel as determined by the Chief of Police, are authorized to carry authorized firearms and other weapons, and to use them while acting within the scope of their duties, consistent with the laws of the United States, the Statutes of the State of Wyoming, and the written directives of the Department.

Compliance with Constitutional Requirements

Interviews:

Although interviews are generally non-accusatory conversations, officers engaged in interviews shall be aware of the nature of questions, the location of the interview, and the conditions present when conducting interviews to ensure that the subject should not reasonably believe they are in custody.

Interrogations:

An interrogation is a procedure designed to elicit an incriminating response from an arrestee. Prior to interrogating suspects that are in custody, officers must consider specific legal issues, including providing suspects with Miranda warnings. The test for determining if persons are being subjected to custodial interrogations is whether their freedom is being physically deprived in a manner beyond an Investigative Detention and equal to a Custodial Situation.

Access to Counsel:

Persons in custody shall be advised of the right to speak to counsel prior to questioning. Once a suspect or defendant has expressed a desire to exercise their right to counsel, they shall not be questioned until the defendant has obtained counsel, even if the questioning had already begun, unless the arrestee alone initiates the conversation and expresses a desire to speak to an officer and is again advised of their constitutional rights.

Detainees may waive their right to counsel. Documentation of the waiver shall be noted in the narrative portion of the officer's report. When possible, the waiver should include a signature on the appropriate form. If they later request counsel at any time during the interview, the interrogating officer shall not subject them to further questioning until a lawyer has been made available or the suspects freely reinitiate the conversation.

If the arrestee invokes their right to remain silent the officer shall scrupulously honor such right and cease any attempt to further question the arrestee. After the passing of fourteen days, officers may ask the arrestee if they wish to answer questions again. At no time should an officer attempt to elicit information through coercion, threat, or force.

Specific Policy and Procedures concerning Interview and Interrogation issues is covered in General Order 6.17: Interview and Interrogation.

Seizure Defined:

In Wyoming, a person is seized when, by means of physical force or a show of authority, their freedom of movement is restrained. A seizure occurs when, in view of all of the circumstances, a reasonable person would believe that he was not free to ignore the officer's questions and leave. Relevant factors include the display of weapons, content and tone of language indicating that compliance is required, physical touching, blocking tactics or aggression, and use of sirens and/or flashing lights. However, Wyoming law does not require a person to submit for the seizure to occur.

An officer's subjective intentions are irrelevant to the seizure inquiry unless that intent has been conveyed to the person confronted. Mere presence does not constitute a seizure. Although it is recognized that a uniformed law enforcement officer is necessarily cloaked with an aura of authority, this cannot, in and of itself, constitute a show of authority sufficient to constitute a seizure. For a seizure to occur, some indication must be given to the subject that they are not free to leave. Absent such an indication, allowing police officers to approach and interact with citizens on foot and in vehicles to make minimal inquiries serves important law enforcement purposes without jeopardizing constitutional rights.

Search Defined:

For constitutional purposes, a search is an intrusion into an area in which an individual has a reasonable expectation of privacy, with the specific intent of discovering evidence of a crime. A person possesses a reasonable expectation of privacy in a particular area or item if: (1) he exhibits an actual subjective expectation of privacy; and (2) that expectation is one that society is prepared to recognize as reasonable. Only persons possessing a reasonable expectation of privacy in an area or item have the right to legally challenge its being searched.

Warrantless Search and Seizure:

Law enforcement officers are required to obtain a search warrant issued on probable cause before conducting a search, including that of homes, persons, and vehicles. However, the courts have recognized warrantless search and seizure exceptions as follows:

Automobile Exception:

Police may conduct a warrantless on-the-scene search of a motor vehicle based on probable cause to believe that it contains contraband or evidence of a crime. The scope of the search is defined by the nature of probable cause and includes any place in the vehicle which is capable of containing the contraband or evidence. The search may also include the personal effects of any occupant capable of containing the item(s), whether or not probable cause was developed specifically as to a particular occupant. Whenever a search of a motor vehicle is

anticipated for the purpose of seizing contraband, controlled substances, or criminal evidence, a warrant should be utilized, unless probable cause exists and at least one of the following circumstances apply:

A. The vehicle is moving, has recently been moved, or the officer has reason to believe that the vehicle may be moved;
B. The possibility exists that an alerted criminal will use the vehicle to flee;
C. It is impractical to post a detail to guard the vehicle pending evidence collection;
D. The possibility exists that time or elements may destroy the evidence
E. It is an emergency situation in which the vehicle must be searched to save life, prevent injury to others, or prevent serious damage to property.

An automobile exception search is valid only if conducted on-the-scene of the stop. Once the vehicle is removed from the scene - for whatever reason - the authority to conduct an automobile exception search ends. A subsequent search of the vehicle must be conducted pursuant to a warrant or another exception to the warrant requirement, such as an inventory search.

Where probable cause develops as to a specific container before it is placed into a motor vehicle, once it is placed in the vehicle, police are permitted, absent further justification, to search the suspect container only, and not the entire vehicle.

Community Caretaking Function

The Community Caretaking Function is action taken by the police that is totally separate from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute and does not constitute a “search” for constitutional purposes. Such action is commonly referred to as “community caretaking” and relates to the safety and welfare of the community. For example, if an officer views jewelry on the front seat of an unlocked vehicle, the officer can secure the jewelry without having violated any right to privacy.

In order to prove that a particular search or seizure was justified under the emergency aid exception, an officer must be able to show that:

The officer had objectively reasonable grounds to believe that there was an emergency at hand and there was an immediate need to protect life or property;

There was probable cause to associate the emergency with the area to be searched; and

The search was not a subterfuge to arrest a person or seize evidence.

Consent Searches

A warrantless entry or search is permitted on the basis of the free and voluntary consent of an authorized person. An authorized person is someone with an interest in the property, usually the owner, the lessee, or a possessor. Even where officers have sufficient probable cause, they are not obligated to obtain a search warrant before trying to obtain consent.

Officers should, when practical, attempt to obtain written consent on a Consent to Search Form, which shall be attached to the officer's report. It is not coercion to advise a person that the officer will seek, apply for, or ask a judge to issue a search warrant if consent is not given. Whether or not consent is obtained in writing, the officer should carefully document the circumstances surrounding the consent in the police report, indicating that consent was obtained and that the consent was voluntary and without coercion. Facts to be included in the police report include:

a) Who was present;

b) Information given to the arrested party by officers when requesting consent;
c) What the arrested party did in response to the officer's request for consent, including questions asked or gestures made;
d) The arrested party's age and any notable characteristics or impairments;
e) Whether the arrested party had prior experience with the police; and
f) The general tone of the interaction between the officers and the arrested party.

Officers should be aware that the person giving consent can legally withdraw or limit consent at any time, and the search must then stop. However, officers will retain any items already discovered that are subject to seizure, and may apply for a search warrant, if deemed necessary, to complete the search. Consent lawfully may be obtained from persons who are detained or in custody.

Exigent Circumstances

Officers may make entry and conduct a limited search on the basis of exigent circumstances. Exigent circumstances exist where the police reasonably believe that if an immediate arrest, search or seizure is not made, the accused would be able to destroy evidence, flee or otherwise avoid capture, or might, during the time necessary to procure a warrant, endanger the safety or property of others. The scope of any search is strictly limited by the demands of the exigency. In addition, once the exigency justifying the search has dissipated officers must secure the scene and obtain a warrant before conducting any further searches.

When an officer makes a lawful arrest and, in addition, has reasonable suspicion to believe that the premises contain another person or persons who pose a danger to the officer, a brief protective sweep may be made of the area.

Search Incident to Custodial Arrest

A lawful custodial arrest permits officers to conduct a full search (not just a frisk) of the arrestee's person and the area within their immediate control. The search may occur on-scene at the time of arrest or be conducted after arrest at the detention destination (Inventory Search). The authority to conduct a search incident to arrest derives solely from the fact of custody and is not dependent upon the nature or seriousness of the charge.

As long as the two events occur contemporaneously, the search may occur momentarily before the actual arrest. Following a lawful arrest, personal effects may be taken from the arrestee and kept in official custody without any additional probable cause.

The police are authorized to search the interior compartment of a vehicle incident to the arrest of a recent occupant only if: (1) the arrestee is unsecured and within reaching distance of the vehicle at the time of the search; or (2) there is reason to believe that the vehicle contains evidence of the offense of arrest. Absent one of these two situations, a search of the vehicle is unreasonable unless the police obtain a search warrant or show that another exception to the warrant requirement applies.

Under the Wyoming Constitution, the vehicle search is permitted only while the arrestee remains at the scene of the arrest. Once the arrestee is removed from the scene, for whatever reason, the authority to search the vehicle's interior under this exception ends. Where a vehicle is stopped, and the officer is authorized to make a custodial arrest, but elects instead to issue a summons or citation, a non-consensual search of the vehicle is not permitted. Even where a summons or citation is issued, and the stop technically over, the officer may attempt to secure consent to search the vehicle without informing the operator that the stop is effectively over.

Inventory Search

Officers are permitted to inventory vehicles and other items lawfully in their custody so long as the inventory is conducted pursuant to a standardized departmental procedure. Refer to Inventory Vehicle Seizure Policy. An inventory search derives from physical possession by the police, not probable cause or other legal authority. The purpose of the search is to ensure that the item is safe and to protect the police from claims of loss. Consequently, always complete the inventory, even upon the discovery of contraband or evidence.

The owner or possessor of a motor vehicle may, but does not have to, be given an opportunity to make arrangements to have the vehicle removed in lieu of impoundment unless being held for evidence processing by Lander Police Department.

Plain View and Plain Feel

Plainview

An item in the plain view of an officer may be seized without a warrant if: (a) the officer is lawfully in a position to view the item; (b) the discovery of the evidence must be inadvertent; and (c) the incriminating nature of the evidence must have been immediately apparent. Regarding motor vehicles, police may, without any need of justification, lawfully stand beside a vehicle and look inside, even with the aid of a flashlight.

Plain Feel

An item detected lawfully through the sense of touch may be seized absent a warrant if it is immediately apparent, without removal, visual inspection or further manipulation, that the item is contraband. The plain feel exception does not apply where the touching is itself unlawful.

Abandoned Property

No reasonable expectation of privacy exists in property that has been abandoned. Consequently, such property may be seized and searched without a warrant. Property that is disposed of as a result of unlawful police pursuit is not deemed abandoned. Similarly, property that is left unattended in a public place more or less out of necessity is not deemed abandoned.

Other Authorized Search Situations

Other situations where a warrantless search and seizure may be authorized by state and federal constitutional provisions include the following:

Hot Pursuit

When an officer attempts to make a lawful arrest and is in immediate pursuit of the individual, but the person flees into a home or other building, exigent circumstances exist and the officer may enter the premises to effectuate the arrest. Officers are limited to searching the location only for the fleeing suspect and are reminded to use extreme caution in such circumstances.

Officers are not authorized to enter the home of any person without a warrant or the consent of the homeowner and/or occupant except for lawful purposes that include hot pursuit and exceptions to the warrant rule.

Protective Sweep

Police are permitted to conduct a limited protective sweep of an area adjoining an arrest to ensure their own safety and the safety of others.

First Tier Sweep

Arresting officers may, as a precautionary matter and without further justification, examine areas and places immediately adjoining the place of arrest from which an attack could immediately be launched.

Second Tier Sweep

Arresting officers may sweep areas beyond those immediately adjoining the place of arrest based on a reasonable and articulable belief that the area poses a danger to individuals on-scene.

Probationers Search

Police are permitted to search a probationer's private residence based upon a reasonable suspicion of criminal activity where the probationer has agreed, as a condition of probation, to submit to warrantless searches by probation or law enforcement officials.

Traffic Stops

A routine motor vehicle violation stop constitutes a seizure of all of the occupants, so each may challenge the constitutionality of the stop. Following a valid routine motor vehicle stop, an officer may, without further justification, order the operator and/or any passengers out of the vehicle.

After a vehicle is lawfully stopped for a routine motor vehicle violation, an officer may conduct a pat down of a passenger if the officer reasonably suspects that the passenger is armed and dangerous, even if the officer does not have reasonable grounds to believe that the passenger is committing, or has committed, a criminal offense. The suspicion may develop during interactions on matters unrelated to the basis of the stop.

Areas of the passenger compartment capable of concealing a weapon may be searched if police have a reasonable and articulable suspicion that the person is dangerous and might access the vehicle and gain control of a weapon.

Officers may not request consent to search a vehicle during the course of the stop if the request is inconsistent with the initial justification for the stop and the officer has not developed further information that would justify the request.

Crime Scene Searches

A search warrant must be obtained for a crime scene if:

The suspect resides at the place to be searched, regardless if the victim is the owner.

The officers leave the scene and later wish to return to conduct a search or otherwise collect evidence, or if the search will continue for an extended time after the premises are secured.

The area to be searched or evidence to be seized does not fall under one of the exceptions noted below:

Consent to search has been obtained by a party authorized to give consent;

If the evidence to be seized could be destroyed prior to obtaining a warrant or

If the evidence to be seized is otherwise subject to a warrant exception.

Stop and Frisk Searches

An officer may stop a person for the purpose of conducting an investigatory stop only where reasonable suspicion is present. Reasonable suspicion must be more than a hunch or feeling, but does not need to meet the threshold required for probable cause to make an arrest. A frisk is authorized only when the officer has reasonable, articulable suspicion to fear for their safety and the scope of the frisk is narrowly tailored to those specific reasons. For Additional directions regarding stops and frisks refer to General Order 1.06, Investigatory Stops.

Search Warrants

Officers wishing to obtain a search warrant must develop and be able to articulate probable cause under conditions that would lead a reasonable and prudent person to believe that a criminal offense has been or is being committed. There are two key components to a search warrant: (1) particularity as to the descriptions of what is to be searched and what is to be seized; (2) probable cause to believe that the items sought are (a) connected with criminality and (b) presently in the space to be searched. A deficiency in any area will render the warrant unconstitutional and invalid.

A search warrant affidavit must contain sufficient information to establish probable cause to believe that the items sought: (1) are contraband, or otherwise connected with criminal activity, or will assist in an apprehension or conviction; and (2) are presently located in the place(s) to be searched. The affidavit shall be reviewed by a supervisor or other officer experienced in drafting search warrant affidavits,

In addition to probable cause, officers attempting to secure a search warrant must have specific, reliable information to:

Describe the place to be searched and the item(s) to be seized with sufficient detail so that the person executing it is able to determine with reasonable certainty what place is to be searched and what item(s) is to be seized.

Describe the items as precisely as the circumstances and the nature of the criminal activity at issue permit. General descriptions should be coupled with particular criminal activity: e.g., items used in the manufacture, operation, maintenance, or detonation of explosive devices.

Identify which law(s) are being violated, and any evidence that identifies the person or location to be searched.

The name of the person to be searched, when there is reason to believe that such person will be concealing items named in the warrant.

If the warrant is to be a no-knock (non-consensual entry), furnish good cause to believe that there is a risk of serious physical harm to the law enforcement officer who will execute the warrant, or sufficiently reliable evidence that the items sought will be destroyed if the knock and announce is made prior to entry (e.g., known lookouts and/or past history of destruction of evidence or contraband during searches).

Supervisor Review of Search Warrants

Supervisors may be accountable for the actions of subordinate personnel. Officers and Supervisors are not relieved of liability simply because a search warrant has been reviewed by a magistrate or prosecutor. The supervisory review process is intended to ensure that warrants submitted are based on sufficient facts that establish probable cause, properly identify the person(s), places and things to be searched for, and are made out in a technically appropriate form.

Whenever time and circumstances permit, a warrant must be reviewed by a supervisor, using a multi-step process that shall include, at a minimum, the following:

A review of the initial investigation and verification of probable cause;

Review of the 3 key components involved in a search warrant (search warrant affidavit, search warrant, and inventory return);

Assurance that the person or place to be searched and the items seized are addressed with specificity and correlate with information developed in the investigation;

The warrant contains the correct address to be searched; and

The warrant properly addresses issues regarding nighttime and/or no knock warrants.

The lead investigator, or officer serving the search warrant, shall document in their report that supervisory review of the process was completed. The documentation shall include the identity of the supervisor conducting the review and any other appropriate information. If circumstances do not allow a full supervisor review, the officer serving the search warrant shall ensure the items listed above are thoroughly reviewed prior to presenting the warrant to a judge or magistrate and document the reason a supervisor review was not obtained in their report.

Supervisory Notification for Execution of Search Warrants

A supervisor, Captain, or Chief of Police must be notified when a search warrant will be served. The lead investigator or officer involved in obtaining or serving the warrant may execute the actual search and associated duties, subject to the supervisor's approval.

Threat Assessment

The Supervisor is responsible for assuring that a "Threat Assessment" review is completed prior to executing the search warrant (See General Order 1.02a, Threat Assessment Matrix). The purpose of the threat assessment is to identify issues such as appropriate number of personnel, need for tools such as ram, halogen, bunker, etc. and need for other resources such as SWAT team, ambulance, etc.

The "Threat Assessment will include, but is not limited to, assessment of the following factors:

1) Suspect(s)' propensity for violence and mental stability;
2) Is the suspect on parole or probation and history of weapons;
3) Suspect's history of substance abuse;
4) Does suspect have a police or military background;
5) Suspect's history with violent groups;
6) Offenses involved in the current cases;
7) Current intelligence concerning weapons or explosives;
8) Assessment of the site to include fortification, monitoring devices, dogs, and handicapped persons, elderly or children

Arrests with and without a warrant

The following procedures pertain to arrests with, and without, a warrant.

Arrests with a Warrant

The issuance of an arrest warrant is based upon an independent finding of probable cause by an impartial judge. Arrest warrants shall only be served by sworn, full-time officers of the

Department. The officer taking a subject into custody on the basis of an arrest warrant is responsible for checking that the warrant is valid by requesting confirmation through the Communications Center and for verifying the subject being arrested is the person named on the warrant. This may be accomplished by comparing the following information about the person being detained with that indicated on the warrant:

Subject's name and address, including exact spelling

The date of birth, social security number and physical description of the subject

The place of employment or other subject information

Fingerprint verification when available

Warrantless Arrests

Warrantless Arrests are governed by the following Wyoming Code sections:

Wyoming Statute §7-2-102: Preconditions for Arrests

A peace officer may arrest a person when the officer has a warrant commanding that the person be arrested or the officer has reasonable grounds for believing that a warrant for the person's arrest has been issued in this state or in another jurisdiction. (b) A peace officer may arrest a person without a warrant when: (i) Any criminal offense is being committed in the officer's presence by the person to be arrested; (ii) The officer has probable cause to believe that a felony has been committed and that the person to be arrested has committed it; or (iii) The officer has probable cause to believe that a misdemeanor has been committed, that the person to be arrested has committed it and that the person, unless immediately arrested: (A) Will not be apprehended; (B) May cause injury to himself or others or damage to property; or (C) May destroy or conceal evidence of the commission of the misdemeanor.

Wyoming Statute §7-20-102: Arrests without Warrant

Any peace officer who has probable cause to believe that a violation of W.S. 6-2-510(a) or 6-2-511(a) has taken place within the preceding twenty-four (24) hours or is taking place or that a violation of W.S. 6-2-502(a) or 6-2-504(a) or (b) has taken place within the preceding twenty-four (24) hours or is taking place and that the person who committed or is committing the violation is a household member as defined by W.S. 35-21-102(a)(iv), may arrest the violator without a warrant for that violation, regardless of whether the violation was committed in the presence of the peace officer. (b) A peace officer, without a warrant, may arrest and take into custody a person if: (i) An order of protection has been issued by a circuit or district court as authorized by W.S. 35-21-104 or 35-21-105 stating on its face the period of time for which the order is valid and specifically restraining or enjoining a household member, as defined by W.S. 35-21-102(a)(iv), from entering onto premises, from physical abuse, threats of personal abuse or acts which unreasonably restrain the personal liberty of any household member, or from abducting, removing or concealing any child in the custody of another household member or from transferring, concealing, encumbering or otherwise disposing of petitioner's property or the joint property of the parties; (ii) A true copy and proof of service of the order has been filed with the sheriff's office having jurisdiction of the area in which the moving party resides; (iii) The person named in the order has received notice of the injunctive order; (iv) The person named in the order is acting in violation of the order or the peace officer has probable cause to believe that the person violated the order within the preceding twenty-four (24) hours; and (v) The order states on its face that a violation of its terms subjects the person to a criminal penalty pursuant to W.S. 6-4-404

Wyoming Statute §31-5-1204: Authority to make arrest; general arrest procedures; arrest of nonresidents:

(a) The authority of a police officer to make an arrest is the same as upon an arrest for a felony when the officer has reasonable and probable grounds to believe that the person arrested has committed any of the following offenses and the manner of making arrests shall be as in misdemeanor cases: (i) Negligent homicide or homicide by vehicle; (ii) Driving or being in actual physical control of a vehicle while under the influence of alcohol or any substance as prohibited by W.S. 31-5-233; (iii) Failure to stop, failure to give information or failure to render reasonable assistance, in the event of an accident resulting in death or personal injuries as prescribed in W.S. 31-5-1101 and 31-5-1103; (iv) Failure to stop or give information in the event of an accident resulting in damage to a vehicle or other property as prescribed in W.S. 31-5-1102 through 31-5-1104; (v) Reckless driving; (vi) Racing on the highway; or (vii) Willfully fleeing from or attempting to elude a police officer. (b) Whenever any person is arrested as authorized in this section he shall be taken without unnecessary delay before the proper court as specified in W.S. 31-5-1205(g), except that in the case of any of the offenses designated in paragraphs (a)(iv) through (vii) of this section, a police officer shall have the same discretion as is provided in other cases in subsection (d) of this section. (c) Whenever any person is halted by a police officer for any violation of this act, he shall be taken without unnecessary delay before the proper court as specified in W.S. 31-5-1205(g), in any of the following cases: (i) When the person demands an immediate appearance before a judge; or (ii) In any other event when the person is issued a traffic citation by a police officer and refuses to give his promise to appear in court manifested by his refusal to accept the citation. (d) Whenever any person is halted by a police officer for any violation of this act and is not required to be taken before a court as provided by subsection (c) of this section, the person shall, in the discretion of the officer, either be given a traffic citation or be taken without unnecessary delay before the proper judge, as specified in W.S. 31-5-1205(g), in any of the following cases: (i) When the person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will disregard a promise to appear in court; (ii) When the person is charged with a violation of W.S. 31-5-959, relating to vehicles transporting hazardous materials; (iii) When the person is charged with a violation of W.S. 31-18-804. (e) A police officer who arrests a nonresident of this state for any violation of this act may instead of issuing a traffic citation containing notice to appear in court, take the nonresident without unnecessary delay before the proper court, as specified in W.S. 31-5-1205(g) or pursuant to W.S. 31-5-1205(h) require that the bond be posted in accord with an adopted bond schedule and which may be accepted by the arresting officer for delivery to the court.

Searches to be conducted by Members of the Same Sex When Possible:

Whenever possible, searches of suspects will be conducted by members of the same sex as the suspect.

When circumstances require that an officer search a suspect of the opposite sex the officer will include the reasons necessitating such a search in the arrest report.

Serving Out of Town Arrest Warrants

Officers who have reasonable information that an individual has an outstanding felony warrant from another state should arrest the person if the following conditions are met:
The charges are confirmed to be a felony through Communication Center procedures;
The originating agency intends to extradite;
The validity of the warrant is confirmed.

FORMAL WRITTEN POLICY

PURPOSE

To establish a formal written policy system for the Lander Police Department that is readily available to all employees in order to eliminate confusion or possible misunderstandings.

POLICY

It is the Lander Police Department's ("Department") policy to maintain a formal Written Policy and Procedure System that provides employees with a clear understanding of the constraints and expectations relating to the performance of their duties. The Written Policy and Procedure System allows rapid access to individual policies, procedures, rules, and regulations by a computerized and/or manual system. The Chief of Police has the authority to issue, modify and approve Policies and Procedures for the Lander Police Department.

Written Policies and Procedures are the procedures, guidelines, orders, and rules that formulate the Department's policy and operating procedures. This document establishes a written policy and procedure system to provide Lander Police Department officers with clear information and direction as to the expectations and responsibilities relating to the performance of their duties and to establish uniform standards of behavior.

The nature of police service is such that it is impossible to develop a procedure, plan, or other binding policy for every situation that might arise. Therefore, commanding officers and supervisors have the duty to thoroughly supervise and review the activities of subordinates, as they must assume the ultimate responsibility for employee performance and delivery of service.

Shift Supervisors and individual employees who receive these directives will be responsible to acknowledge receipt and review of these written directives.

Shift Supervisors and individual employees who are issued copies of these directives will be responsible to ensure that their manuals are up to date and substitute each policy with subsequent versions issued by established authority.

DEFINITIONS

Policies and Procedures: Used to institute guidelines for work-related policies and procedures. The following are examples: (1) Institution of Permanent Policies or Procedures, and (2) Organizational Structure and Administrative Subdivisions.

Field Directives: Used to implement procedures or policies which are needed to achieve an objective or govern an event that is specific and short term in nature. They become self-canceling after the objective is reached, or they are converted to a permanent policy such as a General Order. The following are examples: (1) Changes in uniform and appearance guidelines for special occasions, and (2) Installation of snow chains on cruisers.

Training Bulletins: Disseminate information on a topic, explore a subject matter, and clarify Departmental policy or procedure in authoritative detail. The following are examples: (1) Procedural issues, (2) Legal issues, (3) Officer safety issues, and (4) Community issues.

PROCEDURES

The Chief or his designee will:

Index, purge, update, and revise Policy and Procedures as required and assure that new policy language does not contradict other existing directives or applicable law;

Facilitate the staff review of proposed policies, procedures, and directives prior to promulgation to ensure they do not contradict other existing agency directives or applicable laws;

Coordinate the distribution of Policy and Procedures;

Track the dissemination of Policies and Procedures to ensure all employees receive or have access to them; and

Maintain a receipt file of issued Policies and Procedures.

General Orders

General Orders will be issued to each employee.

General Orders will be reviewed at least once every two years by the Chief of Police and/or designee(s) and revised as necessary. This does not preclude revisions on a more frequent basis should circumstances require them.

Field Directives

The Chief of Police, or designee, will issue directives to each organizational component and employee.

The Chief or his designee will be responsible for:

Maintaining an up-to-date version of Field Directives affecting their area of responsibility in a readily available location;

Advising all employees under their command of the issuance of new or updated Field Directives that affect their operations; and

Arranging for and ensuring that instruction is provided in the content of all newly issued Field Directives affecting their operations, and that attendance at these instructional sessions is verified and documented.

Training Bulletins

Training Bulletins will be issued by assigned members of the Lander Police Department at the direction of the Chief of Police, or designee, to each employee.

Any employee may contribute information, essays, articles (published/non- published) and reports or submit written requests for clarification, as potential Training Bulletin content. These submissions must be forwarded to a supervisor.

The Chief or his designee will be responsible for:
Facilitating the staff review of proposed Training Bulletins prior to issuance;
Disseminating Training Bulletins to each organizational component;
Tracking the dissemination to ensure all components receive the Training Bulletins.
Provide all documentation to an administrative assistant for filing.

Written Policy System

Issuing Authority:

All Policies and Procedures are issued by the Chief of Police. The Chief of police may designate appropriate staff to develop certain policies and procedures based on the designee's expertise. Written Policies and Procedures shall not be in effect, or distributed until they have been properly approved and authorized. Once official, only the Chief of Police can authorize the replacement, modification, or removal of General Orders from the Policy and Procedure Manual. Prior to issuance,

the proposed directive will be forwarded to relevant subject matter experts and supervisory staff for review and comment.

Authority of Other Persons to Issue Written Policy:

The Chief of Police may authorize others to issue certain written Policies, such as Field Directives, and training bulletins. All such written policies shall be in compliance with existing Department General Orders.

Authority and Applicability of Written Policy:

Written policies are to be considered guidelines for carrying out departmental activities. Policies are generally mandatory and dictate a strict adherence to a particular course of action when the terms “shall,” “will,” and “must” are used in the policy. The word “should” strongly suggests a preferred course of action. Policies are generally advisory when the terms “may,” “can,” or “normally” are used, and imply a degree of choice.

Orders issued at any level of command shall not conflict with established policy and procedure. All written policies will be stated in precise and positive terms with grammatical accuracy. When applicable, all written policies shall carry notations directing attention to any previously issued written policies that may be related to, or affected by the new written policy. A written policy which rescinds or supersedes any other written policy shall carry the identifying number of the previously issued document necessary to connect the two policies.

In order to perform their duties properly, all members of the Lander Police Department will thoroughly familiarize themselves with, and comply with, all written policies adopted by the Department. All Department members have a personal and professional responsibility to seek clarification from their supervisors through the chain of command on any policy not clearly understood. All members will be assumed to have knowledge of all written policies upon their effective date and will be bound by them. Those members not on duty at that time will be expected to have knowledge of, and be bound by new policies upon commencement of their next tour of duty following the issuance of the policy. Normally, written policies will be issued at least seven (7) days in advance of their effective date.

Dissemination and Storage of Policies and Procedures:

Introduction:

Procedures shall be established for the dissemination and storage of the agency written policy system, and shall address at a minimum, the following:

Dissemination of an existing, new, or revised policy

Storage of written policies

Acknowledgement, indicating receipt and review of disseminated policies by affected personnel

Dissemination of the Written Policy Manual:

The Lander Police Department shall utilize an electronic, computerized, written Policy Manual as the primary policy system for the Department. This system shall be available to all employees. One hard copy manual will be maintained by an Administrative Assistant designated by the Chief of Police.

All supervisors shall be responsible for assuring that all officers acknowledge receipt and review of all issued directives, whether in writing or some other equally effective manner. Supervisors will also maintain the accuracy and completeness of all binders that are located within their respective commands. A designated Administrative Assistant will inspect any hard copy Departmental Written Policy Manuals once each year for completeness and validity.

The designated Administrative Assistant will supervise the master files, including the historical drafts, on all written policies:

To review language consistency, clarity, and appropriateness;

Ensure that the master file contains the written policies that were superseded by the new policies in order to resolve any problem(s) where past written policies are of interest;

Ensure that the changes in the manual have been properly authorized, and approved by the Chief of Police and/or designee;

Conduct an annual review of all Policies and Procedures to assure the directives do not require modifications based on current case law, statutory changes or changes to state or POST regulations;

To review the Field Directives for obsolete, inconsistent, contradictory, and duplicate material. This position is responsible for purging, indexing revising and updating directives as required; and

To oversee the publication and dissemination of all written Policy changes.

<u>The Policy System consists of the following sections:</u>

Section 1 – Department Role and Authority

Section 2 – Organization and Management

Section 3 – Rules of Conduct

Section 4 – Disciplinary Process

Section 5 – Patrol Functions

Section 6 – Investigative Functions

Section 7 – Special Operations

Section 8 – Personnel

Section 9 – Training

Section 10 – Support and Technical Services

NOTE: It should be noted that all of the above and below mentioned policies and procedures are direct to the law enforcement line of work. In the event of a conflict between the Lander Police Department Policy Manual and the City of Lander Policy and Procedure Manual or other City-wide policies, this manual shall govern matters relating to police operations and law enforcement functions. However, all disciplinary and grievance procedures remain subject to City-wide Human Resources oversight to ensure consistency with applicable municipal employment policies, collective bargaining agreements (if any), and Wyoming employment statutes. Nothing in this manual shall be construed to supersede the City's established procedures regarding employee discipline, due process, or appeals

GENERAL ORDER

PURPOSE

The purpose of this General Order is to provide a written directive for Lander Police Department employees, supervisors, and command personnel to establish the concept that responsibility is accompanied by appropriate authority, and that each employee is accountable for the use of delegated authority.

POLICY

It is the policy of Lander Police Department ("Department") that all employees shall comply with the guidelines of this General Order and all other Department General Orders, and carry out their duties, obligations, and responsibilities to the best of their abilities. At every level within this agency, personnel are given the authority to make decisions necessary for the effective execution of their responsibilities.

PROCEDURES

Authority to Execute Functions

For the organization to succeed at every level of the Department, employees will be given appropriate authority and are expected to make decisions necessary for the effective execution of their responsibilities. Authority to execute the required activity of each organizational component is delegated by the Chief of Police through the command structure to individual employees.

Accountability for Use of Authority

Pursuant to the City of Lander Charter Ordinance the Chief of Police is a Department Head appointed by the Mayor. As such, the Chief of Police is ultimately responsible for the performance of the organization. To assist the Chief of Police in accomplishing the mission, goals, and objectives of the Department, employees are vested with the authority necessary to perform the duties of their assignment. All employees, by virtue of their position in the Department, will be held accountable for their overall performance. Supervisors shall monitor the use of, or failure to use, delegated authority of their subordinates in accomplishing the responsibilities of their position. Methods used shall include:

a. Day-to-day observation
b. Shift Sergeant inspections
c. Employee/Supervisor meetings and counseling sessions
d. Performance evaluation process

Lines of Authority within the Lander Police Department

The organization of the Lander Police Department is established with authority descending from superior to subordinate and responsibility ascending from subordinate to superior. The line of command is divided into three collateral types of authority:

Executive or command authority: That authority which is inherent by reason of rank and title and is automatically conferred upon and accepted by an officer upon execution of the Oath of Office or as directed by the Chief of Police.

Operational authority: That authority which is inherent by virtue of operational necessity. For example, when conducting tactical operations, the commander of a tactical unit has operational authority to manage the incident.

Functional authority: That authority conferred by the nature of the duty performed, irrespective of rank or title, and is similar to operational authority except that functional authority is more long term. Personnel shall have the authority to carry out all functions assigned.

Supervisor Accountability

All Department personnel shall be held fully accountable for the use of delegated authority, as well as the failure to use it. Supervisors are accountable for the activities and the performance of employees under their immediate control. Although supervisors may free themselves of the actual performance of a given task, they cannot relieve themselves of responsibility and accountability for accomplishment of the task.

The existence of specialized components does not relieve any employees from the responsibility of the enforcement of laws and the investigation of incidents brought to their attention. Department members shall coordinate with any specialized components when necessary and appropriate.

Obeying Orders

An order is defined as a command or instruction, oral or written, given by one member of the Department to another member. It is essential to the proper operation of a police agency that employees promptly obey all lawful orders. Every Department employee shall promptly obey, without reservation, the orders, rules, regulations, policies and procedures of the Department and all lawful commands of a supervisor including those commands relayed from a superior by an employee of the same or lesser rank. The intentional refusal to obey any direct lawful order is grounds for discipline.

No employee is required to obey any order that is contrary to any Federal or State law. Obedience to an unlawful order is never a defense for an unlawful action. Responsibility to refuse to obey an unlawful order rests with the employee to whom such order was given. The employee shall be strictly required to justify such action. Employees issued what they believe to be an illegal order shall request the issuing employee to clarify the order or to confer with higher authority.

No supervisor shall knowingly issue any order that is a violation of any law.

Should any order given by a supervisor conflict with any previous Departmental order, rule, regulation, policy or procedure, the employee to whom such order is given will call attention to the conflict. If the person responsible for issuing said order does not change the order to avoid such conflict, the order will be obeyed, but the employee obeying such order shall not be held responsible for disobedience of the previous order, rule, regulation, policy, or procedure. Responsibility for the conflict shall be upon the supervisor issuing the conflicting order. It should later be reported to the Chief of Police, through the chain of command, for clarification.

When lawful orders that appear to be unjust or improper are given, the employee to whom the order is given shall respectfully notify the supervisor issuing such order of its impropriety. If the order is not corrected, then it is to be carried out. After carrying out the order, the employee to whom the order was given may file a written report to the Chief of Police, via the chain of command, indicating the circumstances and the reasons for questioning the order, along with a request for clarification of Departmental policy. After complying with this Section, an employee who carries out an order found to be unjust or improper by the Chief of Police or court or tribunal of competent jurisdiction, will not be held responsible for carrying out such order.

Chief of Police Notification

The on-duty supervisor shall notify a next level supervisor or the Chief of Police of any incident where there may be a question as to the Department's liability or for any other incident which may result in heightened community interest.

The on duty supervisor is responsible for the notification to the Chief of Police.

PUBLIC INFORMATION – MEDIA RELATIONS

PURPOSE

The purpose of this General Order is to establish a written directive which describes the Lander Police Department's policies, guidelines, and procedures regarding the release of information to the news media and the public.

POLICY

It is the policy of the Lander Police Department ("Department") to establish a public information function, and to describe procedures to carry out these activities. The media will be permitted to pursue their activities within the confines of the law and without interference from police personnel. The Department will cooperate fully and impartially when dealing with the media and provide an unhindered flow of accurate and factual information in a timely and unbiased manner about Department activities and matters of public interest, as long as the tasks of the media or the release of this information does not interfere with the Department operation or infringe on the rights of persons involved. General public information functions are the responsibility of the assigned public information officer.

DEFINITIONS

Public Information: Information that may be of interest to the general public regarding policy, procedures, or events involving the Department or other newsworthy information that is not legally protected, does not unduly interfere with the mission of the Department, infringe upon the rights of a defendant or compromise the legitimate safety and privacy interests of officers, victims, witnesses, or others.

Public Record: In accordance with applicable Wyoming statutes, including the Wyoming Public Records Act, a Public Record is generally defined as all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by a public agency, with defined exceptions set out in the statute.

News Media Representatives: Individuals who are directly employed by agencies of the electronic or print media such as radio, television, newspapers, and online news organizations. Freelance workers in this field are regarded as members of the general public for the purposes of this policy.

Public Information Officer (PIO): Individual who is designated by the Chief of Police to serve as a central source of information for release by the Department and responds to requests for information by the news media and the public.

PROCEDURES

Introduction

The Department values the news media and recognizes the publics' right to the accessibility of public records, pursuant to the public records laws. Information will be released to the news media without partiality, and in a timely manner as required by law.

No member of this Department shall delay the release of information in order to favor any particular news media representative or agency, nor shall they seek publicity through the news media or furnish information for the express purpose of seeking personal notoriety.

Designated Departmental Public Information Officer (PIO)

While the responsibility for the Department's public information ultimately rests with the Chief of Police, the Chief of Police may delegate some or all of the functional assignment responsibility for the public information function to one or more Public Information Officers (PIOs).

Departmental personnel assigned responsibility for public information activities will have experience training in media relations.

Generally, requests for public information should be forwarded to the PIO, except as provided otherwise in this General Order.

General Responsibilities of the PIO Function

Authorized news media representatives will have reasonable access to the Chief of Police and/or the PIO. When information must be denied to a media representative, the basis for that denial should be fully and courteously explained to the media representative.

While off-duty, Department personnel are neither prohibited nor required to honor any news media requests for police related interviews. In the event the officer/employee chooses not to answer off-duty inquiries, the media representative will be referred to the PIO. Department personnel are not required to grant interviews to the media or appear on camera while on-duty unless their job duties require such or they are specifically instructed to do so by the Chief of Police.

The PIO shall arrange for another approved department employee to cover PIO duties when they are out of the office.

The PIO shall arrange for, and assist at, all news conferences. This responsibility will include:

Selecting a suitable location;
a. Making contact with all area news media representatives;
b. Arranging for security;
c. Obtaining all relevant background information;
d. Preparing information to be distributed
e. Briefing the Chief of Police, on the issue; and
f. Being available for any follow-up questions.
g. Training Guidelines

It is imperative that all personnel within the Lander Police Department understand the role of media and how it can affect the day-to-day operations and public view of this agency.

Newly hired personnel shall be trained on this general order by their training officer.

Public Information Officers shall attend a training course on media relations and public information functions as such training becomes available.

Press Credentials

This Department does not currently issue Press Credentials to members of the local media.

Routine Authorized Departmental Sources of Information for the Media

In order to facilitate the dissemination of crime or incident information, news media representatives should pursue the following channels for information.

The PIO is responsible for all public information activities of the Department, and should be contacted in person, by telephone, or by email during normal working hours for the desired information. The Chief of Police may designate others to serve as backups to the PIO.

Media representatives requesting feature story interviews with members of the Department will first contact the PIO to explain the request and obtain approval.

All members of this Department should understand it is standard media policy that conversations with any member of the news media are considered “on the record” and are subject to being quoted.

If a PIO is unavailable during or after normal working hours, media representatives may be referred to an on-duty supervisor, and information can be released consistent with their authority under this General Order.

Should media representatives need further help or feel that they are not receiving satisfactory answers, they may be referred to the PIO or Chief of Police.

Public Records Act & Public Information Requests

All public or media requests to obtain Department records shall be submitted in writing to the records section. Applicable Wyoming statutes shall govern all such requests and disclosures. If the requested records are not able to be released, the reason they are not released shall be given in writing upon request.

Department records and documents will not be released to the public or the media until criminal investigative information or other materials, which are exempt from release or prohibited from release by Wyoming Law, are properly redacted from those documents.

Requests for personnel information may not be released pursuant to Wyoming Law.

Media questions regarding on-going investigations or incidents will be handled by the PIO in consultation and collaboration with the Department personnel supervising the case and the appropriate prosecutor's office. Information concerning confidential investigations and operations shall not be released either prior to or during the course of the investigation or operation unless otherwise approved by the Chief of Police.

Requests for booking photos shall be referred to the Fremont County Sheriff’s Office as they are the agency with jurisdiction over those records.

Assisting Media Personnel at Incident Scenes

In the absence or unavailability of the PIO, supervisors serving as an Incident Commander shall be responsible for media relations as follows:

Minor incidents: The Incident Commander shall function as the PIO at incident scenes consistent with the provisions of this General Order.

Major Incidents Involving Crimes and/or Special Operations: The Incident Commander shall function as the PIO at incident scenes consistent with the provisions of this General Order, until relieved of such responsibility upon the arrival of the PIO. See sections below for specific major incidents.

Non-supervisory Department personnel generally should not make statements related to Department matters.

Preparation and Distribution of Media Releases

Under normal circumstances, the PIO is responsible for the coordination and preparation of media releases concerning newsworthy events and disseminates information to the media. This task includes:

Traffic accidents involving fatalities or causing extensive traffic congestion and/or road closures;

High profile arrests;

Follow-ups or conclusions to incidents the press recently reported on;

Serious/violent crimes against persons (i.e. robbery, homicide, etc.);

Any matters in the judgment of the supervisor, which may cause media interest or in fact has already generated media interest; or

Any other incidents or events as approved by the Chief of Police or PIO

This General Order, however, does not preclude a supervisor from preparing a press release and forwarding it to the PIO, or from speaking to the media, concerning criminal investigations or other events that fall within the scope of their assignments when the PIO is not immediately available and there is an urgent need to respond generally to media inquiries, pending the arrival or assignment of the PIO.

When information is disseminated by any officer/employee other than the PIO, that person shall notify the PIO as soon as practical of the content of the material released, who released the material, and when it was released to the public.

Denying Information Requests From Media

When media requests for information are denied by Department personnel, the denial shall be on the basis of exceptions to the Wyoming Public Records Act, privacy rights, and the safety of a defendant, witness or victim, or other legal or relevant factors. Anytime a representative of the media is denied access to certain information, as outlined in this order, that representative will be given a courteous explanation of the reasons for such denial.

Coordinating and Authorizing the Release of Investigative Information

During the course of any criminal investigation, from its inception through final court disposition the Chief of Police must approve media requests for case information prior to release. The following shall serve as guidelines for these cases.

The following are examples of investigative case information that may be released:

Information that is of a factual nature, including the type or nature of an event or crime.

The location, date and time, injuries sustained, damages and a general description of how the incident occurred.

Type and quantity of property taken or damaged, with the exception of the amount of cash stolen in armed robberies, burglaries, etc., if the release of such information would compromise the investigation.

Whether there are suspects or not, and information concerning unidentified suspects to include a general description, vehicle description, and other pertinent information.

Requests for aid in locating evidence, a complainant, witnesses or a suspect.

Identification and photograph(s) of a fugitive for whom an arrest warrant has been issued and the criminal background of a fugitive if, as a matter of public safety, the public should be alerted.

The following Information may NOT be released in connection with criminal investigations unless authorized by the Chief of Police or PIO after consultation with the Investigations Captain and appropriate prosecutors' office, or required by any applicable public information disclosure laws:

Information of a subjective nature.

The identity of a suspect prior to arrest unless such information would aid in apprehending the suspect or serve to warn the public of potential danger. The identity of suspects that are interviewed but not charged will not be released.

The identity of any victim of a sex crime or any related information, which if divulged, could lead to the victim's identity.

The identity of victims or witnesses if such disclosure would prejudice an investigation to any significant degree, or place the victim in personal danger.

The identity of any juvenile that is a victim, or suspect/defendant in a case subject to the jurisdiction of the juvenile court, except where release is authorized by law.

The identity of any critically injured or deceased person prior to notification of next of kin as determined by the County Coroner's Office

The results of any investigative procedure such as lineups, polygraph tests, fingerprint comparison, firearms examinations or other investigative procedures or evidence collection. The fact these tests were performed may be released without further comment about the results, unless stating so might jeopardize the investigation.

Information that, if prematurely released, may interfere with the investigation or apprehension of the suspect, such as investigative leads, specifics of an "MO", details of the crime known only to the suspect, or information that may cause the suspect to flee.

Specific cause of death unless officially determined by the medical examiner. Information concerning the death of a person will not be released without approval of the County Coroner, and in criminal cases, the Public Information Officer.

Information on matters that are currently in litigation in the Courts involving the Police Department and/or the City of Lander.

Location of any victim of abuse or domestic violence seeking shelter from further acts.

The home address, telephone number, or other personal information of any Department employee.

Authorization for the Release of Information Regarding Arrest Warrants

Generally, personnel are not to report if any warrants have been issued, regardless of the nature. However, the name, age, and address, along with a description of persons for whom arrest warrants have been issued, may be released when media assistance is required due to special circumstances.

Arrest warrant information may be released by the Chief of Police or PIO after consultation with the Sergeant overseeing the case and appropriate prosecutors' office, under circumstances involving great public interest or significant public risk.

<u>Authorization of Information to Release Following Arrest</u>

The following information may be disclosed from the time of arrest and until a prosecution or prospective criminal law enforcement action is no longer pending against the person arrested. Unless otherwise prohibited by law and/or this policy.

Blotter information identified as the accused's name, age, and city of residence. The date, time, and place of arrest, and the offense for which the person was arrested.

Any request for warrant, affidavit, or other charging documents should be referred to the appropriate court where charges are filed.

The following types of information should not be released, following the arrest and formal charging of a suspect, and prior to the adjudication of the matter, without express permission of the Chief of Police or PIO.

Prior criminal conviction record, character, or reputation of a defendant.

The existence or contents of any confession, admission, or statement of a defendant, or his failure or unwillingness to make a statement.

Performance or results of any tests or examinations taken by or given to the arrestee or a defendant's refusal or failure to submit to tests (such as a polygraph).

Results of any laboratory tests or examinations regarding evidence at crime scenes.

The identity of informants, or information likely to reveal the identity of informants

The identity of the victim of the crime or information likely to reveal the identity of the victim

Specific information about the commission of the crime, which may prejudice the pending prosecution or hamper ongoing investigative action

The identity, statement, expected testimony, or credibility of prospective testimony of any witness or victim.

Opinions regarding the merits of the case, the quality of the evidence gathered, the guilt or innocence of a defendant, or other information of a subjective nature.

Any opinion or knowledge of the potential for a plea bargain or other pretrial action.

Information received from other law enforcement agencies without prior approval from the participating agency.

Re-enactment of the crime or information that the accused directed officers to the location of evidence or contraband.

Release of Information on Suicide or Suspected Suicide Cases

The fact a suicide or suspected suicide has occurred may be reported to the media, along with factual information describing how it occurred.

The name, age and city of residence may be released following the notification of next of kin as verified by the County Coroner.

The fact that a suicide note exists may also be acknowledged without further comments. The content of such notes may be evidence, and shall not be released except as provided by law.

Generally, all media releases and requests for information on suicide cases are to be referred to the PIO or the Chief of Police before release.

Photographing Suspects/Subjects by Media

Employees shall not pose suspects for photos or television cameras.

Requests for booking photos shall be referred to the Sheriff's Office, who is the custodian of those records.

<u>Releasing Photographs of Arrested Persons</u>

Media requests for any department photographs, mug shots, videotape, film, or composites of subjects, whether in custody or not, shall be submitted to the records division in writing. If the arrested

person has not been formally charged, the material sought is potential evidence, or might prejudice judicial proceedings, the request will be denied in most cases.

Assisting in Crisis Situations

In exigent circumstances and with specific authorization from the Chief of Police or PIO, a supervisor may enlist the assistance of the media when a crisis situation develops and the broadcast of information may benefit the mitigation and/or successful outcome of the situation.

Release of Information Concerning Confidential Agency Investigations and Operations

Statements of policy, which express the official position of the Lander Police Department, official responses to criticism of the Department, or statements regarding any pending civil litigation involving the Department shall be made only by the Chief of Police, or designee.

Critical Incidents Involving Police Officers - Statements and names of police personnel involved in an incident regarding internal investigations, disciplinary or personnel matters, officer- involved critical incidents, such as shootings or accidents, shall only be made by the Chief of Police, or designee. Prior to release:

The accuracy of the information must be thoroughly vetted;

Officers should be afforded the opportunity to notify their families if the report of their participation in an incident could cause them concern; and

No information concerning an incident should be released if the information would adversely affect or hamper an ongoing investigation in any way. However, timely release of the name of police participants in a major incident will likely add to the credibility of the Department and forestall the possibility of the news media adversely commenting on the incident because this information was withheld.

Releasing Photographs of Police Personnel - Under normal circumstances, photographs of police personnel may be released to the media for a specific community-relations purpose, promotion of a police function or program, recognition for a meritorious act, promotion in rank, etc. Photographs of police personnel will not be released without permission of the Chief of Police, when:

The possibility of disciplinary action exists;

An arrest of an officer is made;

Civil action is initiated;

An officer commits suicide;

The officer is working in a covert assignment

Public Information Procedures During Mutual Aid Situation

When the Department is involved in multi-jurisdictional incidents, or mutual aid efforts, the following guidelines will apply.

Lander Police Department Incidents: When other public service agencies are involved in a mutual effort in the City of Lander, the Department's PIO will assume primary responsibility for the public information function. In these instances, the Lander PD PIO will work with PIOs from other involved agencies to ensure concerns from those agencies are properly addressed.

Non-Lander Police Department Incidents: When Lander PD is called to assist another Town/City or Out-of-Town- agency, the Lander PD PIO will defer to the agency having primary jurisdiction. The

Lander PD PIO is encouraged to offer assistance to the agency in charge of the incident. If requested by the host agency, the Lander PD PIO is authorized to assume duties as the lead PIO for the event. If selected as the lead PIO, the Lander PD PIO will only release information authorized by the particular agency's representatives.

News Media Access At Crime Scenes and Major Incidents

Introduction - The Public Information Officer (PIO), Chief of Police, or the Incident Commander will coordinate the activities of the media at the scene of a major incident under the control of the Department. The incident commander of an unusual occurrence should designate a media staging area as early as possible

Access of news media representatives, including photographers, needs to be controlled at major events, for their own safety, and to prevent interference with the operation and preserve the integrity of a crime scene.

General Guidelines - The following guidelines govern news media access to incident and/or crime scenes

The scene perimeter should be established by rope, tape, or some other visible means. In all cases, the media will be allowed to remain with the general public. If conditions permit, and only when authorized by the PIO, Chief of Police or Incident Commander, media representatives may be allowed to go as close as possible to the scene itself to fulfill their assigned tasks. Members of the media are not, however, exempt from laws enforced by this Department;

Media access to areas outside of the established perimeter, but on private property is allowed unless objected to by the property owner. Media access to areas outside of the established perimeter on public property shall generally be allowed.

Anytime a representative of the media is denied access to crime or incident scenes, that representative should be given a courteous explanation of the reasons for such denial if possible.

Scenes of Major Events - At the scene of major fires, natural disasters, or other catastrophic events. The media may be allowed past the perimeter of a scene established for the general public and may be allowed to bring their equipment, vehicles, etc., inside the general perimeter as long as their movements will not interfere with control and containment of the scene and as long as their personal safety is not in jeopardy.

Media Relations During Hostage Situations - The Public Information Officer (PIO) should be notified as soon as possible during hostage situations. The PIO should coordinate the following activities during the event:

An initial briefing should be made as soon as possible.

All media shall be kept in a safe location, as determined by the Incident Commander;

Television crews should be directed to not use bright lights when a situation occurs at night as it may interfere with police personnel;

Caution should be used when stating information on camera, as it could be broadcast and observed by the hostage taker;

Any interference from media aircraft during a police operation will immediately be reported to the aircraft and will request that it depart. Failure to comply within a reasonable period of time will constitute a basis to file a written formal complaint with the Federal Aviation Administration (FAA).

<u>Media Accompaniment on Search Warrants or Similar Activities</u>

With the prevalence of reality television programs and news reporting, there may be more requests from the news media to allow news crews to document police operations. However, the federal courts have been resolving cases in a way that should discourage this practice.

The entry of news media is considered unreasonable by the courts while exercising search warrants on private premises because search warrants expressly allow only “authorized law enforcement officers.” There is no implied authorization for the news crew to enter because there is no claim that the presence of the news crew serves a legitimate law enforcement purpose.

Most courts are ruling that the presence of the broadcast media to document such searches for non-law enforcement purposes is outside the scope of the warrant (Berger v. Hanlon.) As such, the Department shall not permit members of the news media to accompany officers on the execution of a search warrant, or entry due to exigent circumstances into private premises without consent from the occupant or express authorization in the search warrant.

It is permissible, with proper supervisory approval, for the media to accompany officers in public areas where there is no reasonable expectation of privacy. The Department may invite the media to ride along with police officers on patrol with the approval of the Chief of Police, as long as the reporter does not accompany the officer into private premises.

Policy Input

The Lander Police Department seeks collaboration with its partners in the media. As such the Department will seek advice and comment in the development of changes in policies and procedures related to the public information function. The Lander Police Department understands that by allowing media representatives to participate and/or comment on the process of developing public information policies and procedures, the Department can receive input that will enhance the working relationship between the Lander Police Department and its media partners.

UNIFORM STANDARDS & DRESS CODE
PURPOSE

The purpose of this General Order is to establish guidelines and procedures which delineate the uniform standards and dress code for all officers and employees of the Lander Police Department.

POLICY

In the daily performance of police functions, it is imperative that members of the Lander Police Department ("Department") present a neat, clean uniform appearance. It is the responsibility of the Department to establish dress and grooming standards that assure the appearance of its members, project a positive image, and does not interfere with or distract from the performance of police duties. Members of the Lander Police Department shall wear only such uniforms and insignia as prescribed by the Chief of Police.

PROCEDURES

Wearing the Police Department Uniform:

Sworn members shall wear the Department uniform only when performing their duties in an official capacity. There shall be no deviation from the prescribed Uniform of the Day standard when wearing the uniform except as authorized by the Chief of Police or designee.

Sworn personnel are prohibited from wearing the Department uniform when making guest appearances and attending other functions outside the course of normal duties unless permission is obtained in advance from the Chief of Police or designee. The following should be taken into consideration when approving or denying such requests:

The appearance must be related to Department operations, functions or programs or be of a substantial benefit to the Department and the community.

The subject matter of the appearance or function must bear a significant relationship to the mission of the Department.

The appearance or subject matter must not impact on the impartiality of the Department.

When in uniform, sworn personnel as official representatives of the Department, shall conduct themselves in accordance with all Department policies, procedures and directives.

Partial uniforms may be worn to and from work provided that the identifiable insignia and patches are covered

Semi-covert uniforms (i.e. football styled "police" jerseys, along with baseball style hats) shall only be worn as a "Police" identification need to officers assigned to plainclothes units or a special operations detail. These adaptations shall not be worn as a substitute or addition to the Uniform of the Day Standard.

Identification

All department personnel will be issued a photo identification card bearing their name, badge number if applicable, rank and date of birth. All personnel will carry this identification on their person at all times while on duty. An exception to this requirement may be made by the Chief of Police for any officer working in an undercover or covert capacity.

All department employees shall present this identification card when requested by a member of the public, or when circumstances necessitate verifying their employment as a member of this Department.

All Department employees shall identify themselves verbally over the telephone. Additionally, law enforcement officers will identify themselves as such to ensure the public can be certain whether or not they are dealing with a sworn law enforcement officer, or another member of the Department.

Upon separation from the Department, the Chief of Police shall ensure the identification card is retrieved. The Chief of Police may opt to issue a “retired” identification when appropriate when an employee has retired normally in good standing.

Uniform Appearance Standards:

Uniforms: Shall be kept neat, clean, well pressed and properly fitted at all times. Appendix A outlines approved uniforms and equipment that will be made available to all employees. These uniforms shall only be those specified in official list. Care should be taken not to wear threadbare or faded items.

Badges shall be displayed on the outermost garment over the left breast.

Shoes and boots shall be cleaned and polished. Free of holes and rips.

All other leather /duty gear and duty equipment shall be black in color and well maintained.

Uniform Hats: shall be worn squarely upon the head so that the visor provides adequate protection for the eyes without interfering with the vision of the officer.

Department issued baseball style hats are authorized and must be kept clean and orderly.

Black knit caps are authorized for inclement weather, or with approval of the Shift Supervisor.

Earrings, Ear posts, or Body Studs of any size or shape pose a safety hazard and shall not be worn by sworn personnel while on duty. This includes any visibly pierced body part(s). Bandages shall not be worn to cover any of the above in lieu of removing such item(s).

Jewelry

Officers may wear no more than two rings per hand (wedding and engagement rings worn together are considered as one). Rings, especially those on the trigger finger(s), must not interfere with safe and proficient operation of weapons.

Officers may wear one bracelet per arm (with the exclusion of memorial bands and medical alert bracelets) that is of conservative size and appearance, does not include charms or other attachments and would not interfere with duty requirements or create a safety risk.

Necklaces and neck chains of small diameter are permitted if they do not hold multiple or lengthy attachments, can be worn under the officer's uniform, and would not create a safety risk.

Pins or Medallions not specifically authorized in writing by the Chief of Police shall not be worn upon any part of the uniform.

Fingernails

Fingernails shall be clean, neatly cut at all times and not extend more than one-quarter inch beyond the fingertip.

Jewelry or ornamentation on fingernails is prohibited.

Cosmetics

Makeup shall be conservative and natural looking and applied so as to blend with skin tone. Heavy makeup for eye lids and face is not permitted, nor are false eyelashes of unusual length or color.

Dental Ornamentation

The use of gold, platinum, silver, or other veneer caps for the purpose of ornamentation is prohibited.

Teeth, whether natural, capped, or veneered, shall not be ornamented with designs, logos, jewels, initials, etc.

Unnatural shaping of teeth for nonmedical reasons is prohibited.

Personal Appearance Standards

Personal Hygiene: Personnel are required to maintain themselves in a manner consistent with normally accepted standards of personal and oral hygiene.

Personal Grooming – Male Officers

Hair: Hair must be even on the sides and back. No hair shall lap over or curl over the ears or shirt collar of the uniform. Hairstyles cannot interfere with the wearing of the uniform headgear.

Sideburns: Maximum length of sideburns shall be to the bottom level of the ear lobe. No flair (mutton chops). Sideburns must be evenly tapered, cut parallel to the ground, and can be no wider than one (1") inch.

Facial Hair

It is each officer's personal responsibility to ensure facial hair is properly maintained at all times so as to not interfere with personal protective equipment such as gas masks. Officers issued masks must check the fit regularly to ensure a proper seal when it is needed

Facial hair shall be neatly trimmed, shall not exceed one inch in length, shall not extend more than one inch below the jaw bone and must be of natural color.

Personal Grooming – Female Officers

Hair: Female officers shall wear their hair not to exceed the back collar line of the uniform shirt. Hair must be worn outside the uniform shirt and must not extend below the "yoke line.

Hair shall not be cut or worn in a manner that could potentially obstruct or restrict vision.

Wearing of Department issued headgear and/or emergency equipment. Hair may be pulled back in the form of a "ponytail" or in the style of a "braid". Multiple braids are allowed; however, braids may not contain beads or brightly colored bands.

All "ponytails" or "braids" shall be grouped to the back of the head and centered as best as possible. Overall length of the "ponytail" or "braid" shall not extend below the back collar line of the uniform shirt.

Hair shall not exceed three (3) inches in an outward manner from the head. This measurement in no way refers to allowing hair to extend or drop to the back collar line of the shirt.

Only those items necessary to hold hair in place may be worn. These items shall not be decorative in nature and shall not be made of material that could increase the risk of injury. Accessories should be of a natural hair color, neutral color or colors consistent with the uniform (dark blue or black). Accessories should not be shiny or extreme in color so as to jeopardize the safety of the officer. Bows and ribbons shall not be worn.

Hair must be clean, neatly groomed and of a natural color. Hair may be styled and worn in a prudent manner and must follow specifications outlined in this section.

Wigs: Shall be worn in a manner consistent with hair appearance standards as specified in section regarding "Hair".

Body Art or Modification

Intentional, non-medical body modification that cannot be concealed or eliminated, such as split tongues, gauged piercings, and facial implants, is prohibited. Any additional piercings that cannot be concealed by clothing, such as those in the tongue, nose, lip, etc., must be removed while on duty or in uniform.

Tattoos, Brandings, or Intentional Scarring

The Chief of Police has the authority to order personnel to cover tattoos that they deem as presenting an unprofessional appearance. Personnel shall cover the tattoo with either a flesh tone, navy blue or white type material that matches the uniform shirt or wear a long sleeve shirt.

Tattoos, brandings, or intentional scarring are not permitted on the face, neck, ears, or scalp. Exceptions may be made for female employees for permanent makeup (e.g., eyeliner, lip liner) that conforms to the makeup guidelines found in this policy

Tattoos, brandings, or intentional scarring that are gang related; convey sexual, racial, religious, ethnic, or related intolerances; promote a partisan political statement or expression; or portray derogatory or offensive characterizations contrary to the values of this department are prohibited.

Plainclothes Supervisor/Detective/Civilian Clothing: Employees required to wear civilian clothing during a tour of duty shall wear such clothing that permits free movement to safely and effectively perform any physical duties associated with police work. The clothing should not be restrictive and hinder the officer's efforts to draw their service weapon. Clothing shall be neat, clean and conservative in appearance. On a temporary basis or for specific assignments the Chief of Police, or designee, may authorize changes to this policy

Plainclothes Officers shall be in business casual dress as approved by their Captain. Neckties, sport jackets, suits, dresses are optional or required at the discretion of the unit commander.

Name Tags:

All uniformed members of the Department shall wear the issued nametag for external body armor. This shall consist of first name initial and last name, and be worn above the right breast pocket.

Name Tags shall be worn above the right breast pocket, centered on and parallel to the top seam of the pocket flap, on all jackets, coats and shirts associated with the class A uniform.

Sewn or stitched nametags are permitted on a patrol polo, but prohibited on class A uniform items.

Tie Clasps:

Shall be positioned between the third and fourth button of the shirt, from the top, so as to clasp the tie to the shirt. Only issued tie clasps are acceptable.

Badge Holders:

Sworn members of the Department when assigned to plainclothes duty shall:

While on duty, clip said badge holder to trousers, belt or other suitable area of a garment, where it is visible and readily observed.

When participating in any official police capacity where identification as a police officer is necessary, officers will immediately affix the badge and holder to the most visible part of an outer garment. In cases where mere identification is required, the badge shall be displayed for such time as to reasonably satisfy requirements that an officer has properly identified themself.

Departmental Commendations/Decorations:

Officers who have been awarded departmental commendations/decorations may wear them positioned 1/4" above and centered on the nametag over the right breast pock of the uniform shirt or outer garment.

Cloth Sewn Badges:

This type of badge is prohibited on all class A uniform items.

Manner of Dress for Court Appearances:

Sworn personnel may wear the uniform of the day, or professional business attire. No special duty patrol uniform may be worn to court.

Uniforms, Off Duty:

Sworn personnel shall not wear the uniform off duty except

When traveling to and from duty;

Employed at a departmentally approved off duty job, or

with approval from the Chief of Police.

Available for Emergencies:

All sworn personnel shall be prepared to report for duty attired in a complete and proper uniform.

Non-Sworn Employees – Manner of Dress:

Employees are to wear clothing that conforms to standards of clothing normally worn by office personnel in private business, being in good repair, neat and clean. No articles of clothing with gaudy design, cartoons or slogans, or similar decorations will be permitted (no flip flops or thong type footwear). Casual work wear (jeans) will only be worn with approval from a Captain or the Chief of Police.

Supervisory Responsibilities For Dress Code Compliance:

Supervisors shall ensure that sworn Department employees comply with these standards. Department supervisors shall conduct a visual inspection daily to assure that their subordinates are in compliance with all dress code requirements. When a sworn employee fails to comply with these standards, supervisors and commanding officers shall ensure that corrective action is taken.

Uniform/Equipment Issuance, Repair or Replacement Procedure:

The Captain will issue initial equipment.

If equipment requires repair or replacement, the officer issued the equipment will notify their immediate supervisor. The officer then may retrieve the needed item from storage and shall notify their Supervisor by email of the exchange. If the equipment needed is not available, the officer will notify their supervisor, by email, of the need to order a replacement.

A supervisor will accept all uniforms and equipment turned in when an employee resigns or is terminated and will determine if any uniform or equipment items can be returned to service and issued to another employee.

Authorized Personal Equipment Not Issued by the Agency

The following equipment is authorized for carry by uniformed personnel but is not provided by the Lander Police Department:

Pocket knife

Key holder

Additional flashlight

Additional handcuff case

Glove pouch

Cell phone holder

Alternative radio holder

Additional items approved by the Chief of Police

USE OF FORCE

PURPOSE

To establish Lander Police Department's guidelines and limitations concerning the appropriate and acceptable use of deadly and non-deadly force.

POLICY

It is the policy of the Lander Police Department to provide clear procedures to sworn officers regarding the use of force in the performance of their duties. The safety of innocent persons and officers is of paramount importance. A Lander Police Department Officer's use of force is generally guided by this General Order and Wyoming state laws including Wyoming Statute §6-2-602.

~~The main responsibility of Department officers is to protect the life and property of civilians. In compliance with applicable law, officers shall use only the amount of force necessary and reasonable to accomplish lawful objectives and to control a situation, effect an arrest, overcome resistance to arrest, or defend themselves or others from harm. When force is necessary, the degree of force employed should be in direct relationship to the amount of resistance exerted, or the immediate threat to the officers or others. There is a compelling public interest that officers authorized to exercise the use of force do so in an objectively reasonable manner and in a way that does not violate the civil rights guaranteed by our Constitution and applicable law. Officers who use excessive or unjustified force degrade the confidence of the community that they serve, undermine the legitimacy of a police officer's authority, and hinder the Department's ability to provide effective law enforcement services to the community.~~

It is the policy of the Lander Police Department that officers shall use only the amount of force that is objectively reasonable to accomplish a lawful objective, based on the totality of the circumstances known to the officer at the time. Officers shall employ de-escalation techniques whenever safe and feasible to reduce the need for force. Deadly force is authorized only when the officer reasonably believes it is necessary to protect the officer or another person from an imminent threat of death or serious bodily harm. Following any use of force, officers shall immediately render or summon medical aid when safe to do so and promptly notify a supervisor. All uses of force shall be fully documented in writing, reported through the chain of command, and subject to supervisory and command review for compliance with Department policy, training, and applicable law

Officers who use excessive or unauthorized force shall be subject to discipline, possible criminal prosecution, and/or civil liability. The use of force is only authorized when it is objectively reasonable and for a lawful purpose. Accordingly, the Department will thoroughly review and/or investigate all uses of force by officers to ensure compliance with all legal requirements and this policy.

Any officer who observes another officer using force that is clearly beyond what is objectively reasonable, or engaging in unlawful conduct, has a duty to intervene when it is safe and feasible to do so. Intervention may include verbal commands, physical redirection, or promptly notifying a supervisor. Officers also have an affirmative duty to report misconduct, including excessive force, violations of law, or breaches of Department policy, through the chain of command as soon as practicable. Such reports shall be documented and investigated in accordance with Department procedures. Retaliation against any officer who intervenes or reports misconduct in good faith is strictly prohibited and shall itself constitute a disciplinary offense.

DEFINITIONS

Actively Resisting: When a subject makes physically evasive movements to interfere with an officer's attempt to control that subject; including bracing, tensing, pulling away, actual or attempted flight, or pushing.

Authorized Weapons: Weapons that meet Department specifications and officers are permitted to carry; and for which officers successfully complete proficiency and safety training.

Critical Firearm Discharge: A discharge of a firearm by a Lander Police Department officer to the extent such discharges are authorized under this policy, Range and training discharges, and discharges at animals are not included under this section.

Deadly Force: Any physical force that can reasonably be expected to cause death or serious physical injury. Officers must understand that deadly physical force is an extreme measure and should only be used in accordance with the law and as stated in this policy and other policies governing the use of force.

De-escalation: A decrease in the severity of force used in an incident in direct response to a decrease in the level of resistance. De-escalation is also a tactic designed to place officers in a position of advantage when dealing with irrational, unpredictable, or suicidal persons. De-Escalation helps officers stay focused and calm during crisis situation to bring chaotic moments to as peaceful a resolution as the suspect will afford without risking the safety of the officer or suspect.

Electronic Control Weapon: An incapacitating weapon used for subduing a person by administering an electric shock for the purpose of disrupting superficial voluntary muscle functions. This is an intermediate-range weapon and is classified as non-deadly.

Exigent Circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

Force: Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm or pointing a firearm at or in the direction of a human being, use of chemical spray, use of impact weapons, use of electronic control weapons (ECW), chokeholds or hard hands, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is objectively reasonable under the circumstances to effect an arrest, prevent escape or protect the officer or other person.

Great Bodily Harm/Serious Physical Injury: Serious bodily injury that creates a substantial risk of death, causes serious or permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

Hard Hand Control: Impact oriented techniques that include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to subdue a subject and include strikes to pressure points such as: the common peroneal (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck).

Defensive strikes are used by officers to protect themselves from attack and may include strikes to other areas of the body, including the abdomen or head. Techniques in this category include pressure point controls, stunning or striking actions delivered to a subject's body with the hand, fist, forearm, legs, or feet. These techniques target the major muscle groups and are delivered to create muscle cramping, thereby inhibiting muscle action and allowing the officer to subdue the subject. In

extreme cases of self-defense, the officer may need to strike more fragile areas of the body where the potential for injury is greater. The use of neck restraints, chokeholds, or other similar weaponless control techniques, however, are prohibited unless the use of deadly force is authorized.

Harm: Injury inflicted upon a person, whether visible or not.

Imminent Threat: An officer's reasonable perception of impending danger, death, or serious injury from any action or outcome that may occur during an encounter. A subject may pose an imminent or impending threat even if they are not pointing a weapon at the officer but has, for example, a weapon within reach, is running for cover carrying a weapon, or running to a place where the officer has reason to believe a weapon is available.

Impact Weapons: Department-approved tools that provide a method for gaining control of a subject when lethal force is not justified, but when empty-hand control techniques are not sufficient to effect control.

Level of Control: The amount of force that an officer uses to gain control over a subject.

Level of Resistance: The amount of force used by a subject to resist compliance with the lawful order or action of an officer.

Neck Restraint/Hold: Refers to one of the following types of holds: (a) arm-bar control hold, which inhibits breathing by compression of the airway on the neck; (b) carotid restraint hold, which inhibits blood flow by compression of the blood vessels in the neck; (c) a lateral vascular neck constraint; (d) a hold with a knee or other object to the back of a prone subject's neck. A neck restraint/hold shall be considered deadly force.

Non-deadly: Any force used by an officer that would not reasonably be expected to cause death.

Non-Verbal and Verbal Non-Compliance: When a subject expresses their intentions not to comply with an officer's directive through verbal and non-verbal means. An officer may encounter statements ranging from pleading to physical threats. Such statements may also include physical gestures, stances, and subconscious mannerisms.

Objectively Reasonable Force: The degree of force used in effecting an arrest, investigatory stop, or other seizure is evaluated by using an objective, reasonable police officer standard. The reasonableness of each particular use of force will be judged from the perspective of a reasonable officer on the scene, based on the facts and circumstances known to and confronting the officer at the time. (See, Graham v. Connor, 490 US 388 (1989).) In determining the appropriate level of force to be used, officers shall evaluate each situation in light of the unique facts and circumstances of each case. Those factors include, but are not limited to, the seriousness of the crime or suspected offense; the level of threat or resistance presented by the subject; the risk or apparent attempt by the subject to escape; and whether the subject was posing an imminent threat to officers or others.

Oleoresin Capsicum (OC) Spray: An inflammatory agent that irritates the mucus membranes and eyes to cause tears and pain. It is an intermediate range weapon that is classified as being Non-deadly. It should only be used, however, when an officer is met with a certain degree of resistance or aggression through either actions or words.

Passive Resistance: When a subject does not cooperate with an officer's commands but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.

Reasonable Belief: Facts or circumstances that would cause a reasonable, similarly-trained police officer to act or think in a similar manner, under similar circumstances.

Soft Hand Control: The use of physical strength and skill in defensive tactics to control arrestees who are reluctant to be taken into custody and offer some degree of physical resistance. Such techniques are not impact oriented and include pain compliance pressure points, takedowns, joint locks, and simply grabbing a subject. Touching or escort holds may be appropriate for use against levels of passive physical resistance.

Verbal Commands: The use of advice, persuasion, warnings, and or clear directions prior to resorting to actual physical force. In an arrest situation, officers shall, when feasible, give the arrestee simple directions with which the arrestee is encouraged to comply. Verbal commands are the most desirable method of dealing with an arrest situation.

PROCEDURES

General

Officers shall use advisements, warnings, verbal persuasion, and verbal instructions when possible before resorting to force.

Force shall be de-escalated immediately as resistance decreases.

When feasible based on the circumstances, officers will use disengagements; area containment; surveillance; waiting on a subject; summoning reinforcements; and/or calling in specialized units, in order to reduce the need for force and thereby increase officer, suspect and civilian safety.

Officers shall allow individuals time to submit to arrest before force is used, wherever possible.

Use of Force Authorization and Limitations

Officers of the Department are authorized to use only the amount of force necessary to accomplish lawful objectives. Force may be used:

To effect an arrest or prevent the escape from custody of a person whom the officer reasonably believes has committed an offense.

To defend the officer or others from the use, or imminent use, of physical force.

To take persons into protective custody when authorized by law, such as persons who are a danger to themselves or others, and/or runaway children.

To prevent someone from committing suicide or inflicting serious physical injury upon themselves.

To assist a licensed physician or psychologist in providing necessary medical treatment

To control a situation, and to overcome passive or active resistance to a lawful order.

To neutralize an unlawful assault and defend themselves or others from harm.

The authorized use of physical force ends when resistance ceases and/or the officer has accomplished the purpose necessitating the use of force. Justification for the use of force is limited to the facts known or perceived by the officer at the time such force is used, including levels of resistance, suspect's behavioral cues, the number of officers and/or offenders present, and the availability of other options.

Force shall never be used to subject a person to torture and/or other cruel or inhumane or degrading treatment or punishment.

All sworn personnel shall receive annual in-service training on all Department use of force policies.

Verbal Warning

When tactically feasible, an officer will identify themselves as a police officer and issue verbal commands and warnings prior to the use of force. When feasible, an officer will allow the subject an opportunity to comply with the officer's verbal commands. A verbal warning is not required in circumstances where the officer has to make a split- second decision, or if the officer reasonably believes that issuing the warning would place the safety of the officer or others in jeopardy.

Use of Deadly Force in Defense of Human Life

An officer is justified in using deadly physical force only when they reasonably believe such force is necessary to:

Defend the officer, or a third person, from the imminent threat of death or serious bodily injury.

Effect an arrest or prevent the escape from custody of a person whom they reasonably believe has committed, or attempted to commit, a felony involving the infliction or threatened infliction of serious physical injury; AND the officer reasonably believes this person still poses a significant threat of death or serious physical injury to the officer or other persons. Where feasible, the officer should give warning of the intent to use deadly physical force.

See, Tennessee v. Garner, 471 U.S.1, 85 (1985.): The United States Supreme Court ruled that the use of deadly force to prevent the escape of a suspected felon violates the Fourth Amendment prohibition against unreasonable seizure if used against an apparently unarmed, non-violent suspect (the case involved a burglary suspect). The Supreme Court further stated that deadly force may be used against an offender who has attempted or committed an offense involving the infliction or threatened infliction of great bodily harm. Deadly force may not be used against an unarmed, non-violent, property crime offender. The United States Supreme Court decision went on to state that when an officer is justified in the use of deadly force he will, if feasible, first give a verbal warning. (Example: "Police Officer, Halt").

Deadly Force Restrictions

Warning Shots Prohibited

Officers are prohibited from discharging their firearms as a means of warning or frightening a person.

Shooting at or from Moving Vehicles

Officers are prohibited from discharging their firearms at or from a moving vehicle, motorcycle, or bicycle (collectively, "moving vehicle") unless officers reasonably believe deadly force is necessary to defend the officer or a third person from the use, or imminent use, of deadly force. For purposes of this policy, officers will not discharge their firearms at moving vehicles except under extreme circumstances. Such discharges will be rigorously scrutinized. Officers shall, as a rule, avoid tactics that could place them in a position where a vehicle could be used against them. When confronted with an oncoming, moving vehicle, officers must attempt to move out of its path, when possible, and should generally avoid placing themselves in situations where the use of deadly force is more likely.

Risk to Innocent Bystanders

When officers are about to discharge their firearms they should be aware of their field of fire, including the backdrop, so as to avoid creating an unnecessary, substantial risk of harm to innocent persons. Officers are prohibited from discharging their firearms when, based on the totality of the circumstances, discharging a firearm would constitute a greater risk to innocent human life than the subject's actions. (i.e. discharging a firearm into a crowd, or shooting into a building or through a wall, where the subject is not clearly identified and it is unknown if there are other occupants present.)

Pointing Weapons

Officers are prohibited from drawing and pointing their firearms at or in the direction of a person, absent an objectively reasonable determination that the situation may escalate to the point where deadly force would be authorized under this policy. When it is determined that the use of deadly force is not necessary, officers shall, as soon as practicable, secure or holster their firearms. It is the rule of this Department that drawing a firearm and pointing it at a target is considered a use of force and must be documented as such.

Use of Firearm to Destroy Animals

Officers may use deadly force against an animal that represents a threat to the officer or to public safety. Whenever possible, officers should seek the permission of their supervisor prior to using deadly force against a dangerous animal.

Deadly force may also be used as a humanitarian measure, where an animal is seriously injured, and humaneness demands its immediate removal from further suffering. Officers should seek the authorization of their supervisor and, whenever practical, authorization from the animal's owner.

Use of Department Weapons for Training and Other Purposes

Officers may discharge their firearms for the purpose of practice, firearms training, when on the police range or other established shooting ranges, or when authorized by the Chief of Police to participate in law enforcement competition events.

Use of Firearms While Under the Influence of Alcohol and/or Drugs

Officers shall not carry or use any firearms or weapons while impaired by alcohol, drugs, or any other medical condition that might interfere with their judgment or proficiency.

Security, Storage, and Safe Handling of Firearms

Officers shall be trained in accordance with Department guidelines and shall obey all safety rules when handling any firearm or any other weapon. No person other than Lander Police Department officers shall be permitted access to any Department-owned firearm, with the exception of police officers from other jurisdictions in the official performance of their duty; for repair or maintenance as approved by the Department; or other circumstances with the express permission of the Chief of Police.

Officers will secure and store firearms, both on and off duty, in such a way as to ensure that no unauthorized person will have access to or gain control over the firearm. All Department firearms kept at home must be secured in a safe place inaccessible to family members, especially children.

Whenever an officer is in the Department and removes their handgun or other weapon, the item must not be left in the open and must be secured so that it is not readily accessible to civilians, suspects, victims, or witnesses.

Use of Non-deadly Force

Officers shall only use weapons and control techniques, in the performance of their responsibilities both on and off-duty, that are issued and/or approved for use by the Department. The use of non-deadly force shall be limited to defensive and control purposes. Officers shall use only the reasonable amount of force necessary to overcome resistance or accomplish the police task. The use of non-deadly force shall conform to applicable Department Standards of Conduct, policies, procedures, and training. Officers shall not carry any non-deadly weapons, or employ any Non-deadly techniques, prior to successfully completing the relevant Department-approved training for each weapon or technique.

Authorization to Use Non-deadly Force

Officers are authorized to use Department approved, non-deadly force techniques and authorized weapons to:

Prevent the escape from custody, or to effect a lawful arrest, of a person whom the officer reasonably believes has committed an offense; or

Protect or defend the officer or others from what they reasonably believes to be active resistance while effecting or attempting to effect an arrest, or while preventing or attempting to prevent an escape.

> *NOTE: Nothing in this policy is intended to discourage officers from using a higher level of force whenever such force is necessary and objectively reasonable under the circumstances.*

Non-deadly Force Restrictions

The following tactics of Non-deadly force may be permitted in circumstances only when deadly force is authorized by this policy:

The intentional use of a chokehold or other method of restraint applied to the neck area of another person is prohibited, unless the use of deadly force is authorized. This includes, but is not limited to: (1) carotid artery hold; (2) lateral vascular neck restraint; and (3) neck restraint or hold with a knee or other object;

Any chokeholds or neck restraints, with or without a device, that restricts a person's airway;

Any strike with an impact weapon or object to a person's head or neck; and/or

Any use of flashlights, radios, or any other items not issued or trained specifically as defensive weapons.

In limited circumstances when a confrontation escalates suddenly and unpredictably, however, an officer may use any means or device at hand such as a flashlight, radio, and other issued equipment, to defend themselves, another person, or to bring a situation under control. This decision should be based on the circumstances surrounding the officer at the time, if the officer determines it was reasonably necessary to do so, as long as the level of defensive action is objectively reasonable given the existing circumstances.

Force shall not be used against persons in handcuffs, except as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons, to prevent attempted escape, or, as objectively reasonable, where physical removal is necessary to overcome passive resistance.

Impact Weapons

Authorized impact weapons may be used only when an officer is confronted with actual or imminent active aggression against themselves or another person.

The use of a baton or similar instrument to strike a blow to a subject's arms or legs will be considered use of Non-deadly force. The use of any such items to intentionally strike a subject's head or neck is prohibited except where deadly force is authorized by this policy.

Oleoresin Capsicum (OC Spray)

Authorized OC spray is an alternative to physical control techniques and the use of other intermediate weapons. As with any other use of force, however, OC spray must not be used indiscriminately or without justification. Officers must be able to articulate the reason(s) the subject was sprayed with OC spray.

OC spray shall be utilized as issued and authorized to prevent injury to the subject(s), officers and others. (See General Order 3.03 Chemical Weapons for specifics regarding the authorized use of an OC spray.)

Electronic Control Weapon

An Electronic Control Weapon (i.e., TASER®) is authorized for use when other Non-deadly options have been ineffective, or when it reasonably appears that such options will be ineffective in subduing the subject. Electronic Control Weapons shall only be used in situations where the subject is actively resisting or attempting to avoid arrest by escape and poses an imminent threat to the safety of themselves, another person, or the officer. (See General Order 3.02 Electronic Control Weapons for specifics regarding the authorized use of an electronic control device.)

Training and Qualifications

In addition to training required for firearms qualification (See General Order 3.07 Firearms), officers shall receive Department authorized training designed to simulate actual situations and conditions and, as otherwise necessary, to enhance officers' discretion and judgment in using deadly and Non-deadly force in accordance with this policy.

Only Lander Police Department personnel who have demonstrated proficiency in the use of Lander Police Department-authorized weapons will be approved to carry such weapons. All Lander Police Department personnel authorized to carry any Lander Police Department-authorized lethal or less lethal weapons shall receive instruction on the weapon, Lander Police Department Use of Force policies and all applicable state and federal statutory and case law prior to approval to carry such weapons.

All training and proficiency, including remedial training, will be documented.

All officers shall, at least annually, receive in-service training for all lethal weapons and training in the Department's Use of Force Policy and related case law updates. All training and proficiency will be monitored by a certified instructor.

All officers qualified in the use of impact weapons, OC spray, electronic control weapons, and control techniques shall, at least every two years, re-qualify on such weapons or techniques under the instruction of a certified instructor.

Training and proficiency results for any authorized weapon will be documented in the training files. Officers must demonstrate proficiency with weapons in compliance with POST Standards and Training Commission requirements.

All officers who fail to demonstrate the required proficiency with Department issued weapons shall receive remedial training. Remedial instruction for Department issued firearms shall follow the Department's Firearms Policy.

An officer failing to demonstrate proficiency with a weapon shall not return to duty with that weapon until such time as proficiency is demonstrated and documented.

Only officers demonstrating proficiency in the use of Department authorized weapons shall be approved to carry such weapons.

Provide Medical Aid

Any time a person has visible injuries or complains of being injured as a result of force used against them by an officer, the officer must take appropriate actions to provide medical care for the injured person as quickly as reasonably possible following any law enforcement action. This includes providing first aid, and/or requesting emergency medical services, and/or arranging for other

transportation to a hospital or emergency medical facility when obvious sever injuries have occurred, medical distress is apparent, or he individual is unconscious.

Officers shall be trained in proper treatment procedures for persons exposed to chemical sprays and the effects of other less-lethal force. If the person is offered and/or refuses treatment, this refusal shall be recorded in the police report, along with all relevant information. In addition, the officer will also notify their supervisor as soon as practical. If warranted, the supervisor will arrange to have photographs taken of the person's injuries and those photographs will be attached to the police report.

Use of Force Reporting

The Department shall establish a use of force reporting system that allows for the effective review and analysis of all Department use of force incidents. The reporting system shall be designed to help identify trends, improve training and officer safety, and provide timely and accurate information to the Department. Employees shall complete the appropriate Departmental Use of Force Report form whenever they use force as described below:

The discharge of a firearm for other than training or recreational purposes;

Any action that results in or is alleged to have resulted in, injury to or the death of another person;

The officer applies force through the use of lethal or less-lethal weapons; or

The officer applies weaponless physical force above the level of non-resistant handcuffing.

Officer's Responsibilities:

When an officer finds it necessary to use force to affect an arrest, or for any other law enforcement purpose, whether on duty or off-duty, that officer shall:

Notify a Supervisor of the incident as soon as circumstances allow.

Complete a Use of Force Report Form, which shall list all other employees involved in or witnessing the incident.

All Use of Force Reports must be completed and forwarded to the Shift Supervisor, or designee, as soon as practical after the incident. Sergeants will be held responsible to see that this form is completed prior to the officer leaving their tour of duty. However, when special circumstances exist, such as those incidents resulting in the death or serious injury of a person, the Chief of Police may grant an extension, on a case-by-case basis, and assign an alternate date and time for use of force reports to be completed and submitted.

Shift Supervisor's Responsibilities

When a use of force incident occurs, the Supervisor, has the primary responsibility to make certain that all necessary Use of Force Report Forms are properly completed, reviewed for accuracy, and submitted as required by officers under their command. The Supervisor will sign the report and forward it to the Chief of Police.

If the use of force involves an officer who did not report to a Patrol Supervisor at that time, the officer's Unit Supervisor shall review and sign the Supervisory portion of the report. Supervisors involved in a use of force incident will forward the Use of Force Report Form to the next level of command not involved in the incident.

When an on-duty or off-duty employee has been involved in a use of force incident, which has resulted in death or serious injury to any person, the Supervisor will immediately report the incident

to the Chief of Police, via the chain of command. This also includes those cases where any firearm is accidentally or purposefully discharged which results in injury or death to any person.

Office of the Chief of Police

The Chief of Police will review each Use of Force Report Form to determine:

Whether the action was consistent with policy and procedure;

Whether the action warrants further administrative review/investigation; and

Recommendations on equipment upgrades, training, and/or policy issues, if applicable.

The Chief of Police may confer with Department instructors/trainers who specialize in the field of force used, as needed. The Chief of Police will be informed about any incident that may not be consistent with policy and procedure or indicates the action warrants further administrative review/investigation.

In all cases where an officer's action is determined to be a violation of this General Order but not a violation of state law, this distinction shall be made clear in all public discussion of such incidents and in any disciplinary action which may result.

The Chief of Police will conduct an annual analysis of all "Use of Force" incidents and Department practices and policies.

The date and time of incidents;

The types of encounters resulting in use of force;

Trends or patterns related to race, age and gender of subjects involved;

Trends or patterns resulting in injury to any person including employees; and

The impact or findings on policies, practices, equipment and training.

The instructors involved in use of force training for Lander PD will conduct an annual review of all assaults on law enforcement officers to determine trends or patterns, with recommendations to enhance officer safety, revise directives or address training issues.

In any incident where an employee's action or use of force in an official capacity results in death or serious physical injury such employee will be removed from line duty assignment pending an administrative review.

Maintenance and Accountability for Weapons:

The Department Armorer will maintain a list of all approved weapons and ammunition that will be made available to all employees. The armorer will also maintain inventory reports for all weapons authorized by the agency and update inventories annually. This includes any specialized weapons or ammunition utilized by agency personnel taking part in regional or tactical operations.

All weapons will be inspected by a qualified armorer or weapons instructor for proper functionality prior to issuance to an officer. Only weapons and ammunition authorized by the agency may be used by agency personnel in the performance of law enforcement duties both on and off-duty.

At each training session for lethal or less lethal weapons, the armorer or instructor will conduct an inspection of all weapons assigned to each officer present and confirm that:

The weapons are properly assigned to the officer carrying the weapon;

That the weapons (lethal and less- lethal) are in working order; and

That inventory records accurately reflect weapons assigned to individual officers.

The procedures listed above will also apply to any weapons authorized by the agency for off-duty carry.

Whenever a Department weapon is found to be unsafe or not functioning properly, it will be immediately turned in by the officer and the officer will be issued a replacement. The Department Armorer will maintain an inventory of replacement firearms and assure such firearms are available for issuance when needed

The Department Armorer will maintain record on each weapon issued or approved by the department. Such record will include, but is not limited to:
Serial Number;
Officer to whom the weapon is issued;
Date of Issue;
Inspection data;
Maintenance data; and Date weapon was returned to the department.

ELECTRONIC WEAPONS CONTROL

PURPOSE

The purpose of this policy is to establish guidelines and limitations for the Lander Police Department ("Department") sworn police personnel for the training and use of an Electronic Control Weapon ("ECW").

POLICY

The policy of the Lander Police Department is to use only that amount of force reasonably necessary to effect an arrest, control a situation, or defend themselves or others from harm. The Department recognizes that combative, non-compliant, armed, and/or violent subjects cause handling and control problems that require specialized training and equipment. Thus, the Department has adopted a less lethal force philosophy to assist with the de-escalation of potentially violent confrontations. Consistent with this philosophy, the Department is authorizing the use of department owned, maintained, and issued Electronic Control Weapons to trained sworn personnel.

DEFINITIONS

Active Resistance: When a subject makes physically evasive movements to interfere with an officer's attempt to control that subject; including bracing, tensing, pulling away, actual or attempted flight, taking an aggressive or fighting stance, or pushing.

AFID Cartridge Tracking: TASER International's Anti-Felon Identification (AFID) system enforces accountability for each use of a TASER Weapon via the dispersal of tiny unique, coded tags every time the Weapon is fired. These small, confetti-like, micro-dot identification tags expelled from the cartridge contain the serial number of the cartridge fired allowing the department to identify the unit that deployed the AFID.

Data Port: A mechanism that stores the downloadable time and date of any discharge of the ECW.

Deployment: Includes removal of the ECW from the holster and specifically targeting an individual, as well as any use of an ECW against any person, including the illumination of the laser sight onto an individual.

Drive Stun: When the ECW is applied directly to pressure points on the body for a pain compliance technique.

Electronic Control Weapon ("ECW"): An incapacitating, intermediate weapon used for subduing a person that administers an electric shock for the purpose of disrupting superficial muscle functions. The ECW is an intermediate weapon that is classified as less lethal. The weapon should only be used when an officer is met with a certain degree of resistance or aggression through either actions or words.

Electronic Control Weapon Coordinator (ECWCO): A Lander Police Department Taser instructor charged with the responsibility for overseeing the training, deployment, and maintenance of an ECW.

Force: Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm or pointing a firearm at or in the direction of a human being, use of chemical spray, use of impact weapons, use of electronic control weapons (ECW), chokeholds or hard hands, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is objectively reasonable under the circumstances to effect an arrest, or protect the officer or other person.

Less Lethal Force: Any force used by an officer that would not reasonably be expected to cause death.

Passively Resisting: When a subject does not cooperate with an officer's commands but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.

Spark Test: A test conducted to ensure the ECW is functioning properly and that all batteries and electronic components are performing adequately

Standard Cycle: A standard cycle is five seconds.

TASER® Electronic Control Weapon: A weapon that uses pulses of electricity to incapacitate subjects. The weapons are designed to deliver up to a 50,000-volt charge with low power and can incapacitate at a distance. Two metal probes connected by thin insulated wires are propelled by nitrogen gas into the targeted subject. An electrical signal is transmitted through the wires to where the probes attach to the body or clothing, resulting in an immediate loss of the person's neuromuscular control, and the ability to perform coordinated action for the duration of the impulse. Once the connection is made, electrical pulses are conducted through the wires for several seconds. The electrical pulse delivered by ECW incapacitates subjects by causing the muscles to contract, resulting in the loss of body control. The weapon may, in limited circumstances, also be discharged as a contact weapon based on training and the officer's need to bring an incident under control.

USE OF FORCE STANDARDS

The following are applicable use of force standards directly related to the deployment of the ECW:

The use of an ECW involves the application of force.

Each application of an ECW involves an additional use of force.

Multiple applications of an ECW cannot be justified solely on the grounds that a subject fails to comply with a command, absent other indications that the subject is about to flee or poses an immediate threat to an officer.

Any decision to apply multiple applications of an ECW must take into consideration whether a subject is capable of complying with the officers' commands.

The ECW is not intended to replace the use of firearms when deadly physical force is necessary, but rather to provide a less lethal alternative within the guidelines of the Department's Use of Force Policy

PROCEDURES FOR USE OF ELECTRONIC CONTROL WEAPON

Sworn Personnel Responsibilities:

An ECW shall be carried in accordance with the manufacturer's recommendations and Department training. Sworn personnel will be issued the Taser® 10. Sworn personnel issued an ECW shall:

Carry the ECW in a Department approved holster on the opposite side of their firearm, or on their exterior carrier with the cartridge attached, while working their assigned shifts and/or functions. Officers not assigned to uniformed patrol may be authorized to utilize other Department-approved holsters and carry the device consistent with Department training.

Point the ECW in a safe direction when loading, unloading, or testing the weapon.

Prior to each tour of duty, the officer will spark test the ECW for the purpose of a functionality test.

Visually and physically inspect the ECW and cartridges at the beginning of their shift.

Officers will secure and store the ECW, both on and off duty, in such a way as to ensure that no unauthorized person will have access to, or gain control over, the ECW.

Any Department ECW kept at home should be secured in a safe place inaccessible to family members, especially children.

If spare cartridges are issued, they shall be stored and carried in a manner consistent with training, and the cartridge replacement consistent with the manufacturer's expiration requirements.

Whenever an officer removes his/her ECW, the item must not be left in the open, and must be secured so that it is not readily accessible to civilians, subjects, victims, or witnesses.

Any discharge of an ECW must be immediately reported to a shift supervisor.

All Department ECWs will be carried on duty with one duty cartridge loaded in the ECW.

Permitted Use:

Sworn personnel are permitted to use an ECW in accordance with training in the following instances:

An ECW should only be used against subjects who are actively resisting in a manner that, in the officer's judgment, is likely to result in injuries to themselves or others.

To incapacitate a subject who poses a threat of physical injury to himself/herself.

An ECW may be used when an officer is engaged in a physical confrontation with a combative individual and attempts to control the subject by lower levels of force, or tactics are ineffective or impractical given the circumstances. See the Department's Use of Force Policy for clarification.

Against aggressive animals that pose a threat of physical injury to officers or others.

To display an ECW "test arc" or "painting the subject with the ECW laser" to attempt to gain compliance of the subject where resistance, assault, and/or violence is reasonably anticipated.

During Department authorized training programs and/or demonstrations.

Prohibited Use:

The ECW shall not be used:

Against a subject who is passively resisting the lawful commands of the officer.

Against a female who the officer knows, or reasonably believes, is visibly pregnant, unless deadly force is the only other option

Against a person who the officer knows, or reasonably believes, to be under the age of ten (10) or over the age of seventy (70), due to the potential for falling when incapacitated, unless the encounter rises to a deadly force situation.

Against a person who is at an elevated location where a fall may cause substantial injury or death.

In an area where it is likely that the subject may drown or suffer significant secondary injury.

Against handcuffed persons unless they are actively resisting or exhibiting aggression, and/or to prevent individuals from harming themselves or others.

Against an operator in physical control of a vehicle in motion, including automobiles, trucks, motorcycles, ATVs, bicycles, and scooters, unless exigent circumstances exist.

Against a subject who is in close proximity to a flammable gas or liquid. (e.g. a meth lab, where gasoline is stored, alcohol-based OC Spray, etc.).

To rouse unconscious, impaired, or intoxicated individuals.

For horse play or in an unprofessional manner.

To experiment on a person or allow a person to experience the ECW, even if the person requests it, when the ECW's use would not otherwise be allowed under this policy. This ECW experience does not apply to voluntary ECW training exposures or ECW demonstrations as authorized by the Department.

Officers should not intentionally activate more than one ECW at a time against a subject.

For illegal purposes (e.g. illegal coercion, torture, etc.).

Note: It is Lander Police Department policy that officers who use excessive force will be subject to discipline, possible criminal prosecution, and/or civil liability.

Deployment

When deploying an ECW, officers will make every effort to comply with the following directives, when reasonable:

A command for compliance and a warning should be given prior to targeting an individual with the ECW. The subject should be given time to comply with an officer's verbal command unless to do so would place the officer or any other person at risk. This directive serves a dual purpose: to seek compliance from the subject, and to let other officers who are present know that the ECW is being deployed, so that the activation of the ECW will not be mistaken, by sight or sound, as a firearm discharge.

When feasible, alert other law enforcement officers present that you are about to deploy an ECW by saying "Taser, Taser". This statement will prepare the officers for the ECW deployment and help prevent sympathetic weapon discharges.

When aiming the ECW at a subject, officers should adhere to the manufacturers preferred target zones whenever reasonably possible. Officers should take into consideration the capabilities and limitations of the ECW whenever employing it at close quarters. An ECW should be aimed by use of the aiming laser(s) when possible. Fixed sights shall be used when the laser sight(s) are ineffective or as a secondary aiming tool.

Upon discharging the device, the officer shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective.

To minimize the number of ECW discharges necessary for subject compliance, officers should, while deploying and immediately after deployment of the ECW, clearly and reasonably order the subject as the incident mandates. Such verbal commands may include, "stop resisting, lie flat, put hands behind your back," etc.

The device may also be deployed in certain circumstances in a "drive stun" mode. Deployment of the ECW in drive stun mode, from a policy perspective, is no different than a cartridge deployment. It is important to note that when the device is deployed in this manner, it is primarily a pain compliance tool: is minimally effective compared to a conventional cartridge deployment; and is more likely to leave marks on the subject's skin.

Whenever possible the ECW shall be deployed using a back-up officer to assist with handcuffing or providing cover.

The subject should be secured as soon as practical while disabled by the ECW to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure. Personnel should deploy the ECW for one standard cycle and then evaluate the situation to determine if subsequent cycles are necessary. Each application of the ECW should be independently justifiable. Officers should only deploy the ECW to the extent necessary to gain control of the subject.

The subject shall be handcuffed as soon as safe; which may be prior to, during or after deployment.

As soon as the subject is compliant, and the situation is under control, a supervisor shall be notified of the use of force.

Post ECW Deployment Medical Attention

Any subject against whom an ECW is deployed shall be evaluated by qualified medical personnel. Qualified medical personnel include medical professionals including medical doctors, licensed nurses, or EMS first responders. The Department must also be cognizant of any medical regulations or guidelines regarding ECW's asserted by any medical authority having jurisdiction over the agency in whose jurisdiction the ECW is deployed.

Lander Police Department officers certified to carry the ECW and properly trained to remove prongs that have embedded just below the surface of a subject's skin in targeted areas may do so. Any other removal of prongs should occur by qualified medical personnel (EMS). Consideration shall be given for EMS removal or transport to a medical facility prior to prong removal from a sensitive area (e.g., face, head, female breasts, male groin).

Following exposure to an ECW, all persons shall be medically cleared by EMS when taken into custody and the scene is safe, or transported to a hospital for examination if appropriate. Individuals shall be monitored on an ongoing basis for onset of secondary symptoms of distress after medical clearance.

Evidence Collection

Once the subject has been controlled, and the need for medical care has been evaluated, officers will collect all evidence resulting from Taser discharge. Officers are reminded of the importance of respecting human dignity and privacy, taking steps to avoid embarrassment, and preserving confidentiality regarding the subject's medical treatment. Whenever feasible, the following items will be secured as evidence:

ECW Probes;

Cartridges;

Wire Leads; and

Sampling of AFIDS (Anti-Felon Identification)

When lawful and appropriate, photographs should be taken of the probe impact sites and any other related or secondary injuries as soon as reasonably possible.

In some instances, however, photographs may not be taken. Such as, in certain juvenile cases, or when probes impacted the suspect's genitals, female breasts, etc. It is important to preserve evidence of ECW use; however, it is also important not to violate any medical or privacy statutes or other legal restrictions. Should officers receive a formal patient medical record in lieu of photograph, a records release form authorized by the medical professional must accompany the medical record.

The ECW cartridges and probes used shall be processed and logged in as evidence. Officers shall wear latex gloves when handling the probes as they may have blood on them (biohazard).

Deployed ECW wires shall be wrapped around the expended cartridge. The probes shall be placed "barbs" first into the portals from which they were fired to prevent sharp ends from penetrating the evidence envelope. Tape should be placed over the portals to secure the probes in the cartridge.

A minimum of two (2) AFIDs will be placed inside the evidence envelope along with the expended duty cartridge, if able to be located. The identification number from the AFIDs shall be logged on the Use of Force Incident Report.

The ECW shall then be turned over to the department ECW Coordinator, or his/her designee, for downloading of all stored firing and video/audio data.

Reporting Required

After deploying an ECW, the officer must notify a supervisor as soon as it is practical to do so.

After deployment of an ECW, the officer who discharges the ECW shall comply with all reporting and investigation requirements outlined in G.O. 3.05-Reporting and Investigating Force, and shall include:

The facts and circumstances which dictated the officer's use of force;

Commands given to the subject;

Manner in which the subject refused to comply;

Witnesses to the discharge of the ECW;

Number of discharges, and length of each;

Location of probes on the subject's body;

Extent, if any, of the subject's injuries;

Description of first aid provided; and

The name of the supervisor notified, and time of such notification.

In addition, the officer who discharges the Electronic Control Weapon shall complete an incident report, "Use of Force Report Form," and an Administrative Review form and submit same through his/her supervisor.

The ECW Coordinator will be notified of any deployment for discharge tracking purposes.

Supervisory Responsibilities

Supervisors shall:

Ensure trained personnel, who are issued and carry the ECW, comply with this policy while working their assigned shift.

Immediately respond to any scene in which the ECW has been deployed.

Secure the expended cartridge with probes and the ECW for data download. Arrange to have the weapon delivered to the ECW Coordinator for downloading of firing and video recording data from the ECW.

Department commanders and supervisors shall comply with all reporting and investigation requirements outlined in the Department's Reporting and Investigating Force Policy, and shall conduct an investigation, including:

Identifying and obtaining reports from all officers involved;

Identifying and interviewing witnesses;

Ensuring that photographs are taken of the probe penetration sites and any secondary injuries (caused, for example, by falling to the ground, etc.);

Obtaining a data port download for all ECWs deployed in the incident; and

Entering all evidence into the Department's evidence and recovered property inventory system to ensure proper chain of custody.

Review the circumstances surrounding the use of the ECW to determine if the use of, or deployment of, the ECW was in compliance with policy and procedure. Supervisors must also prepare the Administrative Review Form that includes a determination of whether the use of the ECW is consistent with this policy;

Assemble and forward copies to the appropriate Division Commander an information package that includes: the officer's incident report, Use of Force Report Form, Administrative Review Form, witness statements, photographs, the ECW data download, body-worn and in-car camera audio/video, if available, and the collection of AFIDS.

The Division Commander will prepare an overview of the incident and confer with the Chief of Police for administrative review of the incident.

Data Download

When an ECW incident occurs, personnel shall present the weapon to a EWC coordinator for firing and video recording data download, prior to the end of shift, when possible. A copy of the firing data download shall be attached to the Use of Force Report Form. If the Taser firing data download is not available, a notation shall be made on the Use of Force Report Form. However, the ECW coordinator shall forward the download data when it is available.

Every three months (January 1, April 1, July 1, October 1), the ECW Coordinator or, if assigned to do so by the ECW Coordinator, Department TASER Instructors are responsible for downloading the data stored on Department personnel's Taser chip for the previous three-month period.

Each Taser has an internal tracking chip. This chip will store the time and date of the last 2000 times the trigger was engaged on the Taser. The Taser shall be checked for regular spark testing.

The ECW Coordinator or department TASER Instructors can retrieve the information stored on the data chip by connecting to the data port on the rear of the weapon and downloading the information into our current computer system.

The downloaded information will be stored under the control of the Electronic Control Weapon Coordinator.

ELECTRONIC CONTROL WEAPON COORDINATOR

The Chief of Police will designate a Taser Instructor to serve as the ECW Coordinator ("ECWCO").

The ECWCO is responsible for maintaining the equipment and records associated with the deployment of the Department's ECW.

The ECWCO will be given time to log ECWs, cartridges, and replacement batteries, and maintain an ECW and cartridge inventory, or access to inventory records.

The ECWCO will:

Be responsible for review, inspection, approval and issuing of ECWs and cartridges, and ensure they are recorded in the ECW/cartridge log prior to employee usage. The ECWCO will record the serial number of each issued ECW.

Ensure cartridges are replaced before their expiration date.

Conduct data port downloads when requested by investigating supervisors or Command Staff

Maintain overall responsibility for coordination of the purchase, repair, replacement of ECW's and cartridges, and the removal of any unsafe ECW's.

TRAINING AND CERTIFICATION

ECW Authorization: Officers are required to successfully complete training on the functionality of the ECW and the Department's policy on its use prior to issuance of the weapon. Only trained and qualified Department officers may carry and/or use an ECW.

ECW Training: All members of the Department who carry and/or use an ECW must first successfully complete a Department approved and mandated ECW familiarization program, including written and practical tests as well as the Department's Use of Force policies. No officer may carry an ECW without first successfully completing the training. All ECW training, including remedial training will be documented.

ECW Re-Certification: A mandatory annual re-certification program must be successfully completed. Officers who fail to attend training and allow their certification to elapse will not be authorized to carry the ECW. Remedial training may be authorized for officers who fail to demonstrate ECW proficiency.

Certified Instructors: All Department ECW certification programs will be presented by a Taser International, Inc. certified (or equivalent) ECW instructor.

Training Records: The Department shall maintain ECW training and certification records.

Annual Audit: The lead UOF instructor will conduct an annual audit of ECW training records to ensure all officers carrying an ECW have met proficiency training. The designee will submit a report to the Chief of Police with his/her findings.

Annual Review: The Chief of Police will annually guide a review of the training curriculum along with the EWCO and revise it as necessary. A final report will be submitted to the Chief of Police confirming the annual review and updates, if any.

MAINTAINING THE ECW

The ECWCO's responsibilities during the annual retraining session:

Check the cartridge expiration date.

Check the remaining percentage of battery life.

Inspect the ECW for any potential wear and tear or maintenance issues.

Officer's responsibilities:

Carry the ECW in the supplied holster, or in an otherwise approved holster purchased by the officer.

Spark test prior to each tour of duty for the purpose of a functionality test.

Ensure the batteries of the TASER are properly charged.

Replace cartridges before their expiration date.

Extra cartridges should not be carried in pockets due to the risk that static electricity could cause an unintentional discharge of the cartridge.

CHEMICAL AGENTS

PURPOSE

The purpose of this General Order is to establish guidelines and procedures governing the usage of a chemical agent by Lander Police Department personnel while performing their duties.

POLICY

The policy of the Lander Police Department ("Department") is to use only that amount of force reasonably necessary to effect an arrest, control a situation, or defend themselves or others from harm. The Department recognizes that combative, non-compliant, armed and/or violent subjects cause handling and control problems that require specialized training and equipment. Thus, the Department has adopted the use of a non-lethal force philosophy to assist with the de-escalation of potentially violent confrontations. Any use of chemical agents must comply with the Department's Use of Force Policies.

Any Lander Police Department employee who uses a chemical agent in a manner that is found to be unlawful, excessive, or unauthorized will be subject to disciplinary actions and may be subject to civil and criminal liability.

DEFINITIONS

Active Resistance: When a subject makes evasive physical movements to interfere with an officer's attempt to control that subject. Evasive physical movements include, but are not limited to: bracing against officer actions, tensing, pulling away, or pushing.

De-escalation: A decrease in the severity of force used in an incident in direct response to a decrease in the level of resistance.

Force: Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm or pointing a firearm at or in the direction of a human being, use of chemical spray, use of impact weapons, use of electronic control weapons (ECW), chokeholds or hard hands, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is objectively reasonable under the circumstances to effect an arrest, or protect the officer or other person.

Chemical Agent: A naturally occurring compound containing an Oleoresin Capsicum (OC) formulation that irritates the eyes and causes tears, pain, and even temporary blindness in some cases. It can also cause reduced air flow due to swelling of the respiratory tract. A chemical agent is an intermediate weapon that is classified as less-lethal. It should only be used, however, when an officer is met with active resistance.

Oleoresin Capsicum (OC) Aerosol Canister: A hand-held device filled with a chemical irritant (Oleoresin Capsicum and Major Capsaicinoids) that offers a non-lethal alternative to extract or disperse actively resisting subject(s) who pose a threat of imminent physical injury to themselves or others while maintaining safe distance and reducing the risk of cross-contamination.

Passive Resistance: When a subject does not cooperate with an officer's commands but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon arrest.

PROCEDURE

Use of Force Standard

The following are applicable use of force standards directly related to the deployment of a chemical agent:

The use of a chemical agent involves the application of force.

Each application of a chemical agent constitutes a separate, additional use of force.

Multiple applications of chemical agent cannot be justified solely on the grounds that a subject fails to comply with a command, or the initial application did not reach the subject's face absent other indications that the subject is actively resisting.

Any decision to apply multiple applications of a chemical agent must take into consideration whether a subject is capable of complying with the officer's commands.

The chemical agent is not intended to replace the use of firearms when lethal physical force is necessary, but rather to provide a non-lethal alternative when reasonable to do so.

Authorization to Carry and Use a Chemical Agent

Only a chemical agent meeting the Lander Police Department's specifications and issued by the Department may be used by departmental personnel in the course of law enforcement responsibilities, both on and off duty.

The use and carry of a chemical agent is restricted to department personnel who are trained and demonstrate proficiency of use.

All personnel assigned to uniformed patrol or specialized civilian positions shall have the chemical agent readily available while on duty once they have been issued the chemical agent and have been trained in its proper use.

Permitted Use of a Chemical Agent

Department personnel are only permitted to use a chemical agent in accordance with training in the following instances:

Against subjects who are actively resisting in a manner that, in the officer's judgment, is likely to result in injuries to themselves or others.

To incapacitate a subject who poses a threat of imminent physical injury to himself/herself.

During a physical confrontation with a combative individual and attempts to control the subject by lower levels of force or tactics are ineffective.

Against aggressive animals that pose a threat of physical injury to officers or others.

During department authorized training programs and/or demonstrations.

Restrictions on Use of a Chemical Agent

Department issued chemical agents may not be used in the following circumstances:

To effect the arrest of a person that is only passively resisting (e.g., going limp, offering no physical resistance);

On individuals with frail health, young children, the elderly, women believed to be pregnant, or persons with known respiratory conditions. A chemical agent may only be used under exceptional circumstances involving an imminent danger of suffering serious bodily harm, and the use of a chemical agent is the only reasonable method to control the child or elderly in order to avoid such harm;

Once a subject complies, becomes incapacitated, or is restrained;

In crowded areas, except with supervisor approval after taking into account all of the circumstances, including possible exposure to uninvolved bystanders;

Near an open flame or flammable material

In conjunction with a Taser, or other Electronic Control Weapon;

In closed or poorly ventilated spaces;

To wake up an intoxicated individual; or

To threaten or elicit information from a person.

Verbal Commands

A verbal warning and time to allow the subject to comply, must be given prior to the use of a chemical agent, unless a warning would present a danger to the officer or others, or other exigent safety concerns can be articulated by the officer(s) using force.

Verbal commands before, during, and after the application of a chemical agent are important in order to de-escalate any situation and gain compliance and control of an actively resisting or aggressive subject.

After resistance has ceased, the subject should be reassured that he or she will receive appropriate follow-up treatment and that decontamination for the spray application is forthcoming.

Application Techniques

Initially, a two to three second discharge of the Department-issued chemical agent should be directed to the facial/upper chest area.

Direct discharge into the eyes should be avoided at distances of less than three feet.

Except in an emergency situation, do not discharge a Department-issued chemical agent when closer than three feet from the subject due to the increased risk for self-contamination or contamination of other officers at the scene.

Department personnel should move a step to either the right or left after deployment in the event the combative subject attempts to charge the last location known to the individual.

Department personnel are encouraged to have additional employees available during deployment of a chemical agent, if possible. The additional employee shall have other means of force available to them.

Additional discharges may be used if the initial burst proves ineffective and active resistance continues. Allow a brief time for the OC to take effect before additional applications. Be prepared to take other appropriate action should the spray fail to be effective.

OC Aerosol Canisters

Only properly trained and authorized Officers are permitted to deploy OC Aerosol Canisters.

Chemical Agent delivered in a throwable aerosol canister are non-flammable, non-pyrotechnic devices designed to discharge a chemical agent in a large area.

OC aerosol canisters deliver chemical agent to a large area while allowing officers to maintain a safe distance and limiting cross contamination.

OC aerosol canisters are used to extract or disperse actively resisting subject(s) who pose a threat of imminent physical injury to themselves or others. Prior to deployment, environmental factors such as wind direction, cross contamination of officers and bystanders, and secondary hazards must be considered.

OC aerosol canisters are prohibited in areas where passive resistant or nonresistant subject are located.

Officers are only permitted to deploy OC aerosol canisters if the use is approved by a supervisor.

Post-Use Decontamination and Treatment

Once the spray has been applied, and/or empty-hand techniques are being used, commands must be given to direct the now-confused and distracted subject.

Subjects should be assured that the effects of the chemical agent are temporary.

After a chemical agent has been used and the subject has been restrained and moved to an uncontaminated area, the affected areas of the subject should be flushed with water within 20 minutes, absent exceptional circumstances. The assistance of medical personnel should be used for this process when possible. As soon as it is safe to do so, the subject exposed to the chemical agent should be moved out of a prone (face-down) position.

Subjects should be asked if they suffer from any respiratory diseases or problems, such as asthma, bronchitis or emphysema. If a subject displays respiratory problems, the subject should be exposed to fresh air if possible and medical attention should be sought immediately.

While transporting a subject to a place of detention or medical facility, the subject's condition should be monitored for signs of breathing difficulty, nausea, or other physical discomfort through activation of the in-car video system. A subject should never be left unattended until the effects of the chemical agent have completely diminished, or the individual indicates that they have fully recovered from the effects of the spray.

Under normal circumstances, all symptoms should disappear within thirty to forty-five minutes. If the symptoms persist beyond forty-five minutes, medical attention should be sought immediately.

Forty-five minutes after use of a chemical agent, subjects shall be inspected to determine whether or not additional decontamination or first aid measures are required.

Booking Facility personnel shall be informed when a subject has been sprayed with a chemical agent.

Department personnel shall comply with requests from jail personnel if they believe additional medical attention is needed for the subject.

Training and Certification in the Use and Operation of a Chemical Agent

Each Lander Police Department employee who has been issued a chemical agent as part of the official equipment must be duly trained and certified as a user by certified instructors prior to carrying or using the weapon. Department personnel shall only carry Department-issued chemical agents.

In order to meet the quality standards, all trained department personnel shall be recertified every two years

All training, including remedial training, shall be documented.

Reporting Required

After deploying a chemical agent, the employee shall notify a supervisor as soon as it is practical to do so.

After deployment of a chemical agent, the employee who discharged the spray shall comply with all reporting and investigation requirements outlined in the Department's Reporting and Investigating Force Policy, and shall include:

The facts and circumstances which dictated the employee's use of force;

Commands given to the subject, including any appropriate warning;

Manner in which the subject refused to comply;

Targeted area (face, upper torso or other)

Witnesses to the discharge of a chemical agent;

Number of discharges, and approximate length of each;

Estimated distance at which a chemical agent discharge(s) occurred;

Extent, if any, of the subject's injuries;

Description of first aid provided;

The name of the supervisor notified; and

Approximate time of such notification.

Supervisory Responsibility

Department supervisors shall comply with all reporting and investigation requirements outlined in the Department's Reporting and Investigating Force Policy..

Any misapplication or misuse of a chemical agent is subject to disciplinary action, along with criminal and civil liability.

IMPACT WEAPONS

PURPOSE

The purpose of this General Order is to establish rules and procedures for the training, carrying, and use of impact weapons. The batons are authorized and issued impact weapons to be used for an officer's personal defense, and for controlling a subject who is actively resisting an officer's attempts to lawfully control him. The Lander Police Department's use of force is governed by Federal and Wyoming law, including, but not limited to, the Constitution of the United States.

POLICY

The policy of the Lander Police Department ("Department") is to use only that amount of force reasonably necessary to effect an arrest, control a situation, or defend themselves or others from harm. The Department recognizes that combative, non-compliant, armed and/or violent subjects cause handling and control problems that require specialized training and equipment. Thus, the Department has adopted the use of a non-lethal force philosophy to assist with the de-escalation of potentially violent confrontations. Any use of an impact weapon must comply with the Department's Use of Force Policy.

Any police officer who makes an unlawful, excessive, or unauthorized use of an impact weapon will be subject to disciplinary actions and may be subject to civil and criminal liability.

DEFINITIONS

Active resistance: The actions of a subject who makes physically evasive movements to interfere with an officer's attempt to control that subject. These movements may include bracing, tensing, pulling away, or pushing.

Authorized weapons: The weapons that Department officers are permitted to carry, which meet Department specifications, and for which officers demonstrate proficiency and successfully complete training.

Deadly Force: Any physical force that can reasonably be expected to cause death or serious physical injury. Officers must understand that lethal physical force is an extreme measure and shall only be used in accordance with the law and as stated in this policy and other policies governing the use of force.

De-escalation: A decrease in the severity of force used in an incident in direct response to a decrease in the level of resistance encountered.

Force: Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm or pointing a firearm at or in the direction of a human being, use of chemical spray, use of impact weapons, use of electronic control weapons (ECW), chokeholds or hard hands, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is objectively reasonable under the circumstances to effect an arrest, or protect the officer or other person.

Harm: Injury inflicted upon a person, whether visible or not.

Imminent Threat: An officer's reasonable perception of impending danger, death, or serious injury from any action or outcome that may occur during an encounter. A subject may pose an imminent or impending threat even if s/he is not pointing a weapon at an officer but, for example, has a weapon

within reach, is running for cover carrying a weapon, or is running to a place where an officer has reason to believe that a weapon is available.

Impact Weapons: Department-approved tools that provide methods for gaining control of a subject when lethal force is not justified, but when empty-hand control techniques are not sufficient to effect control. These weapons should only be used when an officer is met with active resistance. The various batons authorized and/or issued by the Department are impact weapons.

Non-Deadly Force: Any force used by an officer that would not reasonably be expected to cause death.

Passive Resistance: When a subject does not cooperate with an officer's commands but does not take action to prevent being taken into custody. For example, a protestor who lies down in front of a doorway and must be carried away upon request.

Serious Bodily Injury: Injury that causes death or creates a substantial risk of death; permanent harm to health, disfigurement, or permanent loss of functions of any organ in the body; or injury that results in treatment at a medical facility. Note: minor treatment such as eye-washing, cleansing, and bandaging; evaluation with no injury discovered; etc., will be evaluated on a case-by-case basis by a supervisor, and absent extenuating circumstances, may not be designated as serious bodily harm.

PROCEDURES

Equipment and Training

Officers may carry and use only Department issued and approved impact weapons. Any impact weapon purchased by a member of the department must be of a type the Department has authorized and approved.

Collapsible, friction-lock or straight baton similar to the ASP

Straight baton, non-collapsible for civil disturbance or riot events

Authorized personnel shall train officers in the use and handling of the issued and approved impact weapons.

Officers shall not carry or use impact weapons until properly trained and certified and until they can demonstrate proficiency with such weapons.

Patrol officers and first-line supervisors shall carry an impact weapon when wearing their uniform in public (on duty). Impact weapons shall be carried in a holster or carrying device specifically designed for such purpose.

Use of the Impact Weapons

Officers may deploy impact weapons in response to active resistance. Officers may also use impact weapons to assist with restraining subjects or applying escort holds, consistent with Department training.

Officers must adhere to a progressive use of force theory to determine the degree of force that may be used. It is important to consider:

the severity of the crime involved;

the threat level encountered; and

the level of resistance by the subject.

Officers shall use only the minimum degree of objectively reasonable force necessary to gain control of the situation, given the totality of circumstances and environment. Any use of impact weapons must comply with the Lander Police Department's Use of Force policies. Officers are reminded that use of force is only authorized when it is objectively reasonable and for lawful purposes.

Officers are obligated to de-escalate their use of force as the subject's resistance and immediate threat decreases.

Officers should deploy strikes to appropriate target areas in a manner consistent with training.

Officers must avoid extreme levels of force which may cause serious bodily harm when striking a subject with an impact weapon, except when the circumstances justify using such force because of imminent danger of serious bodily harm and the officer is acting in self-defense or in the defense of others.

Body Areas Vulnerable to Impact Weapon Strikes with Less Likelihood of Causing Serious Bodily Harm

Impact weapons should be used in a manner consistent with training in order to cause the minimum possible harm, by contacting pressure points, nervous centers, and any other area where the bones are close to the skin, especially the limbs.

Vulnerable areas less likely to cause serious bodily harm as identified in Diagram 1 as Green and Yellow target areas (see Diagram)

Body Areas to be Avoided by Impact Weapon Strikes

The following are considered potentially fatal impact spots and should not be intentionally targeted with an impact weapon unless lethal force is justified, consistent with Department policy and the law. The following areas are identified as red target areas in Diagram 1:

Any area of the head/ neck

Spinal area

Kidney area

Solar plexus or celiac plexus (sternum, abdominal and cardiac trauma)

Verbal Commands

A verbal warning and time to allow the subject to comply must be given, prior to the use of an impact weapon, unless such warning would present a danger to the officer or others.

Verbal commands before, during, and after the use of an impact weapon are important in order to de-escalate any situation and gain compliance and control of an actively resisting subject.

Medical Aid

Any subject against whom an impact weapon is used, who is visibly injured or complains of injury, shall be evaluated by qualified medical personnel. Qualified medical personnel include medical professionals such as medical doctors, licensed nurses, or EMS first responders.

Training

Only those officers specifically trained, assigned, and authorized by the Chief of Police shall carry or utilize impact weapons. Officers must be trained and certified every two years by a certified instructor or trainer.

Based on the training requirements of the Iowa Law Enforcement Academy (ILEA), officers will be required to demonstrate proficiency with impact weapons as well as knowledge of the laws and this Department's policies concerning the use of force. All training including remedial training will be documented.

Reporting Responsibilities

Any member using an impact weapon to apprehend, control, or restrain a subject shall:

Notify his shift supervisor, and

Complete a Use of Force Report form as required by General Order 3.05, Reporting and Investigating Force.

Responsibility of Supervisors

As outlined in the Reporting and Investigating Force Policy, a supervisor must respond to the scene of the incident and conduct an investigation when an impact weapon has been used on a subject.

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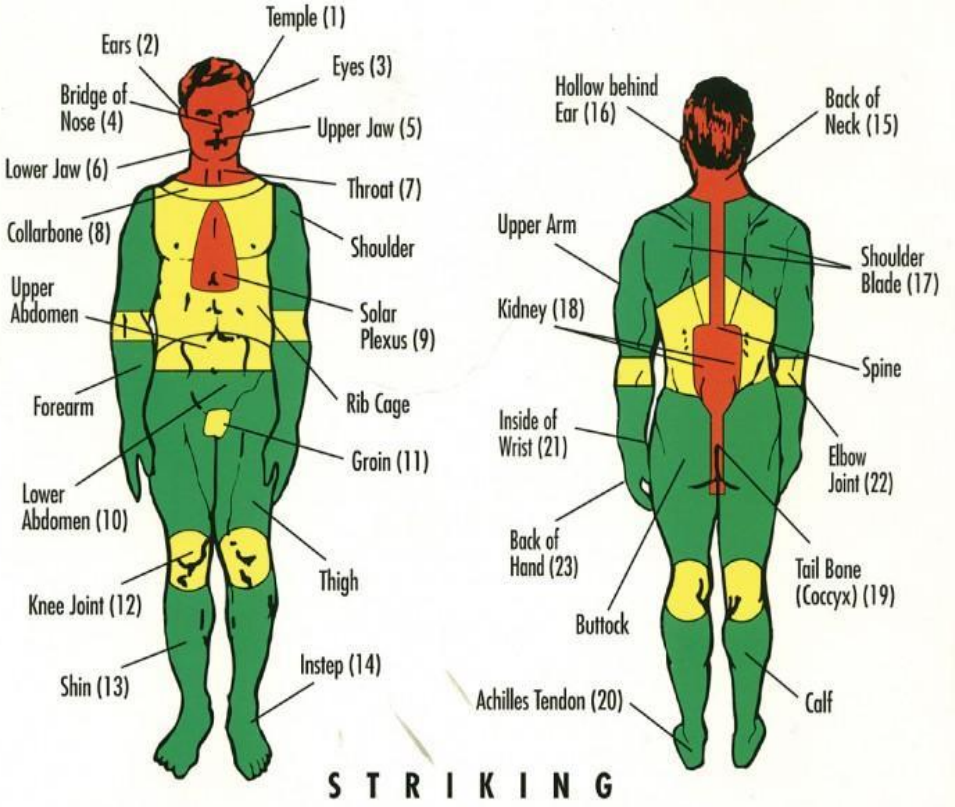
BATON CHART

Escalation Of Trauma By Vital And Vulnerable Striking Areas



STRIKING

GREEN TARGET AREAS	YELLOW TARGET AREAS	RED TARGET AREAS
REASONING: Minimal level of resultant trauma. Injury tends to be temporary rather than long-lasting, however exceptions can occur. Except for the HEAD, NECK, and SPINE, the whole body is a Green Target Area for the application of baton blocking and restraint skills.	REASONING: Moderate to serious level of resultant trauma. Injury tends to be more long-lasting, but may also be temporary.	REASONING: Highest level of resultant trauma. Injury tends to range from serious to long-lasting rather than temporary and may include unconsciousness, serious bodily injury, shock or death.

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REPORT AND INVESTIGATION FORCE

PURPOSE

The purpose of this policy is to provide Lander Police Department officers and their supervisors with guidelines for reporting and investigating use of force incidents.

POLICY

The authority to use force carries with it the need for accountability in order to safeguard the rights of the public and preserve the integrity of the Lander Police Department ("Department"), as well as the jurisdiction that provides this authority. To protect citizens and employees, the Lander Police Department is committed to documenting and investigating all use of force incidents. As such, it is this Department's policy that officers report ALL use of force incidents, as designated herein, in a timely, complete, and accurate manner, as prescribed by this policy. Any officer, who uses force, is a witness to a use of force incident, or who authorizes conduct leading to the use of force incident, shall not be allowed to conduct the review/investigation.

DEFINITIONS

Critical Firearm Discharge: When an officer discharges a firearm. Range and training discharges, and discharges at animals, are not included under this section.

Deadly force: Any physical force that can reasonably be expected to cause death or serious physical injury.

Exigent Circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

Force: Any physical strike or instrumental contact with a person; any intentional attempted physical strike or instrumental contact that does not take effect; or any significant physical contact that restricts the movement of a person. The term includes the discharge of a firearm, or pointing a firearm at or in the direction of a human being, use of chemical spray, use of impact weapons, use of electronic control weapons (ECW), chokeholds or hard hands, taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with minimal or no resistance. Use of force is lawful if it is objectively reasonable under the circumstances to affect an arrest or protect the officer or other person.

Harm: Injury inflicted upon a person, whether visible or not.

Hard Hand Control: Impact oriented techniques that include knee strikes, elbow strikes, punches, and kicks. Control strikes are used to subdue a subject and include strikes to pressure points such as: the common peroneal nerve (side of the leg), radial nerve (top of the forearm), or brachial plexus origin (side of neck).

Headlock/Head Control: An officer's attempt to control a subject's head that does not involve restraint of the neck or restriction of the airway or blood flow.

Non-Deadly force: Any use of force not intended to cause, nor likely to cause, death or serious bodily harm.

Objectively Reasonable Force: The degree of force used in effecting an arrest, investigatory stop, or other seizure is evaluated by using an objective, reasonable police officer standard. The reasonableness of each particular use of force will be judged from the perspective of a reasonable officer on the scene, based on the facts and circumstances known to and confronting the officer at

the time (See, Graham v. Connor, 490 US 388 (1989)). In determining the appropriate level of force to be used, officers shall evaluate each situation in light of the unique facts and circumstances of each case. Those factors include, but are not limited to, the seriousness of the crime or suspected offense; the level of threat or resistance presented by the subject; the risk or apparent attempt by the subject to escape; and whether the subject was posing an imminent threat to officers or others.

Reportable Use of Force: All force used above non-resistant compliant handcuffing, with the exception of an incident involving drawing a firearm at low ready position, which, in itself, is not considered to be reportable. Handcuffing individuals to objects is a reportable use of force.

Resisted Handcuffing: When a person actively resists being placed in handcuffs and the officers must use "soft hand controls" to gain compliance by forcibly moving the subject's wrists or arms, or to physically maneuver the subject's body so the handcuffs can be applied. The "resistance" may range from an active struggle to a person simply "locking" their arms to prevent compliant handcuffing. Conversely, "unresisting (cooperative) handcuffing" occurs whenever the subject complies with the officer's verbal commands and/or willingly allows the officers to position their arms in order to apply handcuffs, or the subject positions their arm as commanded for the application of handcuffs.

Serious Bodily Injury: Injury that causes death or creates a substantial risk of death, permanent harm to health, disfigurement, permanent loss of functions by any organ in the body, or results in treatment at a medical facility. Note: minor treatment such as eye-washing, cleansing, and bandaging; evaluation with no injury discovered; etc., will be evaluated on a case-by-case basis by a supervisor, and absent extenuating circumstances, may not be designated as serious bodily harm.

Serious Use of Force: Any action by an officer that involves: 1) the use of deadly force, including all critical firearm discharges; 2) a use of force in which the person suffers serious bodily injury, or requires hospital admission; 3) a canine bite; and 4) the use of chemical spray or electronic control weapon against a restrained person.

Soft Hand Control: The use of physical strength and skill in defensive tactics to control arrestees that are reluctant to be taken into custody and offer some degree of physical resistance. Such techniques are not impact-oriented and include pain compliance pressure points, takedowns, joint locks, and simply grabbing a subject. Touching or escort holds may be appropriate for use against levels of passive physical resistance.

Supervisor: A supervisor includes personnel at the rank of Sergeant and above who are assigned responsibility for supervising officers of a lower rank.

Weapon: Any instrument, article or substance, including a vehicle, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or other serious bodily injury.

PROCEDURE

Responsibility for Reporting

Officers shall, as soon as possible, notify their shift supervisor of any Level 1 Reportable use of force. In all cases, the notification shall be made by the end of the officer's shift.

Officers shall immediately notify their shift supervisor following any Level 2 or 3 Reportable use of force.

Officers shall complete a Use of Force Report Form and case report immediately following all reportable uses of force.

The completed Use of Force Report Form shall be submitted to the shift supervisor prior to the officer's completion of their tour of duty. When completing the report, officers are also required to provide a written report explaining the details of the event. The following additional procedures shall apply:

Each officer who uses force shall submit a separate written Use of Force Report Form and case report. The officer must articulate, in specific detail, the facts and circumstances surrounding the force used.

Any officer who witnesses a reportable use of force shall advise a shift supervisor, or appropriate commanding officer, and shall submit required reports.

If an officer uses force on more than one subject during the same event, the officer shall complete one Use of Force Report Form.

If an officer is unable to complete the report due to injury, the officer's immediate supervisor will complete it to the extent possible, by the end of that tour of duty.

A reportable use of force shall be reviewed and investigated by a supervisor of a higher rank than the officer using force (the reporting officer).

All use of force reports shall specify the actions of the suspect that necessitated the use of force, the reasons why the officer(s) used force, as well as any suspect or officer complaints of injury, medical treatment received, or refusal of medical treatment.

The arresting officer shall notify transporting officers if force was used on the arrestee or if the arrestee has an injury or complains of pain.

Shift supervisors shall investigate and report any reportable use of force as directed in Section D of this policy.

Any officer(s) who engages in or witnesses a reportable use of force but fails to notify a shift supervisor and/or fails to complete the form as outlined by this policy, shall be subject to disciplinary action.

A supervisor who uses force, authorizes the use of force, authorizes conduct leading to the use of force, or is a witness to the use of force shall not be allowed to conduct the investigation.

Officers who are the subject of an allegation of excessive force shall immediately notify a shift supervisor so that they may document the incident as a citizen complaint. The supervisor shall investigate the incident in accordance with applicable policies.

Force Levels

Level 1:
A firearm is intentionally displayed at a person;
A weaponless defense technique is applied to a vulnerable area, excluding strikes (e.g., hair grab, pressure to mastoid or jaw line; and shoulder muscle grab).
An on-duty firearm discharge to dispatch an injured animal; or
A weaponless defense technique control hold is applied:
Escort (elbow);
Twist lock;
Arm-bar; or
Bent-wrist.
NOTE: Un-resisted handcuffing is not considered a reportable use of force.

Level 2:

A chemical agent is applied to a person.
The use of an ECW involving any of the following circumstances:
When one or more probes impacts or penetrates the subject's clothing or skin;
When the push stun arc touches the subject's clothing or skin; or
An ECW is fired at a person, but misses.
Any impact weapon, including specialty impact munitions, or any other instrument is used in an attempt to strike another person but no contact is made.
The impact weapon is used for a non-striking purpose (e.g., prying limbs, moving, or controlling a person).
A weaponless defense technique, other than control holds, excluding strikes to the head. Examples include:
Hand/palm/elbow strikes;
Kicks;
Leg sweeps; and
Takedowns.
An on-duty firearm discharge at an animal, other than to dispatch an injured animal.
Any strike to the head (except for an intentional strike with an impact weapon).
Use of impact weapons, including specialty impact munitions or any other object, to strike a subject and contact is made, regardless of injury.
A police canine bites the clothing or the skin of a subject, or otherwise injures a subject.
Any use of force which results in, or alleged to have resulted in, injuries to the subject requiring emergency medical treatment (beyond first-aid) or hospital admittance.
Note: For the purposes of this order, an evaluation by a medical professional to assess a complaint of injury is not emergency medical treatment.

Level 3:
Any use of force resulting in death.
Any critical firearm discharge regardless of injury.
Any force which creates a substantial risk of causing death;
Any force which causes serious bodily injuries as identified in this policy.
Any intentional impact weapon strike to the head.
Any use of a chokehold or neck restraint.
Any use of force investigation that is elevated to a Level 3 by a Sergeant or other supervisory personnel.

Referral/Transport for Medical Attention
Arresting and transporting officers shall ask prisoners, against whom force was used, whether they are injured or ill.
A suspect shall be examined by a physician or qualified health care provider prior to interrogation or prisoner processing for purposes of detention when suffering from, or complaining of, injury or illness or when, among other instances, the individual:
Is struck on the head or other body parts with an impact weapon or other hard object;
Is restrained about the neck or throat;
Is sprayed with a chemical agent;
Is subject to an ECW application;
Is struck with any non-lethal weapon projectile such as an ECW dart, bean bags, pepper ball, or stingball; or
Is bitten by a police canine.
An injured prisoner shall not be admitted to, or held in, detention without being examined and released by a physician or qualified health care provider.
Whenever there is doubt concerning the need for medical attention, it should be resolved through examination of the subject by a physician or qualified health care provider.

Refusal of treatment shall be documented and verified by the officer and attending physician or qualified health care provider.

Supervisory Responsibilities

General:

The Supervisor, after being notified of a Level 2 or 3 use of force, shall immediately respond to the scene and conduct a preliminary investigation into the use of force.

The supervisor, after being notified of a Level 3 Officer Involved Shooting, shall follow the procedures set forth in General Order 3.10: Officer Involved Shooting.

While at the scene of a Level 2 or 3 use of force, the supervisor shall visibly inspect the subject(s) for injury, interview the subject for complaints of pain, and ensure that the subject receives needed medical attention.

While at the scene of a Level 2 or 3 use of force, the Supervisor will photograph or videotape all claimed or visible injuries, and all areas where the officer reports striking the subject. Photographs of the subject shall be taken even when there are no signs of injury.

The Supervisor shall, within a reasonable amount of time after being notified of a reportable use of force, obtain a case number from Dispatch.

Level 1 Use of Force
When notified of a Level 1 use of force, the shift supervisor shall do the following:
Document and review the officers Use of Force Report Form;
Obtain, review, and sign the completed Use of Force Report Form from each officer prior to the end of the tour of duty;
Evaluate the basis for the use of force and determine whether the officer's actions were within Department policies; and
Forward a copy of the signed completed Use of Force Report Form to their commanding officer prior to the end of the tour of duty.
The commanding officer shall review the Use of Force Report Form and associated case report(s) and the supervisor's findings and:
If necessary, return the report to the shift supervisor to correct any identified deficiencies; or
Approve the report and forward to the Chief for filing within 15 calendar days.
The Chief of Police may in their discretion return the Level 1 use of force investigation to the supervisor for further review and investigation.

Level 2 Use of Force
When notified of a Level 2 use of force the supervisor will respond to the scene on a priority basis and shall do the following:
Document, as necessary, the scene of the incident;
Interview any physician or qualified health care provider concerning the injuries sustained and their consistency with uses of force reported;
Collect or cause to be collected all evidence of use of force;
Identify and interview witnesses other than officers as appropriate;
Obtain, review, and sign the completed Use of Force Report Form from each officers prior to the end of the tour of duty;
Summarize their investigation and findings.
Forward a copy of the signed completed Use of Force Report Form and associated case report(s) to the Patrol Division Lieutenant prior to the end of the tour of duty; and

The Chief of Police shall review a supervisor's Level 2 reports/reviews within thirty (30) calendar days.
The Chief of Police shall review all Level 2 Use of Force Investigations and findings made by the supervisor.

Level 3 Use of Force
In cases involving a Level 3 or a serious use of force as defined by this policy, the supervisor shall:
Immediately respond to and secure the scene;
Insure that officers and citizens receive appropriate medical attention;
Notify the dispatch that an officer has been involved in a confirmed Level 3 use of force;
Document, as necessary, the scene of the incident;
Secure, or cause to be secured, all evidence of use of force for appropriate processing by the investigative units;
Identify witnesses, both officer and civilian, and insure that they are segregated for interview by investigating units; and
As soon as possible, secure the weapon(s) used by the involved officer(s).

Dispatch will immediately notify the Chief of Police. The Chief of Police will initiate an Internal Affairs investigation to determine whether the officer(s) followed Department policy.

The supervisor, after being notified of a Level 3 officer involved shooting, shall follow the procedures set forth in General Order 3.10: Officer Involved Shooting.

Patrol Division Commander

Ensure that the supervisors respond to the scenes of reportable use of force as required.

Review Use of Force investigations submitted by the immediate supervisor, and:

Verify that all applicable Use of Force Report Forms and accompanying paperwork were submitted within the specified timelines;

Ensure that the Use of Force Report Forms and accompanying paperwork were reviewed and signed by the immediate supervisor; and

Verify that the use of force is reported accurately and completely, and that all information concerning the incident/arrest is consistent in all reports.

Where there are discrepancies between the reports, or the Supervisor determines that further investigation is required, they shall return the investigation to the appropriate supervisor for corrections, clarification, and additional investigative steps as needed.

Once the investigation is approved, determine the disposition for each allegation of use of force:

Justified, Within Department Policy: A use of force is determined to be justified, and during the course of the incident the subject officers did not violate a Department policy;

Justified, Policy Violation: A use of force is determined to be justified, but during the course of the incident the subject officers violated a Department policy;

Justified, Training Opportunity: A use of force is determined to be justified, no Department policy violations occurred, but the investigation revealed tactical error(s) that could be addressed through non-disciplinary, tactical improvement training; or

Not Justified, Not within Department Policy: A use of force is determined to be not justified, and during the course of the incident the subject officer violated Department policy.

The Patrol Division Commander shall submit findings and conclusions to the Chief within fifteen (15) working days after receipt of the investigative case file from the investigating supervisor.

The Chief shall hold supervisors accountable for the quality of their performance reviews and investigations.

Appropriate non-disciplinary corrective action and/or disciplinary action will be taken when a supervisor fails to conduct a timely and thorough investigation, neglects to recommend appropriate corrective action, or neglects to implement appropriate corrective action.

Raid and Warrant Situations

Each officer who uses force will fill out a separate reportable use of force report form including pointing of firearms at subjects during raids, or execution of search and/or arrest warrants.

Officers are advised that the reportable use of force report does not take the place or substitute for the completion of an Incident Report. An incident report should be prepared and the incident report number must be included in the Use of Force Report Form.

The use of force investigations shall be conducted in accordance with and pursuant to applicable Department policies.

Training

The Department shall coordinate and review all use of force policies and training to ensure quality, consistency, and compliance with applicable law and Department policy. The Department shall provide the appropriate training that will enhance the abilities of supervisors to conduct effective, complete, and thorough use of force investigations.

Annual Report Analysis

The Patrol Division Commander is responsible for conducting an annual analysis of all use of force reports and providing the Chief of Police and all operational units with report findings. At a minimum, the analysis will identify the following factors:
Date and time of incidents;
Types of encounters resulting in uses of force;
Trends or patterns related to race, age and gender of subjects;
Trends or patterns resulting in injury to any person including employees; and
The impact of findings on policies, practices, equipment and training.

Annual Analysis of Assaults on Sworn Officers

In conjunction with the Annual Analysis of Use of Force Reports for the previous calendar year, the Patrol Division Commander shall conduct an annual analysis of all assaults on sworn officers to determine trends or patterns, with recommendations to enhance officer safety, revise policy or address training issues; all predicated upon real data from field-based incidents. Criteria to be analyzed shall include:
date and time of incident;
summary of the incident;
race, gender and age of subject(s) involved;
officer(s) involved;
type of initial call;
presence of multiple officers;

prior history of arrestee;
injuries sustained by officer and or subject, including medical treatment received;
type of assault sustained (weapons, fists, foreign objects, etc.)
type of force used by officers

VEHICLE PURSUIT

PURPOSE

The purpose of this policy is to establish guidelines for effective and efficient operational Standards that will assist Ladner Police Department in the care and operation of police emergency vehicles.

POLICY

The Lander Police Department ("Department"), the main agency in charge of public safety within the City of Lander, has the responsibility of implementing measures to guarantee the wellbeing of all people. As such, the Department's public policy includes measures to ensure compliance with vehicle and traffic regulation on public roads and highways.

Vehicle pursuits shall be conducted only when the immediate need to apprehend a suspect outweighs the risks posed to officers, the suspect, and the public. Officers shall continuously assess the danger of the pursuit against the seriousness of the suspected offense, traffic conditions, weather, location, and time of day. Pursuits shall be initiated and continued only in compliance with Wyo. Stat. Ann. § 31-5-106 and Department procedures governing emergency vehicle operation. Supervisory approval shall be obtained as soon as practicable, and supervisors retain authority to restrict or terminate any pursuit if the risks outweigh the necessity of apprehension. Officers shall activate emergency lights and sirens during pursuits, unless specifically exempted under policy for tactical reasons. At the conclusion of any pursuit, officers shall promptly notify a supervisor, and a written report shall be completed documenting the circumstances, duration, and outcome. All pursuits shall be reviewed by supervisory and command staff to ensure compliance with Department policy and applicable law.

~~Emergency response driving and vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the responsibility of the Department to assist officers in the safe performance of their duties. To fulfill these obligations, it shall be the policy of this Department to regulate the manner in which emergency response driving and vehicular pursuits are undertaken and performed. The fact that officers are employing emergency lights and sirens does not relieve the officer from the duty to drive with due care and consider the safety of other operators, passengers and pedestrians.~~

In general, no officer or supervisor should be criticized or disciplined for a decision not to engage in a vehicle pursuit based on the risk involved even in circumstances where this policy would permit the commencement or the continuation of the pursuit.

DEFINITIONS

Authorized emergency vehicle: A police vehicle equipped with operable emergency equipment, including audible siren and red/blue flashing lights, while such vehicle is being operated by a police officer.

Barricade: Any movable or stable method used to restrain or impede free flow of motor vehicles on a public road or highway in order to detain or apprehend a suspect or suspects that are either driving a motor vehicle or traveling as passengers.

Boxing In: Surrounding a violator's moving pursuit vehicle by emergency vehicles, which are then slowed to a stop along with the violator's vehicle.

Communications: The central dispatch center or personnel staffing the central dispatch center of the police agency in the jurisdiction where the pursuit is occurring.

Heading Off: An attempt to terminate a pursuit by pulling ahead of, behind, or toward a violator's moving vehicle to force it to the side of the road to otherwise come to a stop

High Speed: Any operation of an official vehicle over the identified speed limit in the area of operation.

Intervention Technique: Any device by its design used to reduce the risks or dangers associated with police pursuits that, when deployed and contact is made, will cause the fleeing vehicle to sustain flattened tires and force it to slow down.

Low Speed pursuit: An attempt by an officer, with emergency lights and siren engaged, to stop a vehicle that is traveling at or below the speed limit.

Police Agency: The Wyoming Highway Patrol, County Sheriff's Office/Department(s) or an organized municipal police department.

Primary Unit: The police vehicle operated by a police officer that initiates a pursuit or any police vehicle operated by a police officer that assumes control of the pursuit.

Public Risk: The degree of risk to the public posed by the actions of the suspect. It is generally comprised of the following elements: the risk inherent in the initial act or crime committed by the suspect, and the risk faced by the public should the suspect be allowed to escape and remain at large.

Pursuit: An attempt by a police officer in an authorized emergency vehicle to apprehend any occupant of another moving motor vehicle, when the driver of the fleeing vehicle is attempting to avoid apprehension by maintaining or increasing the speed of such vehicle or by ignoring the police officer's attempt to stop such vehicle.

Roadblock: An obstruction used in the roadway, natural or manmade, having the purpose of stopping vehicular traffic.

Secondary Unit: Any police vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

Street Paralleling: Driving the police vehicle on a street parallel to a street on which a pursuit is occurring.

Supervisor: A person designated by the policy agency to have supervisory control over the operation of the agency's vehicles during a pursuit.

Terminate: To immediately stop or cease the pursuit by pulling over to the side of the road or turning onto a side street. The pursuing officer and all units involved in the pursuit shall cease involvement in the pursuit and return to non-emergency driving operation. Following behind or paralleling a vehicle with or without emergency equipment activated after the pursuit has been terminated is not authorized.

Tire Deflation Device (Stop Sticks): A tire-puncturing apparatus which can be placed on a road surface in front of a moving vehicle such as an automobile. A special spike is used to first penetrate the tire's surface and then embed a hollow quill into the tread of the tire, allowing the tire to deflate at a controlled rate, rather than causing a blowout and subsequent loss of control of the vehicle

Vehicle Contact Action: Any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.

Vehicle Paralleling: A deliberate offensive tactic by one or more law enforcement vehicles to drive alongside the pursued vehicle while it is in motion.

Violator: Any person operating a motor vehicle that a police officer reasonably believes: (1) has committed a violation or a crime as defined by Wyoming Statutes, or (2) poses an immediate threat to the safety of the public or other police officers.

PROCEDURE

Emergency Driving – General

Marked police vehicles engaged in an emergency response, day or night, will utilize emergency lights, siren and alternating headlights or front strobes in grill.

Only unmarked vehicles equipped with alternating headlights or front strobes in grill, siren, and authorized emergency lights will engage in an emergency response or pursuit.

In cases of crimes in progress, the siren will be utilized up to the point where it may be heard at the scene of the crime; the lights will be utilized until they may be visible at the scene.

Once the emergency response is terminated, and the use of lights and siren are discontinued, officers will respond in compliance to all traffic laws.

Unmarked police vehicles not equipped with emergency response equipment will not be operated in an emergency response.

If dispatched to a high priority incident in an unmarked vehicle without emergency response equipment, officers will respond in obedience to all traffic laws.

Unmarked police vehicles may temporarily engage in a pursuit authorized in Section B and Section C (below) only until a marked unit is available at which time the unmarked unit will disengage and/or become the back-up or an assisting unit.

Non-sworn employees will NOT engage in emergency response or pursuit driving.

Officers will not engage in an emergency response or pursuit driving while transporting non-departmental persons (prisoners, witnesses, etc.) unless:

The passenger is a ride-along observer who has signed a Liability Release Form; or

When necessary to preserve life when a timely ambulance transport is not available.

The on-duty patrol sergeant or officer in charge will be responsible for the management of any emergency response, including the responsibility to terminate the same.

Initiation of a Pursuit

All officers must, prior to starting a pursuit, secure their seatbelts and activate all audible and visible emergency warning signals, and shall take any proper precautions in order to safeguard their life, as well as the life and property of others.

The decision to initiate pursuit must be based on the pursuing officer's conclusion that the imminent threat of death or grave bodily harm to the officer and the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.

Officers must not assume that all persons who flee from the police and refuse to yield are felons. Experience has shown that most pursuits involve misdemeanor and motor vehicle violations only. Officers should also be aware that, in the heat of a chase, the violator frequently refuses to give up and the officer, likewise, feels the obligation to succeed in the pursuit. This psychological phenomenon may cloud an officer’s judgment and may cause him to continue a chase beyond the point where common sense and good judgment would require the pursuit to be terminated.

Officers must constantly evaluate the risks involved with initiating or continuing a pursuit or emergency response, and assess if the risks associated with the pursuit outweigh the possible benefits as determined by a review that includes, but is not limited to, the following factors:
Reason for the response or pursuit, seriousness of the incident or charges;
Traffic density/pedestrian volume and population density;
Weather/road conditions;
Speed involved;
Officer's driving skill/specialized training;
Time of day;
Type of area (business vs. residential);
Type of road;
Condition of police vehicle;
Availability of additional police vehicles to assist at the scene or to intercept pursued vehicle;
Knowledge of the offender's identity and danger to the community if the suspect is not immediately apprehended;
Danger caused by the operation of vehicle being pursued;
Alternate means of apprehension, including knowledge of the identity of the suspect(s) and possible destination;
Likelihood of apprehension, including availability of assistance;
Pursuing officer's driving skills and familiarity with the roadway/area;
Characteristics and driving behavior exhibited by the suspect(s);
Existence of possible innocent third party inside suspect vehicle; and
Ability to maintain radio communications.

Prohibitions

Officers are authorized to engage and continue in a pursuit only when they have reasonable suspicion to believe the driver or occupant has committed or is attempting to commit a crime, or when officers can articulate the exigent need to apprehend the suspect(s) because of the potential for harm to the public (Public Risk).

All intervention tactics such as low speed tactical intervention techniques, and speed channeling are prohibited, unless authorized by the Chief of Police or his designee in an attempt to preserve the safety of the community and human life.

When Officers choose to pursue any off-road type vehicles, which include three and four wheeled ATVs, dirt bikes, motorized scooters, go-peds, mopeds, go-carts, and any other recreational type vehicle that may be operated on public roads or property. Officers need to be mindful that very often these vehicles are operated by youths who are incapable of handling the pressures involved in pursuit situations. In only the most extreme situations, where allowing the operator to escape creates a severe risk of serious injury or death to either an officer or another citizen, a supervisor may allow the pursuit.

Officers are prohibited from discharging firearms at or from a moving vehicle or bicycle unless officers reasonably believe deadly force is necessary to defend the officer or a third person from the use, or imminent use, of deadly force. For purposes of this policy, officers will not discharge their firearms at moving vehicles except under extreme circumstances.

Officers should make every effort to avoid placing themselves in front of a moving vehicle, or attempt to use themselves to block or stop a vehicle.

Pursuit Procedures

All authorized emergency vehicle operations shall be conducted in strict conformity with provisions of all state and local laws. Officers shall drive with due regard for the safety of other motorists or pedestrians.

Upon engaging in, or entering into a pursuit, the pursuing vehicle shall activate appropriate warning equipment. An audible warning device shall be used during all such pursuits.

When a motor vehicle pursuit is initiated, the pursuing officer will immediately report same to emergency dispatch personnel by stating that the officer has a pursuit and advising of the following:
The officer's assigned unit number;
Initial purpose of stop and reason for pursuit (officer will clearly articulate this);
Location, route, and direction of travel;
Description of pursued vehicle and license plate number;
Number of occupant(s) and description;
Weapons involved, if any;
Speed of pursuit; and
Operation of pursued vehicle, e.g., reckless, slow, etc.;
The officer shall keep dispatch personnel updated on the status of the pursuit.

All personnel on the same channel will refrain from radio transmissions during the pursuit except for short transmissions of their locations as safety permits. A secondary channel will be utilized for other emergencies.

Communications Center personnel shall immediately notify the on-duty supervisor, clear the radio channel of non-emergency traffic, enter the pursuit into the CAD system, and relay necessary information to other Lander Police Officers, and adjacent police agencies in whose directions the pursuit is proceeding.

Number of Police Units

The primary unit in pursuit and one back up unit will be responsible for the actual pursuit. With the authorization of a supervisor, other assisting units will take parallel courses and remain in the area of the pursuit.

When feasible, available patrol units having the most prominent markings and emergency lights shall be used to pursue, particularly as the primary unit. If the pursuit is initiated with an unmarked vehicle, such unit shall become the secondary unit when a marked unit becomes available. The unmarked unit shall disengage when another marked unit becomes available as the secondary unit.

No more than two police vehicles (to include patrol vehicles from other agencies) and one supervisor will follow behind the suspect vehicle in a pursuit.

The primary pursuit unit shall become the secondary unit when the fleeing vehicle comes under police air surveillance, or when another unit has been assigned primary responsibility.

The secondary unit will become the primary unit when the primary unit becomes disabled or is unable to continue the pursuit.

The back-up unit shall follow at a safe distance and shall be responsible for all radio communications, allowing the primary pursuing unit to devote full attention to driving.

Exception: If the primary pursuing unit is a two-officer vehicle, the unit may opt to maintain responsibility for radio communications. In such a case, the passenger officer will assume responsibility for all communications.

The back-up unit will maintain a safe distance behind the primary pursuing unit that is reasonable and prudent under the existing conditions. Other than one supervisor, no other units will follow behind these two units.

Police officers, not engaged in the pursuit as the primary or secondary unit, shall not follow the pursuit on parallel streets unless authorized by a supervisor.

Passing Primary Pursuit Vehicle

There shall be no attempt by officers to pass the primary pursuing unit unless a request is made to do so by the primary pursuing unit or unless directed by a supervisor.

Overtaking Pursued Vehicle

Overtaking or attempts to overtake a pursued vehicle is prohibited, unless a request by a supervisor to gain distance in an attempt to deploy tire deflation devices.

Controlled Access Highways

Pursuit vehicles shall not pursue a vehicle the wrong way on a controlled access highway. The following options are to be considered:

Maintain visual contact with the suspect vehicle by paralleling it on the correct side of the highway.

Request assisting units to observe the exits available to the suspect vehicle, and block access to the highway for other vehicles which may head into the path of the suspect vehicle.

Forcible Stops

Ramming or heading off the fleeing vehicle by a police vehicle is prohibited.

Boxing in a suspect vehicle is prohibited unless expressly authorized by a supervisor.

Roadblocks and Barricades are prohibited unless specifically authorized by the supervisor after consideration of the necessity of applying deadly physical force as defined by Wyoming Statutes to end the pursuit.

If a roadblock is authorized by the supervisor, the supervisor will direct the officers as to where the roadblock will be initiated based on considerations for clear sight lines and the safety of other operators on the roadway.

Only those officers trained in boxing in a suspect or roadblocks and barricades shall be permitted to deploy such tactics upon approval of the supervisor.

Tire Deflation Device (Stop Sticks) (See WY Stat § 7-17-101 through 7-17-103)

With prior authorization, a stop stick may be deployed in stationary vehicle situations for the following purposes:

To prevent a vehicle(s) from being moved by a suspect attempting to flee a scene.

To prevent movement of a vehicle that is, or possibly will be, evidence.

The deployment of an authorized stop stick device on a moving vehicle during the course of a pursuit is considered a use of force and shall be used in accordance with this policy and the Department's Use of Force Policy, Use of Force – General.

A stop stick will be deployed only with the approval of a Supervisor. A Supervisor's approval may be communicated through the emergency dispatch personnel.

The supervisor must give consideration to all available information and authorize the use of the stop stick only when in his/her opinion the use of the stop stick is necessary to bring a pursuit to an end.

Requests from outside agencies for the use or deployment of a stop stick will be at the discretion of the supervisor.

No officer shall deploy a stop stick unless the following criteria are met:

The officer has received the designated training for deployment of the stop stick established by the Department's Training Officer and the device is one authorized by the agency.

A sergeant or higher-ranking officer has authorized the deployment of the stop sticks. Exceptions from a sergeant or higher-ranking officer's approval are justified when in the totality of the situation or the circumstances surrounding the pursuit presents additional risks that clearly outweigh prior approval of the deployment of a stop stick.

The officer deploying the stop stick must advise pursuing vehicles, by radio, that a stop stick will be used, where the stop stick will be used, and any officer-controlled lane restrictions established.

Stop Sticks should not be deployed:

To terminate pursuits involving motorcycles, other two- wheel vehicles, any vehicle with less than four wheels, or any vehicle transporting flammable or hazardous materials.

Roadways bounded by steep descending embankments.

Areas of special events or activities.

Curves or locations where the safety of oncoming traffic cannot be ensured (blind hills and curves).

Construction zones.

Pedestrians in the immediate area.

Deployment Process:

The stop stick will be maintained as per instructions and secured within the trunk as designed.

After removal from the trunk the spike will be deployed and secured in accordance with training and manufacturer's instructions.

Personnel will make every effort to deploy the tire deflation device from a position of safety, utilizing protective barriers, such as guardrails, a tree, etc. (officer's patrol vehicle or any other vehicles are not appropriate protective barriers).

The positioning of the police vehicle(s) must allow for a lane of traffic to remain open, across which the stop stick may be deployed.

Whenever possible, officers should place their vehicles out of sight of the approaching suspect vehicle in order to reduce the chance of stop stick avoidance by the suspect vehicle.

An officer shall remain outside his/her police vehicle when deploying a stop stick. Officers, however, must take a safe cover position away from the point of contact between the suspect vehicle and the stop stick.

Remove the stop stick immediately after it has been run over to allow police vehicles to proceed.

Stop sticks are not waterproof and must be wiped dry before they are returned to their storage rack.

The damaged portion of a stop stick used to successfully stop a vehicle involved in a pursuit should be placed in evidence. The undamaged portion(s) of a stop stick may be returned to service. All damaged stop sticks not placed in evidence should be turned into the Training Officer for replacement.

Personnel using the tire deflation device will return the device to proper storage/deployment ready condition, following training directives.

Reporting:

The deployment of the stop stick must be documented with a Use of Force Report Form by the deploying officer.

A copy of the report shall be sent to the Patrol Division Commander. Each deployment of a stop stick will include an administrative review as specified in the Use of Force General Orders.

A Use of Force Form must be generated as per General Order Reporting and Investigating Force.

In the event the deployment of a stop stick results in a fatality, or serious bodily injury, the stop stick will be turned over as evidence in any ensuing investigation.

Traffic Control Devices

Extreme care will be used when passing traffic signs or signals. Pursuing officers must ensure all vehicular and pedestrian traffic is aware of and yielding to the emergency vehicle. When two or more emergency operated vehicles approach an intersection at the same time from different directions where traffic control devices are installed, said devices and the Vehicle and Traffic Act will determine the right-of-way.

Apprehension

The primary and back-up units and supervisor are responsible for the activities at the apprehension site. Other units should only respond if they are requested or there is a known reason to do so.

Termination

The police officer serving as the primary unit engaged in the pursuit shall continually re-evaluate and assess the pursuit situation, including all of the initiating factors. The pursuing officer or supervisor have the authority to terminate the pursuit under any of the following conditions:

When circumstances develop, whereby the risks associated with continued pursuit are greater than the potential danger to the public or greater than the need to make an immediate apprehension.

When the pursued vehicle’s location is no longer known by pursuing officers.

When radio contact is lost and officers are prevented from communicating with their supervisors, dispatch personnel, or other police officers.

When the officer is unfamiliar with the area and is unable to accurately notify the dispatcher of his location and the direction in which the pursuit is proceeding.

When ordered by the supervisor in accordance with Section E below.

Immediate Supervisor’s Responsibilities

Affirmatively authorize continuance of the pursuit and immediately acknowledge responsibility for management of the pursuit by stating over the radio his/her unit number and the fact that he/she is responding to the area.

If a supervisor determines that more units are needed, the number of units will be determined by:

The nature of the offense;

The number of suspects involved;

Whether the participating units have more than one officer; and

Other clear and articulated facts that would warrant the increased hazard of having more police units involved.

Assume sole supervisory responsibility for monitoring the pursuit until termination, until or unless relieved by a higher- ranking authority.

Determine the reason for the pursuit, direction of travel, speed, description of vehicle, description of occupant(s), and weapons involved, if any.

Terminate any pursuit that does not conform to the restrictions of this policy as outlined herein.

Terminate any pursuit where the risks to continue the pursuit outweigh the benefits.

Constantly evaluate risks in continuing the pursuit.

When the supervisor issues a termination directive, all agency vehicles shall disengage warning devices and cease the pursuit immediately.

If pursuit is terminated, the supervisor will confirm that all units have ceased the pursuit.

The on-duty supervisor shall respond to the location where a vehicle has been stopped following a pursuit.

Inter-Jurisdictional Pursuits

The pursuing police officer shall notify dispatch when it is likely that a pursuit will continue into a neighboring police agency's area of law enforcement responsibility.

Notification from another jurisdiction of a pursuit in progress is not a request to join the pursuit. The caller from an outside jurisdiction will be specifically asked if this is a request for assistance or merely a notification. Unless specifically authorized by the supervisor/command staff member, no officer shall join in an active pursuit by another law enforcement agency.

The shift supervisor shall communicate with the other agency's supervisor, when feasible, to determine the respective responsibilities of each police agency, and to determine which police agency will assume primary operational control of the pursuit. The supervisors shall also communicate with each other regarding any external conditions pertinent to the continued conduct of the pursuit.

In all cases where the pursuit enters a municipality without a regularly organized police department, notification shall be made to the Sheriff's Office responsible for that area.

After-Pursuit Inspection and Investigation

Upon termination of the pursuit, the on-duty supervisor shall inspect any vehicle utilized during the pursuit. Any vehicle which is suspected to have suffered damage in a pursuit shall immediately be removed from service for inspection. Photographs should be taken of all damage caused to police vehicle(s), the violator's vehicle, and other vehicles damaged during the pursuit.

The Shift Supervisor may notify and request that a Wyoming Highway Patrol accident reconstructionist report to the scene of any accident that is the result of a pursuit. The

reconstructionist shall have the responsibility of investigating the accident and shall report his/her findings to the Chief of Police.

Reporting/Review Requirements

Officers' Responsibility:

Each officer involved in the pursuit will submit a Case Incident Report Supplement detailing all actions taken, including, but not limited to, the deployment of tire deflation devices, blocking side streets, etc.

The reports shall be completed prior to the end of the officer's shift. If the officer(s) are physically unable to comply, they should be interviewed by their immediate supervisor as soon as possible.

Supervisor's Responsibilities:

After each pursuit situation, it will be the responsibility of the assigned supervisor to verbally notify their immediate supervisor

Request an audiotape copy of the pursuit from the Dispatch Center, to include all transmissions on those channels affected by the pursuit. These audiotapes will then be forwarded to the Chief of Police as soon as practical.

In-car videos will be secured and forwarded to the Chief of Police as soon as possible.

The administrative review of the pursuit shall be conducted by a supervisor not involved in the pursuit.

Each pursuit will be reviewed by the Chief of Police. The scope of the review will include compliance with this policy and the identification of any training deficiencies, as well as suggestions for changes and/or modifications to this policy.

The Captain shall prepare an annual vehicular pursuit analysis of all pursuit reports to the Chief's Office by February 1st of each year. The yearly report shall contain the following information:
Total number of pursuits
Number of pursuits which resulted in accidents, injuries, death and number of arrests;
The number and types of vehicles involved in accidents;
A description of the individuals injured or killed (police, violator, third party);
The number of violators involved and arrested in pursuit incidents, including passengers;
All charges filed;
A review of policy and reporting procedures; and
Identified equipment or training needs.

Training

All police personnel shall be given initial and periodic update training in the agency's pursuit policy and in safe driving tactics.

This policy shall be reviewed at least once each year with each Lander PD Officer.

FIREARMS

PURPOSE

To establish guidelines and procedures governing Lander Police Department issued and/or authorized firearms and ammunition including training, qualification, safety, carrying, care, and maintenance

POLICY

The Lander Police Department ("Department") is committed to the belief that increased training enhances professionalism and decreases the likelihood of injury to officers and citizens. Because of this commitment, officers are required to demonstrate proficiency in the use of firearms annually, in compliance with this General Order, the Wyoming Law Enforcement Academy (WLEA), and POST requirements. Only officers who first receive training in the Department's Use of Force and Firearms policies, and demonstrate proficiency in their application, are authorized to carry firearms. Policy receipt and curriculum methods must be documented and retained in the officer's training file. All Department qualifications and sponsored firearms training shall be administered by certified firearm instructors. Firearms qualification is a combination of skill and discretion. Department training emphasizes proper use of force decision-making (when to shoot as well as how to shoot). See General Order, Use of Force - General.

DEFINITIONS

Administrative No Gun Status: The lack of technical ability to qualify, as determined by the Firearms Training Unit.

Quarterly Firearm Qualification: Firearms qualification is required once every quarter of the calendar year.

Firearm: An issued and/or authorized weapon designed to expel a projectile by the action of an explosive (e.g., revolver, pistol, shotgun, rifle) to be utilized in accordance with applicable department policies.

Medical No-Gun Status: The lack of physical ability to qualify with a firearm as determined by a qualified physician

Physical Stress Training: Requires the officer to successfully perform a live-fire exercise before or during an agility drill.

Sidearm: The on duty sidearm and the weapon officers must use to train and qualify with annually.

Proper Use of Force Decision Making: The use of reasonable force, including proper tactics, and de-escalation techniques.

Psychological Stress Training: Under stress certain physical changes may occur (e.g., loss of fine motor skills, tunnel vision, auditory exclusions). This training mentally prepares the officer to overcome or minimize these changes by demonstrating proficiency in a variety of skills within a specific time frame.

PROCEDURE

Authorized Use of Firearms/Ammunition

General

Only those firearms and ammunition which are issued and/or authorized and trained in by the Lander Police Department shall be carried while on or off-duty. This is true even if an officer chooses to secure a Concealed Firearm Permit in addition to their authorization to carry a firearm granted by virtue of their certification as a Lander Police Officer;

All officers will be issued a Glock 45 9mm, as a primary sidearm for on duty carrying to the exclusion of all other sidearms unless the Chief of Police has granted special permission. The Department Armorer will inspect, approve and maintain a record of all approved weapons, prior to an officer being permitted to carry such weapon.

Qualification with one Department issued model firearm does not qualify the officer to carry other model firearms. Officers must qualify separately with each model of semi-automatic pistol or firearm that they choose to carry either while on or off-duty.

Security of Weapons

Officers are responsible for the care, cleaning, and security of weapons issued to them. Officers shall keep their Department issued and/or approved weapons in good, serviceable condition at all times. All weapons shall be kept clean and free from excessive amounts of oil.

When an officer's residence is to be vacant for an extended period of time (e.g., furlough, extended leave, or extended use of compensatory time, etc.) the officer shall not leave a Department issued weapon at the residence. An officer may leave the Department issued weapon at the Department if appropriate storage facilities are available. A Department locker is an appropriate storage facility for handguns when the locker is secured by a department lock.

Repair

Officers shall report and explain any weapon malfunction to a Department armorer. Department issued weapons shall only be repaired by Department armorers.

Department issued weapons which become defective will be immediately removed from service.

If a Department issued weapon must be replaced, the officer will report to the Department Armorer for an exchange. The armorer shall record the information (e.g., weapon, model number, serial number) on the officer's firearm's record.

Ammunition

Ammunition approved for use while on or off duty in Department issued or approved weapons are limited to the ammunition approved by the Firearms Instructor(s) and the Chief of Police. No other ammunition is authorized unless the Chief of Police or designee exempts the specific officer or group.

All Department issued firearms carried by officers shall be carried with a chambered round and a fully loaded magazine. Additional magazines, when carried, shall also be fully loaded;

All supervisors shall ensure that officers under their command are in compliance during their required quarterly firearm inspection.

The Firearms Instructor(s), as authorized by the Chief of Police, shall provide ammunition guidelines for all other weapons.

Shoulder Weapons

Only Department issued or approved shoulder weapons (carbines, rifles, shotguns) may be carried in any Department vehicle. No officer shall carry any shoulder weapon on duty prior to successful completion of training and qualification during the quarterly firearms qualification program. All shoulder weapons shall be carried in Department vehicle trunks: shotguns locked in the gun mount

and rifles and/or carbines in appropriate gun boxes or other suitable cases. Patrol Rifle guidelines are covered in Geneal Order Patrol Rifles.

The Training Officer shall notify all Division Commanders of those officers within their command that have qualified with any shoulder weapon.

Firearm Safety

General

All firearms shall be carried holstered or in a gun bag or gun box.

Officers are prohibited from the use of shoulder holsters and cross-draw holsters.

Securing Service Weapon While Processing Arrested Individuals

Prior to removing a prisoner(s) from any secured area (e.g. rear of vehicle, cellblock, etc.), officers will secure their weapons in a weapon locker, placing the locker key in their pocket.

Following all prisoner processing/detail duties, the officer will retrieve their weapon from the locker and shall secure it back in their holster prior to moving from the area.

All lockers are individually keyed, and all lockers and keys are numbered. Locker keys shall be left in the locker when empty.

Weapon lockers are located in the Detention Centers Sally Ports, weapons must be secured prior to entering the Detention Centers and prior to entering the processing area when prisoners are present.

Modifications

Officers are prohibited from affixing any attachment, grip, extension or other equipment, or in any way modifying any Department issued sidearm without written approval from the Chief of Police.

Prohibited Uses

The use of a firearm is categorized as deadly/lethal force. The use of a firearm must be in strict compliance with General Order Use of Force – General.

An officer shall not unnecessarily display or at any time use any weapon as an intimidation device.

The firing of warning shots is strictly prohibited.

Firing at, or from a moving vehicle is prohibited unless deadly force is authorized. Moreover, officers shall not intentionally place themselves in the path of a moving vehicle.

Use of Force Reporting

The use of a firearm must be reported in strict compliance with the Department's Use of Force policy.

Any use of a firearm must comply with the Lander Police Department General Order Use of Force - General.

Quarterly Sidearm Inspection

General

Although a Firearm Instructor shall inspect each weapon during qualification at the range, at least once each month, all commanding officers shall ensure that a sidearm inspection is conducted for all officers presently assigned to their command. The inspection shall determine that the officer has

an updated Armorer Report, that the officer carries a fully loaded weapon, and that the officer carries Department approved ammunition.

To inspect the officer's ammunition, the officer shall be required to remove the magazine from their holstered weapon. The supervisor conducting the inspection shall prepare an Internal Memorandum to the Chief of Police, documenting the results of the inspection.

Inspection Procedure

For all semi-automatic pistol inspections officers may be directed to a clearing barrel or shooting range by a supervisor conducting the inspection to perform the following:

To remove the firearm from the holster;

To keep their finger off the trigger and point the muzzle of the firearm into the clearing barrel or down range;

To remove the magazine from the pistol, keeping their finger off the trigger. While keeping the finger off the trigger, the officer shall be instructed to rack the slide to the rear several times to eject the chambered round and then lock the slide to the rear;

To inspect the weapon, ammunition, magazines and barrels with the muzzle of the weapon pointed into a clearing barrel or downrange. Reload all magazines with the finger off the trigger; and

While keeping their finger off the trigger. the officer shall be instructed to reholster.

90-Day Inspections

In addition to the above inspections, all officers with a Department issued or approved semi-automatic sidearm shall have their weapon inspected every 90 days by the Armorer.

The Firearms Instructor(s) will conduct several announced 90-day inspection classes throughout the year.

The following procedures will be adhered to:

Inspections will be performed on all Department issued semiautomatic pistols in the command;

Inspections may only be conducted at locations equipped with either a clearing barrel or a Department range; and

The Department Amorer will record and generate the inspection data in the the Department's computerized system.

Firearms Training

General

All officers are required to train and qualify with their Department issued sidearm, and shoulder weapon on a quarterly basis. Certified firearm instructors will provide corrective measures for any deficient firearm techniques and/or any failure to adhere to safe handling procedures.

All officers are required to attend in-service training for firearms when it is scheduled.

Officers are required to qualify with duty, off-duty and back-up weapons at the following frequencies:

Duty Weapon(s) (primary weapons): Quarterly

Off-Duty Weapons: Semi-Annual.

Firearms range qualifications will be conducted with all officers being required to qualify with a weapon or weapons and ammunition that is carried on duty. Officers qualifying with off-duty weapons will qualify with the type of ammunition that they will carry.

All officers that fail to qualify with their duty weapons after multiple attempts shall relinquish their Department issued firearms and return the following day to receive remedial training and an opportunity to qualify.

If the officer fails to qualify for certification, the officer shall be given two (2) additional opportunities to qualify, but must obtain certification within sixty (60) days after the initial training is completed. Time spent practicing at the range shall be off-duty and without compensation by the City. For each additional qualification attempt the police department will provide up to twelve (12) hours of additional training, a total of (36) hours of additional training. This will occur within the sixty (60) days of initial training.

An officer unable to qualify during the sixty (60) day period shall be suspended without pay until the officer qualifies. Failure to qualify within six (6) months from the date of suspension will be sufficient cause for discharge.

The Training Officer shall ensure that all officers are scheduled to qualify on an quarterly basis (primary weapons) and semi-annually for off-duty weapons;

The Firearms Instructor shall be in charge at all times when officers are on the firing range for qualification.

The Armorer shall thoroughly inspect all Department issued or approved weapons annually to ensure that all weapons are safe and that they are properly maintained.

The standards for all firearms qualifications shall meet current POST standards, shall be monitored by a certified weapons instructor and all training, including remedial training, will be documented.

Training and qualification sessions for semi-automatic pistols and shoulder weapons, include but are not limited to: stress training, night training, advanced training and proper use of force decision making to adequately prepare for real life situations.

Upon successful completion, an officer will be provided with proof of qualification.

Accidental or Unintentional Firearm Discharge

Commanding officers shall require officers that experience an accidental or unintentional discharge or that have improperly used a weapon to receive and successfully complete firearms re-training. An Interdepartmental Memorandum shall be submitted to the Chief of Police requesting that the officer(s) be provided with re-training. A copy of the investigation and report on the incident precipitating the request shall be attached;

All accidental or unintentional firearm discharges are classified as Level 1 uses of force and will be investigated by the Chief of Police or his designee.

Firearms Qualification

Failure to Qualify

Department members must score at least 80% on all qualification shoots to meet minimum department requirements and POST standards.

Failure to successfully complete the required training and qualification at the indicated frequency or to adhere to all safety protocols of the Department shall result in the administrative actions listed below:

Officers who fail to qualify shall be relieved of their firearm and shall sign a Revocation Notice acknowledging not only that the officer is in a no-gun status, but also that the officer is prohibited from taking any law enforcement action;

Officers shall also relinquish their Lander PD identification card and shall be placed in an in-house, administrative assignment until such time as re-training and qualification is complete;

Those officers that fail to qualify after four remedial training sessions within forty-five days of their initial failure to qualify shall be subject to disciplinary action up to and including a recommendation for termination of employment; and

The Firearms lead instructor will notify the Chief of Police of an officer's administrative no-gun status and will provide progress reports to the Chief of Police during the period of remedial training.

Sidearm Failure

A failure to qualify with the duty firearm will require that the officer be scheduled for an immediate remedial training session. Upon failure to qualify, the firearm shall be seized and the officer's supervisor notified immediately of the date and time of the remedial training session.

If a remedial training session is missed or if the officer fails to qualify at the initial remedial training session, the officer will not be permitted to carry any Department issued firearm on or off duty.

Officers placed in an administrative no-gun status after failing an initial remedial training session are limited to a total of four remedial training sessions, to be completed within a forty-five day period;

Officers placed in an administrative no-gun status will be subject to medical review after the second remedial training session within the forty-five day period.

A department member who does not meet the required standards may be disciplined by the Chief of Police including, but not limited to:

Suspension from duty with or without pay;

If serious deficiency exists, possible termination;

Disciplinary action may be taken at any time.

Secondary Sidearm Failure

All officers are required to train and qualify with their secondary Department issued or approved firearm bi-annually;

A failure to train and qualify with a secondary firearm will require the officer to be scheduled for a subsequent training and qualification attempt;

Officers may not carry a secondary firearm prior to successfully completing a training and qualification session.

Shoulder Weapon Failure

A failure to train and qualify with a Department issued shoulder weapon requires that the officer be scheduled for an immediate remedial training session.

The officer may not carry or be issued the respective weapon until the officer successfully completes a training and qualification session.

Medical Deferment

A Medical Deferment does not necessarily excuse an officer from firearms training and qualification. The Firearms Training Officer can accommodate officers in wheelchairs or that are otherwise physically impaired. Officers shall be guided by the Firearms Training Officer's determination of ability to complete a qualification course, considering any physical impairments or disabilities.

Officers excused from any session(s) of the Training and Qualification Program for a medical condition (as determined by a qualified physician) shall be advised of a temporary revocation of authority to carry any Department issued weapon, on or off duty, during the deferment;

Authority to carry a firearm is revoked after cerification by an approved physician that the officer is either medically unable to take part in or complete a required firearm training and qualification session. The revocation shall take place regardless of whether the officer has previously qualified for the current year;

The officer relieved of their firearm shall sign the Revocation Notice acknowledging that the officer is in a no-gun status and is prohibited from taking any law enforcement action. The Revocation Notice shall be forwarded to the Chief of Police.

Failure to Attend

The quarterly Firearms Training and Qualification Program will be conducted on dates to be determined by the Firearms Training Officer.

Failure to attend required training sessions shall result in the immediate revocation of authorization to carry a firearm.

Officers shall be required to sign the Revocation Notice acknowledging that the officer is relieved from carrying a firearm and is prohibited from taking law enforcement action;

This revocation shall remain in effect until such time as the officer attends a training and qualification session; and

It is incumbent upon each officer to ensure attendance in order to avoid further administrative action.

Makeup Shoots

If a member will miss a scheduled qualification shoot due to vacation or any other reason, it will be that member's responsibility to notify the department's firearms instructor prior to the scheduled qualification time. Any excused absence does not exempt the department member from the required quarterly qualification shots. The missed shoot will be made up the following month at the firearms instructor's direction.

Carrying Firearms

General

No officer shall enter any holding cell or holding cell area with a firearm.

Officers assigned to duty inside any department building shall keep all weapons immediately available but out of view and out of reach of the general public.

The taking of prescription drugs or over the counter medications that may inhibit a officer's ability or judgment prohibits the officer from carrying any weapon. Officers shall notify their immediate supervisor, should they be required by a medical condition, to take any prescription or over the counter drug that may inhibit their ability or judgment to carry a weapon.

Officers are required to store their firearms prior to a medical evaluation or taking part in a Department disciplinary proceeding. Lock boxes will be provided. Firearms shall not be removed

from any holster in an unsafe manner. Officers shall keep their fingers off the trigger and the firearm pointed at the floor during the storage process.

Uniform (On Duty)

Officers shall carry their Department issued or approved primary sidearm holstered in a Department issued or approved holster, worn in accordance with Department uniform standards;

Secondary sidearms must be carried holstered and concealed in such a manner so as to allow for no unusual bulges, protrusions or exposure.

Civilian Attire (On Duty)

All officers shall carry their Department issued or approved sidearm holstered, on their strong hand side, unless otherwise authorized in writing by the officer's Commanding Officer. The written authorization shall be retained in the officer's command personnel file and shall be effective until the officer is transferred to another command or notified by the officer's commanding officer that such authorization has been revoked.

Officers that have been authorized by the Chief of Police to carry a primary sidearm in a purse, pouch, or similar article shall do so with the sidearm properly holstered, or in a separate compartment. A sidearm shall not lie free with other items.

Officers in civilian attire shall not appear in public places or buildings open to the general public without having their weapons concealed in such a manner so as to allow for no unusual bulges, protrusions, or exposure.

Off Duty

The carrying of a Department issued sidearm while off-duty shall be at the option of the officer.

Officers carrying weapons off-duty shall comply with the guidelines and procedures set forth in this General Order, and with all Department use of force policies.

All officers must carry their Lander PD identification card and badge while on-duty.

While operating Lander PD vehicle off duty, officers shall be armed with their Department issued or approved sidearm.

Officers are prohibited from participating in any sporting activity while carrying a sidearm.

Officers shall not carry any Department issued weapon while engaged in or participating in any public demonstration, rally, march or picketing activity.

Off-duty officers are prohibited by state law from carrying a firearm if their blood alcohol level is .08 or above. In addition, officers shall not carry a firearm in situations where an officer's performance may be impaired. The odor of intoxicants on the breath of an officer shall be deemed "prima facie evidence" that they are unfit to carry a Department issued weapon.

Officers are prohibited from carrying a firearm if they are taking any debilitating medication (prescribed or non-prescribed).

Officers shall not carry any weapon while serving in the capacity of juror or prospective juror.

Off-Duty Police Action

Off-duty officers shall notify on-duty Department or local law enforcement officers (if outside of the City of Lander) before taking police action, absent exigent circumstances, so that they may respond with appropriate personnel and resources to handle the problem.

Off-duty officers are prohibited from carrying or using firearms or taking police action in situations where an officer's performance may be impaired or the officer's ability to take objective action may be compromised.

If it appears that the officer making an arrest or carrying a firearm while off-duty has consumed alcohol or is otherwise impaired, the officer shall be required to submit to field sobriety, Breathalyzer, and /or blood tests.

PATROL RIFLES

PURPOSE

The purpose of this policy is to provide guidelines governing the training, carrying, and deployment of a patrol rifle to members of the Lander Police Department.

POLICY

The Lander Policy Department ("Department") is committed to providing its officers with the tools necessary to perform critical functions related to public safety and service. To accomplish this goal, the Department recognizes the need for specialized weapons for use in critical assignments. To this end, Lander Police Department officers are authorized to carry and deploy a patrol rifle as provided for in this policy.

Only members of the Lander Police Department who have successfully completed the established course of Patrol Rifle training shall be authorized to carry Patrol Rifles. Nothing in this section shall be construed to prevent a member who has not completed the required training from taking custody of a Patrol Rifle for the purpose of securing it, or from deploying the rifle in extraordinary circumstances.

It is the policy of the Lander Police Department that officers use only that level of force that is objectively reasonable to bring an incident under control and protect the officer or third parties from imminent physical harm. The Police Patrol rifle may be considered another implement of deadly force and as such, its usage will be consistent with this department's use of force and firearms policy. This policy is intended to be consistent with, and a component part of, the Department's policy on the Use of Force, General Order Use of Force - General.

DEFINITIONS

Storage Condition: The rifle's selector lever on "safe," magazine removed, chamber empty, and bolt closed.

Tactical Condition: The rifle's selector lever on "safe," magazine loaded into the rifle and a round of ammunition is chambered, making the rifle ready for immediate use.

Patrol Car Ready: The rifle's selector lever on safe, no live round of ammunition in the chamber, bolt closed, and maximum 30-round magazine inserted into rifle. Rifle is locked in a secured patrol mount inside patrol vehicle. Rifle is cleared and made safe. In a safe direction, the trigger is pulled. After this, selector switch is on fire and cannot be put on safe. Magazine is inserted into safe weapon and secured.

Deployed: Any time the rifle is removed from its case or mounting and brought into view of the public during an emergency or other police operation.

PROCEDURES

General

Officers carrying the department approved rifles shall orally advise the shift supervisor at the beginning of each shift that they are carrying said weapon during the shift and note such equipment on the motor vehicle inspection form at the start of their shift.

Patrol rifles shall not be left in patrol cars at the end of a shift.

Rifles having a loaded magazine inserted shall not be brought into the police department unless contained within a locked, hard case.

A record of all weapons to be used by the Lander Police Department shall be dept by the firearms officer.

Weapons will be logged by make, model, and serial number.

Approvals to carry a patrol rifle will be kept in the approved officer's training file.

Deployment Guidelines

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:
Situations where the officer reasonably anticipates an armed encounter, or is receiving gunfire from an identified hostile source and the use of the handgun would not be practical;
When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range;
Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower;
When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage;
Rapid response to an active shooter;
When an officer reasonably believes that a suspect may be wearing body armor;
When authorized or requested by a supervisor.

Officers shall use caution when employing a patrol rifle in close proximity to subject(s) where weapon retention may be an issue. Considerations for when a shotgun or patrol rifle is deployed include, but are limited to:
Population density of the area;
Use and construction of building in which the weapon is to be used;
Type and proximity of surrounding buildings and area;
Type of weapon known or believed to be in the possession of the suspect(s);
Rapid response to an active shooter; and
Presence of a clear field of fire and backdrop.

Rifles should not be utilized in an environment that would tactically hinder safe movement and the ability to utilize the weapon, if the situation is avoidable.

Discharge of the patrol rifle shall be governed by General Order 3.01: Use of Force - General.

Following any deployment of a patrol rifle, the deployment and circumstances of the deployment shall be documented in a police report and submitted to the shift commander prior to the end of the shift.

Patrol Ready

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in "patrol ready" status until deployed. A rifle is considered "patrol ready" when it has been inspected by the assigned officer and meets the following conditions:
There is no round in the chamber;
The rifle bolt is forward with the trigger pulled in a safe direction;
The rifle is set on "fire";
There is a fully loaded magazine in the rifle with no more than 29 rounds; and

The rifle is stored in a hard case in the trunk of the patrol unit or locked in a secured patrol mount inside the police vehicle's trunk, if the patrol vehicle is outfitted with an appropriate rifle mount.

Deployment Ready and Making Safe the Patrol Rifle

Any qualified officer deploying a patrol rifle in the field shall follow the below listed steps to chamber a live round and, once the circumstances no longer require the use of the weapon, to make the patrol rifle safe:
Safely remove the rifle from the locking rack or hard case;
Point the rifle in a safe direction (ie: pointed down toward a soft surface) and pull the charging handle back fully, releasing it and charging a live round into the chamber;
Move the safety to the "safe" position until ready to discharge the rifle;
Once the circumstances no longer require the rifle, move to a safe location, point the weapon in a safe direction, and remove the magazine;
Pull the charging handle back fully allowing the chambered round to eject onto the ground. Rack the rifle twice and lock bolt to the rear;
Perform visual and physical checks with the bolt OPEN (to ensure an empty chamber, RELEASE THE BOLT and point in a safe direction.) Move safety to "fire" and pull the trigger to drop the hammer to the down position;
Return magazine to magazine well (now missing one round) and replace weapon into locking rack in "patrol ready" condition;
At first opportunity, or end of shift, return the rifle to the armorer firearms officer or supervisor to replace the missing round.

Post Firing Rifle Handling

In the event the rifle is fired, the officer must maintain the condition of the rifle.

After the incident has been stabilized, the safety shall be engaged.

No other actions shall be taken to render the rifle "safe."

The rifle shall be turned over to the duty Supervisor or Incident Commander.

Rifle Security

Vehicles

Rifles will be removed from any vehicle prior to being taken out of service or being serviced by any trustee assigned to the Department (for example, fueling, washing, etc.) unless an officer is available to standby with the vehicle until the maintenance is completed.

Vehicles with electronic locks shall not be left unattended without first removing the ignition key and locking the vehicle.

Vehicles with manual locks shall not be left unattended without first removing the rifle lock key and locking the vehicle.

Department/Headquarters

Employees will secure the rifle in a designated secured rifle storage space in the police facility when not in use. Rifles in vehicles will be "patrol car ready."

Rifles having a loaded magazine inserted shall not be brought into the police department unless contained within a locked, hard case.

Maintenance

Officers are responsible for keeping their assigned rifle serviceable, clean, and lubricated.

Primary responsibility for maintenance of patrol rifles shall fall on the Department's armorer(s), who shall inspect and service each patrol rifle on a monthly basis.

All rifles are subject to inspection at any time.

Officers shall not perform any alterations or modifications other than routine cleaning and maintenance without prior written authorization from the Chief of Police, or designee.

The Department may add accessories such as lights and scope after the selected accessories are approved for carry by the firearms officer and the Chief of Police.

Any damage, other than cosmetic, or mechanical failure of any kind, shall be immediately reported to the Shift Supervisor in writing by the end of the shift. The rifle shall be taken out of service until repaired and cleared for service by a Department Armorer.

The Department is responsible for repairs to rifles damaged during the course of duty.

Training

Prior to carrying a patrol rifle, officers are required to successfully complete a department approved training course, and demonstrate proficiency in the use of the weapon in compliance with POST requirements.

Officers must qualify semi-annually thereafter.

Failure to attend or successfully complete the training is cause for revocation of permission to carry the rifle while on duty. Officers who fail to qualify shall comply with the procedures set forth in General Order Firearms, regarding remedial training.

All training, including remedial training, shall be documented.

OFFICER-INVOLVED SHOOTING

PURPOSE

It is the purpose of this policy to provide guidelines for the investigation of officer-involved shootings. The policy also provides guidance for investigation of in-custody deaths and other serious uses of force, in addition to the procedures outlined in General Order Reporting and Investigating Force.

POLICY

It is the policy of the Lander Police Department ("Department") that officer-involved shootings, whether on or off duty, be investigated with the utmost thoroughness, professionalism, and impartiality so as to determine whether the officer's actions conform with applicable law and this Department's policy, procedures, rules, and training. The Lander Police Department recognizes the responsibility and authority of the State of Wyoming to investigate uses of deadly force by Wyoming Department of Criminal Investigation personnel and will cooperate with the designated investigators in these investigations in conformance with the relevant state statutes.

This policy may also apply to the investigation of situations in which a person dies while in police custody or while an officer is attempting to effect custody, and other serious uses of force.

DEFINITION

Companion Officer: An officer assigned to another officer to provide emotional support and assistance following a critical incident, such as an officer-involved shooting. The assigned officer is normally a member of the Department's peer support program but may also be another officer who has had a similar experience, a close friend, or both.

Critical Incident: An incident that is unusual, is violent, and involves perceived threat to, or actual loss of, human life. The incident is a significant emotional event that breaks through an individual's normal coping mechanisms and may cause extreme psychological distress.

Critical Firearm Discharge: A discharge of a firearm by a LPD Police Officer. Range and training discharges, and discharges at animals are not included under this policy.

Deadly Force: Any physical force that can reasonably be expected to cause death or serious physical injury.

In-Custody Death: The death of an individual while in custody or while an attempt to effect custody is being made.

Involved Officers: Unless otherwise indicated, refers to those sworn personnel in on-duty or off-duty status who discharge their firearm in a hostile situation or by accident; arrest or are in the process of arresting an individual who subsequently dies; engage in other serious uses of force; and are direct witnesses to such events.

Officer: All sworn law enforcement personnel employed by the Lander Police Department.

Officer-Involved Shooting: A discharge of a service weapon by an officer during a hostile encounter or an accidental discharge, while on-duty or off-duty, irrespective of injuries to suspects, officers, or third parties.

Serious Use of Force: Any action by an officer that involves: (1) the use of deadly force, including all critical firearm discharges; and/or (2) a use of force in which the person suffers serious physical injury.

PROCEDURE

Officer On-Scene Responsibilities

Officers involved at the scene of an officer-involved-shooting incident shall take all measures that are reasonably possible and appropriate to protect their safety and to preserve evidence essential to the investigation. This includes the following actions, undertaken in the order deemed appropriate:

Identify any remaining threats and take necessary action;

Secure and separate suspects;

Notify the Communications Center of the incident and location;

Relay information on fleeing suspects to communications and other field units and work with them to establish a containment area;

Request a supervisor and additional backup, emergency medical services, if necessary, and any other assistance required immediately;

Unless injured, the officer will remain at the scene until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer at the scene might cause a more hazardous situation to develop (e.g. crowd violence), the shift supervisor at the scene shall have the authority to instruct the officer to move to another, more appropriate location.

If injured, administer emergency first aid to oneself first if possible;

Determine the physical condition of any injured person and administer basic first aid, as necessary, pending arrival of emergency medical assistance;

Holster any involved handguns or secure them in place as evidence. Secure long guns in the prescribed manner or in place as evidence. Do not open, reload, remove shell casings, or in any other manner tamper with involved firearms;

Take note of the time, survey the entire area for relevant facts, individuals who are present and who departed the scene, witnesses, potential suspects, and suspect vehicles; and

As time and capabilities permit before supervisory and other assistance arrives:

Secure the area, establish a perimeter with crime scene tape and limit access to authorized persons necessary to investigate the shooting and assist the injured;

Protect evidence from loss, destruction, or damage that is likely to occur before backup can arrive. Ensure that evidentiary items are not moved or, if moved, note the original location and position of persons, weapons, and other relevant objects and evidence; and

Record the names, addresses, and phone numbers of all witnesses and other persons present at the shooting scene and request that they remain on hand in order to make a brief statement whether or not they say they saw the incident.

Initial Supervisor Response / Incident Command Responsibilities

Upon notification of the incident, the shift supervisor shall proceed immediately to the scene.

The ranking officer at the scene shall take control of the scene and serve as Incident Commander (IC). As superior officers and investigators respond to the scene, and the officer is relieved of supervision responsibility, they shall brief superior officers on investigation status when turning over IC responsibility. The IC shall assign responsibility for completion of the tasks provided in paragraph 3 below, as appropriate, and in the order deemed necessary.

In addition to the IC/Supervisor's responsibilities identified and required for a Level 3 use of force incident in General Order Reporting and Investigating Force. The following actions should be taken:

Identify any remaining threats and take necessary action.

Determine the physical condition of officers, suspects, and third parties; provide emergency first aid if necessary; and ensure that emergency medical assistance has been summoned.

Ensure that a brief public safety statement is collected individually from the involved officer(s), covering only information necessary to focus initial police response and direct the preliminary investigation. This includes information on:

type of force used;

direction and approximate number of shots fired by officers and suspects;

the number of suspects involved;

location of injured persons;

description of at-large suspects and their direction of travel, time elapsed since the suspects were last seen, and any suspect weapons;

description and location of any known victims or witnesses;

description and location of any known evidence; and

any other information necessary to ensure officer and public safety and to assist in the apprehension of at-large suspects.

Ensure the adequacy of the inner perimeter. Direct that an outer perimeter be established to prevent anyone from entering, except those who have a specific function to perform.

Ensure a Crime Scene Security Log is maintained to record the time and identifying information of all persons entering and exiting the perimeter

Locate and secure—or secure in place—the officer's weapon(s) and mark expended ammunition casings. Physically check the firearms and other weapons of all officers who were present during the incident for evidence of a discharge. Weapons that were fired shall be secured as evidence, and primary service firearms shall be replaced by a similar firearm as soon as reasonably possible.

Locate and secure in place weapons, ammunition, and expended cartridges used by the suspect.

Collect information available about the suspect from anyone at the scene.

Ensure that all potential witnesses have been identified and separated and ask that they remain on hand to provide a statement. If witnesses wish to leave, obtain their contact information for future communications.

Locate and secure as evidence any clothing or other personal items that may have been discarded or removed from suspects or officers by medical personnel.

Determine and mark the position(s) of the officers and the suspects at the time of the shooting.

Secure, separate, and remove all involved officers from the immediate scene. Ensure that a companion officer is assigned to each.

Direct all involved officers not to discuss any aspects of the shooting among themselves or with others with the exception of their attorney, a qualified mental health professional, or authorized investigative personnel.

If an officer is transported to the hospital, ensure that the companion officer accompanies or meets them there.

The companion officer should provide all reasonable support to the involved officer and act as liaison between the officer and the hospital.

If the officer is incapable of calling, the companion officer shall notify, or ensure that another Department member notifies, their immediate family as soon as possible and in person, whenever reasonably possible. The notification shall provide the family members with basic information on the status of the officer and when and where they will be able to see them. At this time the companion officer shall arrange for their transportation to the hospital or other location as required. In the case of serious injury or death, notifications shall be conducted in conformance with the department's Death Notification policy.

Whenever possible, photograph officer(s) as they appear at the scene, to include any injuries sustained.

Offer a peer support counselor to the involved officer's family for security, support, and management of media inquiries and visitors.

Ensure all necessary notifications have been made to the following:

Chief of Police

Patrol Commander

Investigations Commander

Internal Affairs

Fremont County Attorney's Office

Public Information Officer

Coroner or Medical Examiner (if necessary)

Department chaplain, police advocate, qualified mental health professional, or peer support program coordinator

Establish a command post when it appears that an extended on-site investigation will be necessary.

Appoint an officer to serve as a "recorder," with responsibility for making a chronological record of activities at the scene, to include persons present and those who have been at the scene and actions taken by police, EMTs, or other personnel.

If equipment is available, ensure that video recordings are made of the entire crime scene and those present, including witnesses and bystanders. Determine if video recordings were made by in-car cameras, electronic control weapons, or surveillance cameras and secure them as evidence as soon as reasonably possible.

Ensure that a media staging area is established beyond the outer perimeter and that it is appropriately staffed.

Ensure all officers complete necessary reports.

The agency shall facilitate contact with and involved officers will make themselves available to meet with the Department's designated qualified mental health provider within 24 hours of the incident, as prescribed by this Department's policies.

Treatment of Officer

In every instance in which an officer used deadly force, where such use results in death or serious bodily injury to another person, the officer will be immediately relieved of normal duty pending a review of the incident.

The officer shall be available at all times after the incident and available for official interviews and statements regarding the case. The officer shall be subject to return to normal duty at any time after the preliminary investigation.

Assignment to a “relieved of normal duty” status shall be non-disciplinary, with no loss of pay or benefits.

Relief from normal duty, during which the officer may be assigned administrative duties, serves two purposes:

To address the personal and emotional needs of an officer involved in the use of deadly force in which injury or death occurs; and

To assure the community that all the facts surrounding such incidents are fully and professionally explored and verified.

If the preliminary investigation discloses a question about the officer’s actions regarding the incident, then the appropriate guidelines regarding the rights of the officer will be followed.

Post-Shooting Trauma

Supervisory, investigative, and other sworn and non-sworn employees shall be familiar with and follow the provisions established by this Department in its policy on dealing with post-shooting emotional trauma in police personnel.

Awareness of and attempts to mitigate the potential effects of critical incident stress, combined with professionally accepted investigative procedures provide the best opportunity for establishing an accurate record of events surrounding officer-involved shootings.

All personnel shall be familiar with the provisions of this Department’s policy on employee mental health services and should avail themselves of these services following officer-involved shooting incidents where appropriate.

In all cases where any person has been injured or killed as a result of firearm discharge by a police officer(s), the involved officer(s) may be required to undergo a debriefing with a psychologist of the agency's choosing as soon as possible.

The purpose of the debriefing is to allow the officer(s) to express their feelings and to deal with the moral, ethical, and/or psychological after-effects of the incident.

The debriefing shall not be related to any department investigation of the incident and nothing discussed in the debriefing will be reported to the department.

The debriefing session will remain protected by the privileged physician-patient relationship.

Costs for the psychological debriefing will be paid by and in amounts allowable under the Wyoming Workman's Compensation Act.

A written report from the officer's psychologist must be presented to the Chief of Police before being allowed to return to duty. The report shall only contain an assessment of the officer's fitness for duty.

In-Custody Death Investigations

Facts that are germane to investigations of in-custody deaths include, but are not limited to, the following:

Information noted by the dispatcher from background noises during the call, as well as information provided by the reporting party that may be related to the subject's behavior, use of drugs or alcohol, previous law enforcement encounters, presence of weapons, and mental health concerns.

Officer observations of the subject's behavior in the course of making the arrest. For example, was the person
calm or emotionally charged;
rational or confused;
able to communicate or difficult to engage in conversation;
experiencing hallucinations or delusions;
perspiring heavily;
wearing inappropriate clothing or in a state of undress;
exhibiting a high tolerance for pain; or
engaging in a protracted physical encounter with officers?
Whether family or friends indicate that the subject had been drinking heavily, using drugs, or both; whether the subject had been involved with the police on prior occasions; any other relevant information provided; and whether the subject was threatening anyone or in possession of a weapon.
Whether the subject was visibly injured in any way when the police arrived and what, if any injuries were sustained prior to death.
What measures the officer(s) took to gain control and custody, such as
attempting to calmly "talk the person down;"
maintaining distance;
reducing noise by turning off sirens;
reassuring the subject;
buying time;
asking simple questions to determine the subject's level of coherence;
attempting to deescalate the situation or other actions; and
directing others at the scene to move away?
Whether custody was required.
The length of time it took to gain control of the subject. Whether there was a protracted struggle or the subject was subdued quickly.
The means used to restrain the subject.
When in custody, where and how the individual was situated (e.g., placed face down on the ground, in a seated position, in a police vehicle sitting, or lying down).
The physical reactions of the subject once arrested. For example, did they become calm or continue to struggle and act physically and verbally combative?
Whether EMS was called and, if so, at what point during the confrontation.
Whether the subject's condition (such as breathing and consciousness) was monitored after arrest.
Whether the subject became unresponsive, who was present at the time, and what steps were taken by the officer(s).
When death was pronounced and by whom and the results of the autopsy.
Require that the Medical Examiner's Office or responding medical officials take a core body temperature as soon as possible after the subject is confirmed deceased.
The information provided in the subject's medical history and lifestyle.
If the subject is not deceased, but was seriously injured or admitted to a medical facility, discover the answers to these questions:
What was the nature and severity of the injuries?
Were the injuries consistent with the use of force described by the officer(s)?

Serious Injury

Where serious injury is reported, investigators shall gather relevant information and take actions deemed appropriate from the foregoing section of this policy and General Order Reporting and Investigating Force, specifically level 1 investigation. The following information will be necessary to collect to assist the supervisor in assessing the level of force used that resulted in the serious injury:
Conduct and behavior of the subject being confronted as perceived by the officer at the time of the incident;
The relative age, size, strength, and physical ability of the officer to the subject;
Experience of the officer;
The number of officers present;
Potential influence of alcohol or drugs;
Subject's proximity to weapons;
Weapons used or threatened to be used by the subject;
Force options available to the officer;
Seriousness of the offense, basis for subject contact, and information known about the subject by the officer;
Potential for injury to the public, officer, or subject;
Risk of escape;
Degree of subject resistance;
Use of restraints; and
Other exigent circumstances.

Investigator's Responsibilities

Investigations of deadly force incidents in which injury occurs will require a Fremont County Attorney's Office investigation. The Chief of Police will also initiate an Internal Affairs investigation and assign an investigator.

Investigations of deadly force incidents in which death occurs will be supervised by the Chief of Police. The Wyoming Department of Criminal Investigation will be responsible for the criminal investigation phase, the Lander Police Department Internal Affairs Investigator shall be responsible for the administrative investigation.

The Chief of Police and the Fremont County Attorney's Office will be notified in accordance with requirements.

Responsibilities of the Chief of Police or Designee

Shall respond to the scene and take command of the incident.

Monitor the incident to ensure good scene management and ensure the assigned supervisor coordinates and assists with a thorough and proper preliminary investigation.

Investigative Process

The investigation of officer-involved shootings shall normally be conducted in two separate parts and by separate authorities—a criminal investigation and an administrative investigation. The criminal investigation is normally completed by criminal investigators prior to and concurrent with the administrative investigation, which is conducted by the Department's internal affairs authority.

The investigation of a shooting by a peace officer will be a cooperative endeavor between the Lander Police Department and the Wyoming Department of Criminal Investigation. The investigation will be under the command of the Chief of Police or designee.

Administrative Investigation Phase

This investigation, undertaken by the Department's Internal Affairs Investigator, must be kept separate and apart from the criminal investigation. It is intended to determine whether violations of Departmental policy, procedures, rules, or training have occurred and, if so, whether disciplinary action should be recommended or modifications to policy, procedures, or training considered.

Criminal investigators may not be present during internal affairs questioning nor may information gained as a result of administrative interviews be shared with criminal investigators.

All interviews shall be audio and videotaped in order to provide evidentiary record of statements.

Investigators shall be cognizant of symptoms of post-traumatic stress during officer interviews, such as time and space distortions, confusion, hearing and visual distortions associated with recalling details of the incident, as well as emotional impairment during questioning.

Officers shall file individual use of force reports. The on-scene Supervisor shall prepare a separate overall use of force report and attach the individual reports for submission to the Chief of Police and the office of the district attorney.

FIREARMS RANGE PROTOCOL

PURPOSE

The purpose of this policy is to establish procedures and guidelines governing the operations and maintenance of the firearms range.

POLICY

The Lander Police Department, ("Department") through the Chief of Police or designee, will establish rules and procedures to maintain a safe and effective firearms range operation. Lander Police Department personnel should understand that there are risks inherent in any firearms range operation and Lander Police Department personnel will conduct themselves in a professional manner at all times to reduce the risk of accidental discharges or injury.

PROCEDURE

Responsibilities of the Chief of Police

Establish policies and procedures for the operation of the firearms training program.

Appoint Firearms Instructor(s) to oversee the Firearms Training.

Ensure funds, facilities and qualified instructors are available to conduct training.

Establish department qualification standards in conformance with any POST requirements.

Responsibilities of the Training Officer / Firearms Instructor(s)

Ensure firearms training meets POST requirements.

Ensure personnel receive training for any department firearms carried in the performance of their duties.

Ensure that all officers meet or exceed department firearms training standards.

Ensure that the firing range and its equipment are maintained in a serviceable condition.

Ensure that firearms are secured from unauthorized use.

Schedule firearms training as required by this policy.

Report firearms training to POST, as required.

Schedule basic and advanced training for firearm instructors.

Firearms Instructor(s)

Manage the firearms training and qualification programs.

Develop operating instructions, lesson plans and other documentation required to conduct training.

Supervise and/or perform range operations.

Supervise and/or perform weapons maintenance and inspection.

Manage the range and its associated equipment and be responsible for minor repairs and the identification of major work requirements.

Provide technical advice and recommendations concerning range design, repair and safety.

Represent firearm instructors at meetings affecting them.

Provide technical advice concerning any aspect of firearms including training, usage, associated equipment, and storage.

Maintain files and records as necessary.

Maintain weapon spare parts as necessary.

Manage the resources possessed by the Firearms Instructor.

Notify the Training Officer of unexcused absences from scheduled training and officers requiring remedial training.

Submit requests for an annual budget.

Range Operation and Management

Firearms Instructors will conduct firearms training and qualification programs. A range supervisor will be designated during all times the range is in use. Firearms instructors are also responsible for the inspection and maintenance of department weapons.

Administrative functions must be completed in a proper timely manner to ensure accomplishment of departmental requirements.

The Training Officer will develop training schedules for all training components.

The Training Officer shall maintain a record of firearms training provided to each department member.

A record of maintenance and inspection performed on each department weapon as well as a record of firearms and related equipment issued to department members shall be maintained by the Department Armorer / Firearms Instructors.

The Firearms Instructor(s) will ensure adequate quantities of ammunition, targets, spare parts, tools, and other items needed are on hand. The Firearms Instructor(s) will also maintain procedures for the proper storage and security of all weapons and ammunition.

The Training Officer will maintain a master copy of all lesson plans. Instructors will be issued their own individual copy. The masters and all copies will be reviewed annually and updated as necessary.

When firing at the Lander Police Department range, and using the Lander Police Departments Key, at least two people should be present. One person must be a Lander police officer and the other person must be able to summon assistance if necessary.

Daily Opening Procedures: The Firearms Instructor(s) will make sure all firearms, ammunition and equipment needed to support training are in place prior to the arrival of students.

Daily Closing Procedures: The Firearms Instructor(s) will make sure that the range is ready for the next day's operation, if applicable, and make sure all equipment is accounted for and secured

Range Safety Rules and Procedures - General

Range Safety Rules. Range Safety is Paramount. The following safety rules must be adhered to at all times.

TREAT ALL WEAPONS AS IF THEY ARE LOADED

KEEP THE MUZZLE POINTED IN A SAFE DIRECTION (GENERALLY DOWN-RANGE)

BE SURE OF YOUR TARGET AND THE BACKGROUND/BACKSTOP BEHIND IT

KEEP YOU FINGER STRAIGHT, OFF THE TRIGGER AND OUTSIDE THE TRIGGER GUARD UNTIL YOU ARE ON TAGET AND JUSTIFIED TO FIRE.

ANYTIME, ANYONE OBSERVES AN UNSAFE ACT WHICH ENDAGNERS SOMEONE, YOU HAVE THE RESPOSIBILITY TO CALL A “CEASE FIRE”

SAFETY IS EVERYONE’S RESPONSIBILITY

Before the start of range operations, the range supervisor will check the radio or cellular phone to make sure it is operational. The Firearms Instructor(s) will also review these safety rules and procedures with all attendees prior to the commencement of any shooting.

To provide essential first aid, a vehicle and a first aid kit must be immediately available during range operations and all firearms instructors will maintain medical response training.

Unsafe acts are prohibited on the range, some examples would be; moving in front of the firing line before being told to do so, pointing a weapon in an unsafe direction, firing after the cease-fire command, horseplay.

Instructors must correct all unsafe acts immediately. Tell the offender the nature of the unsafe act, the reason for the correction and then explain the safe procedure. Correction must be tactful and diplomatic but immediate and firm. Instructors may remove anyone who repeats an infraction, disregards instructions, or flagrantly violates safety practices. It is the instructor’s prerogative and duty to remove anyone who is considered unsafe and take appropriate disciplinary action.

The senior Firearms Instructor present will be responsible for the inspection of the range prior to its use for any safety deficiencies. Any problems will be corrected prior to conducting training.

All attendees and Firearms Instructor(s) will wear their ballistic vests while taking part in live fire exercises.

All attendees and Firearms Instructor(s) will wear hearing and eye protection while on the firing line.

The following weapons and ammunition are allowed at the Lander Police Department range time. Any weapons or ammunition not specified in this directive must be approved by the Firearms Instructor(s) prior to use:
Department issued pistol;
Department issued patrol rifle;
Department issued less-lethal weapons; and
Personally owned weapons approved by the Firearms instructors
Only approved targets and equipment are permitted for use on the range.

<u>Firing Procedures</u>

The senior Firearms Instructor present during the training will be the responsible range supervisor for that training.

Before firing begins, all attendees will be briefed on the course or orders of fire, positions to be used, time limits etc. The safety briefing will be included along with any special instructions that may be required.

Ready Line: The ready line or area is located behind the firing line. It serves as a gathering point for attendees/shooters and coaches. Instructor briefings and equipment preparation take place in this area.

Firing Line: This is a predetermined position that may change depending upon a course or order of fire. The shooter, who is actively engaged in firing a weapon, occupies it. Firearms Instructors must

observe all people approaching, occupying, or departing the firing line. Shooters/attendees will handle weapons only on the instructor's command. No one will move forward of the firing line until all weapons are holstered or in a position so as not to pose a hazard to anyone moving down range. During orders of fire, instructors will make sure that no shooter/attendee assumes a firing positioning in front of the firing line and that all shooters are safely aligned. Instructors will observe shooters when they take their positions of the firing line and make any corrections necessary. Coaches may also occupy the firing line with the student during orders of fire that require it. The range supervisor is responsible for controlling the student and coach on the firing line.

Scoring: Various types of scoring are employed during training and qualification firing. Instructors will score targets as required by each course of fire and in accordance with any POST requirements.

Qualification: All officers shall qualify and demonstrate proficiency with any firearm assigned to them. Each member shall qualify monthly. In addition, each member shall demonstrate a knowledge and proficiency with the department issued shotgun and rifle and qualify monthly.

Officers who fail to qualify with their assigned sidearm have thirty (30) days from the original attempt to re-qualify. Such arrangements are the responsibility of the individual officer and should be at a mutually agreed upon time. All remedial training will be documented.

Officers will receive both classroom and range training. Classroom training shall include instruction and discussion of Wyoming law and department policy regarding the use of deadly force.

Qualification will consist of firing and obtaining a score of 80% or greater on a POST approved course of fire.

Officers reporting to the range for training and qualification shall bring with them they're issued duty weapon(s), issued ammunition, leather gear, and body armor.

Range Commands: Range commands are instructions to complete the course of fire. They must be given clearly for each shooter to hear. Range commands must not violate safety rules or cause safety hazards. It may sometimes by necessary to repeat range commands. The Firearms Instructor(s) is responsible for issuing these commands. Commands are normally issued verbally but may also be mechanical, electronic or other prior arranged signals. The Firearms Instructor usually gives cease-fire commands but in an emergency, such as an accident or unsafe condition, anyone present may issue a cease-fire command.

Range Maintenance: Range upkeep and maintenance is necessary to keep the facility in an operational condition. It is the responsibility of all Lander Police department employees to do their part in "policing" the range.

<u>Instructor Requirements</u>

All Firearm Instructor(s) will attend and have successfully completed a "Firearms Instructor" class as approved by POST. POST certification as a firearm instructor is required. Instructors will also attend any training seminars/schools as assigned and maintain EMS First Responder certification.

Orientation of newly appointed instructors will be conducted by the Training Officer and other Firearms Instructors, who will make sure that they are briefed on all phases of the operation.

CITIZEN COMPLAINTS

PURPOSE

The purpose of this policy is to provide all Lander Police Department employees, and the public, with the procedures for accepting, processing, and investigating allegations of officer misconduct or citizen complaints. This policy defines provisions applicable only to the receipt and processing of complaints.

POLICY

The Lander Police Department's ("Department") public image is determined by a professional response to allegations of misconduct against its employees. The establishment of procedures for the acceptance of complaints is crucial to demonstrate and protect the Department's integrity. This Department shall fairly and impartially investigate all complaints or allegations of misconduct to determine their validity. The Department shall timely impose any disciplinary or non-disciplinary corrective actions that may be warranted. All complaints against the Lander Police Department and/or employees conduct shall be accepted and documented when the proper citizen complaint form is completed and signed or when he complaint comes via the Police Department or City of Lander email and the complainant is identified in these. The Chief of Police or designee will maintain a record of all complaints made against the agency or employees and maintain the files in a secure area. The designee of the Chief's choosing assigned to complete the investigation is responsible for administrating the complaint process in conformance with this directive and relevant state law. Any employee assigned to complete an investigation has the authority to report directly to the Chief of Police with respect to citizen complaints and disciplinary investigations.

DEFINITIONS

Complaint: An allegation by a member of the public regarding Department services, policy or procedure, officer misconduct, claims for damages which allege officer misconduct, and any allegation of possible misconduct of a Lander Police officer.

Complainant: Any person who files a complaint regarding the conduct of any Department employee, or the Lander Police Department's policies, procedures, or actions.

Critical Firearm Discharge: A discharge of a firearm by a LPD officer but does not include range and training discharges and discharges at animals.

Discipline: A written reprimand, suspension, demotion, or dismissal.

Officers: Any law enforcement officer employed by, or assigned to, the Lander Police Department, whether on or off-duty, including supervisors and members authorized to carry department issued weapons.

Employee: Any person employed by the Lander Police Department, whether sworn or non-sworn.

External Complaint: A complaint that originates from outside the Department.

Internal Complaint: A complaint that originates from within the Department. Such complaints may be initiated by other Department employees or from supervisors who observed, or were informed by other employees, of possible policy violations.

Misconduct: Any conduct by a Lander PD employee that violates Lander policy or the law.

Summary Action: Disciplinary action in the form of an oral reprimand, or counseling documented in writing, taken by an officer's supervisor or commander for minor violations of department rules,

policies, or procedures as defined by the Department. Summary actions are the lowest level of disciplinary action.

Supervisor: Includes those holding the rank of Sergeant or higher.

PROCEDURE

Assignment to Investigate Complaints

The Chief of Police has primary and oversight authority over investigations of allegations of misconduct made against employees. Upon receipt of a complaint, the Chief of Police will assign a detective, other Department supervisor, or external Wyoming law enforcement agency to investigate the complaint. The assigned detective, supervisor, or agency is responsible for the following:

Investigating and recommending the prosecution of any criminal misconduct discovered on the part of a Lander Police Department member, and/or other individual(s).

Preparing suggested revisions of Lander PD Policy and Procedures where existing deficiencies have been a contributing factor to misconduct.

Public Information and Access

The Lander PD Chief of Police or designee will:

Ensure informational materials concerning the process to register a complaint against the Department or an agency member or commend the agency or agency member are made available to the public.

Officers will inform citizens of their right to make a complaint against an officer if the citizen is displeased with, or objects to, an officer's conduct or performance of his/her duties.

The completed complaint forms may be faxed, emailed, hand-delivered, or deposited in the provided drop-box in front of the Police Department building.

The Department will provide a written response to all complainants. At a minimum, complainants will be notified of the following:

Verification the complaint has been received;

Investigative updates every sixty (60) days if the investigation remains open; and

Notification the investigation has concluded.

The Department will ensure appropriate steps are taken to provide protections that can reasonably be afforded to a complainant who fears retaliation associated with filing a complaint.

Acceptance/ Filing of Complaints - General

The Lander Police Department encourages citizens to bring forward legitimate complaints regarding possible misconduct by members.

All officers must courteously inform an individual of their right to make a complaint if the individual objects to a member's conduct. This includes any complaints made by an individual who is in custody.

No officer shall refuse to assist any person who wishes to file a citizen complaint or discourage, interfere with, hinder, delay, or obstruct a person from making a complaint.

Officers who withhold information, fail to cooperate with departmental investigations, or who fail to report misconduct of members to a supervisor shall be subject to disciplinary action.

Complaint Intake Procedure

All citizens will have the right to lodge a complaint against any employees of the Lander Police Department:

Complaints may be received in writing, in person, by mail, telephone (TDD), facsimile, electronic mail, or by any other means.

Employees will maintain professional decorum both on and off duty, and will refrain from using abusive language to citizens wishing to file complaints or inquire about the complaint process.

Employees will assist those who express the desire to lodge complaints against any Employee. This includes, but is not limited to:

Calling a Supervisor to the scene to conduct a preliminary inquiry and document the complaint (for example, summoning the supervisor of the officer against whom the complaint is made) ;

Explaining the Department's complaint procedures;

Providing complaint form(s) and/or complaint brochures, or give instructions as to where form(s) and/or brochures could be obtained.

Officers who are approached by a person seeking to make a complaint will, when possible, call for a supervisor, obtain a brief description of the allegation, and record contact information (name, address, phone number) from the complainant.

If a supervisor is not readily available, the officer will inform the complainant and advise them that they will be contacted by a supervisor by the next business day.

Complaints Through Alternative Methods

Complaints received in writing, by mail, telephone (TDD), facsimile, electronic mail, or by any other indirect means will be processed as follows:

Within three (3) business days of receipt of the complaint, the assigned detective or supervisor will contact the Complainant to acknowledge receipt of the complaint.

The Chief of Police or designee will determine, based on the complaint, the most appropriate assignment for further investigation; and

All complaints shall be investigated in accordance with the policies and procedures of the Lander Police Department (Refer to Misconduct and Citizen Complaint Investigations, and Use of Force Investigation Policies.)

DISCIPLINARY PROCEDURES

PURPOSE

The purpose of this General Order is to ensure the fair, consistent and timely implementation of discipline within the Lander Police Department. The Department Rules of Conduct, Oath of Office, Policies and Procedures, and the Department Regulations set forth, to the extent possible, the Department's expectations of conduct and performance.

POLICY

It is the Lander Police Department's ("Department") policy to impose an effective discipline system that is fair, rational, efficient and consistent; reflects the values of the Lander Police Department; protects the rights of officers, and all department personnel, residents, and visitors; promotes respect and trust within the Lander Police Department and with the community; and results in a culture of public accountability, individual responsibility and maintenance of the highest standards of professionalism.

Discipline is a process of imposing formal sanctions which will help train or correct poor performance of an employee, preferably through constructive rather than punitive measures. All disciplinary action shall be administered for the purpose of insuring that the offense will not recur, and that the best interests of the community and the department will be paramount. Discipline may be imposed as counseling and educational process to assist an employee in meeting the minimum standards set by the department.

DEFINITIONS

Aggravating Factor: Circumstances which make the infraction worse or more serious that may cause the discipline imposed to be more severe.

Complainant: Any person who files a complaint.

Complaint:An allegation by citizen(s) regarding Department services, policy or procedure, member or employee misconduct, claims for damages which allege member misconduct, and any allegation of misconduct made by another member or employee.

Counseling or Training: The member or employee is advised in clear terms of the breach of conduct or procedure. Steps to remedy the problem shall be outlined and communicated both orally and in writing.

Demotion: A reduction in rank when the finding for an offense compromises or prevents the member from functioning in some supervisory capacity. A demotion may stand alone as a penalty or may be imposed with a suspension and/or transfer in conjunction with discipline.

Department Property: Includes all Department owned and/or leased property, buildings, vehicles, equipment, photographs, films, recordings, text messages, emails, reports and any other official material in the possession or held by the Department or issued to an employee.

Discipline: A written reprimand, suspension (with or without pay), transfer, demotion or dismissal.

Dismissal: The act of terminating the employment of an employee.

Internal Investigation: A criminal or administrative investigation into allegations of employee misconduct.

Investigating Officer: A police officer working under the authority of the Chief of Police assigned to conduct internal investigations.

Misconduct: Any conduct by a member or employee that violates law, Rules of Conduct, General or Administrative Orders, and/or lawful orders.

Mitigating Factor: Circumstances which make the discipline imposed to be less severe.

Personnel: Term includes both sworn members and non-sworn employees.

Preponderance of Evidence Standard: The standard of proof in internal investigations is "preponderance of evidence," rather than the criminal standard of "beyond a reasonable doubt." The investigative findings are based on all available facts and evidence that is of greater weight or more persuasive than the evidence offered in opposition. Preponderance of the evidence has been described as a "slight tipping of the scales of justice," or "more than 50 percent," or "more likely than not."

Shift/Division Commander: Highest ranking member of a Division or Unit.

Supervisor: Police officer with the rank of Sergeant or higher who has the authority to make decisions, evaluate, investigate and impose disciplinary measures over the personnel assigned to their Division or Unit.

Suspension: The act of temporarily relieving an employee of duties and authority until restored to duty; discharged or otherwise permanently separated.

Sustained: The investigation disclosed sufficient evidence to determine that the alleged conduct did occur and was in violation of law and/or Department rules, regulations or policies. All "Sustained" misconduct investigations require forwarding to and action by, the Chief of Police to ensure the consistency of discipline Department-wide.

Transfer or Reassignment: Where the facts in a completed internal investigation support the need for relocation of the member, transfer or reassignment of accused member may be utilized as an additional disciplinary measure in conjunction with the disciplinary action imposed by the Chief of Police.

Written Reprimand: A written reprimand is formal correspondence from the Supervisor to the subject member. It describes the conduct that resulted in disciplinary action and clearly admonishes the subject that a future violation or continued unacceptable performance will result in a more serious form of Department discipline.

PROCEDURE

Positive discipline

Positive discipline seeks voluntary compliance with established policies, procedures, and orders. Among them are mediation, early intervention systems, education and training, mentoring, and recognition of officers' positive actions on behalf of the Lander Police Department and the public. Methods of positive discipline include:

Recognition of excellent job performance through rewards or awards.

When people outside the department compliment an employee's performance, the person who receives the information shall make a record of the comments and pass them to the employee's supervisor. Copies of the citizen's statement and the chief's response shall be sent to the officer involved, the supervisor and, if the subject is deemed significant, a copy of all correspondence shall be placed in the employee's personnel file.

Truly exceptional acts shall be clearly and promptly identified to the Chief of Police. These acts may be the basis for special awards or for special recognition by citizen-community groups or media coverage.

Authority to Impose Discipline/Corrective Measures

Final departmental authority and responsibility for disciplinary actions rests with the Chief of Police. The Chief of Police or designee is authorized to delegate some of the responsibility necessary for the effective implementation of the disciplinary system, particularly in minor matters involving counseling and training. With the exception of oral reprimands and emergency suspensions, all disciplinary actions taken by the Department must be approved by the Chief of Police. A supervisor may take the following disciplinary measures:

Training, counseling or oral reprimand (must be reduced to writing for record purposes)

Written reprimand (subject to approval by the Chief)

Emergency suspensions (relieved of duty)

Written Recommendations for other penalties.

The Chief of Police has the authority to suspend, demote and terminate employment.

Progressive discipline

Progressive discipline is a process for dealing with conduct that fails to meet established performance expectations. Its purpose is to assist employees in overcoming behavioral issues and improving performance. To be effective, progressive discipline must be consistent, fair and impartial.

Consistency in discipline

The Department abides by the philosophy that discipline must be applied consistently and uniformly. This policy describes complaint procedures against Department employees. In addition, it discusses employee recognition and penalties for various infractions.

The Department does not provide employees with lists of all specifically prohibited behavior. One list of examples of such behavior appears in this policy, but no list can be all-inclusive. Employees are expected to have a reasonable perception of what constitutes proper behavior, based on academy training and the observance of the behavior of officers generally.

The Discipline Matrix (Appendix A) penalty ranges represent guidelines that the Chief of Police shall use to assess the appropriate level of discipline ensuring consistency and fairness. In using the Discipline Matrix, the Chief of Police shall document the decision-making process for determining discipline in the case file. The Chief of Police shall document all relevant mitigating and aggravating factors. If circumstances warrant, the Chief of Police may recommend discipline that falls outside of the established penalty range.

Penalties should reflect the totality of the circumstances (including mitigating and aggravating factors) for each member, including the individual's past discipline history, when applicable, rather than resting solely on a single sustained complaint or incident. Training and other forms of remediation should be considered as part of any disciplinary recommendation.

Multiple acts of misconduct may occur during a continuing event, adjoining or related events, or may be entirely independent of each other. When multiple acts of misconduct occur, the Discipline Matrix shall be used to determine which single act warrants the highest penalty. The penalty range for the most severe charge shall be used, and other acts of misconduct are considered as aggravating factors that may increase the penalty up to and including dismissal.

The nature of the misconduct and mitigating or aggravating factors shall determine the final penalty. The Department is not required to impose an identical penalty in each case as there are a variety of factors which may lead the Department to impose a more severe penalty in one case than it imposes in another.

Certain misconduct immediately and absolutely threatens the integrity of the Department's public duty and responsibility. In certain circumstances the proper level of discipline for a first offense is dismissal, notwithstanding any mitigating factors.

The Discipline Matrix provides a base penalty that represents the starting point for the authorized penalty. The Department shall impose the midpoint penalty unless mitigating and/or aggravating factors are found. In these cases, the Chief of Police shall use the nature of the misconduct, historical discipline for like offenses, as well as mitigating and aggravating factors, to determine an appropriate level of discipline.

The Chief of Police shall follow the steps outlined below when making discipline recommendations/determinations:

Identify the most serious sustained charge in the Rules of Conduct and locate the corresponding charge in the Discipline Matrix.

Determine whether the current violation is a first, second, or third offense of the same charge, and select the appropriate column. If any prior offense is over five years old computed from the date the complaint received, it shall not be considered as a prior offense when determining discipline penalties. The five (5) year statute of limitations does not apply in cases involving civil rights violations, sexual misconduct, sexual harassment, and domestic violence.

Identify the midpoint within the established penalty range. The midpoint penalty shall be imposed unless mitigating and/or aggravating factors are found. The Chief of Police shall document their decision-making process for determining discipline that moves the penalty from the midpoint.

Consider the employee's discipline history. The Chief of Police shall consider the similarity between current and prior complaints, as well as actual discipline (if any) imposed from prior violations when making a discipline determination.

A sixty (60) day suspension without pay (SWOP) is generally the maximum time period for a suspension. In conjunction with a SWOP, additional discipline in the form of a demotion or transfer may also be imposed in conjunction with discipline in order to meet the needs of the Department.

After considering all mitigating and aggravating factors and the member's discipline history, the Chief of Police shall determine the appropriate level of discipline for the current violation. When a level of discipline is selected outside the established penalty range, specific justification shall be documented in the discipline recommendation / determination.

Notice of the proposed discipline must be provided to the subject member within one year of the date the complaint was received by the Department, unless documented just cause exists, such as pending/ongoing criminal investigation or pending/ongoing court action.

The Chief of Police shall prepare two copies of a letter advising the member of the conditions of the approved discipline. One copy is provided to the member. Service shall be documented on the other copy and retained in the case file.

If penalties result in a recommendation that fails to accomplish the purpose of progressive discipline and the goals of the discipline policy, the Chief of Police may increase or decrease the level of discipline recommended in any area of the Discipline Matrix in writing.

Unless otherwise indicated, all 3rd offenses may result in dismissal as authorized by the Chief of Police and pursuant to Wyoming State Law.

Relief from duty

An employee may be relieved from duty whenever a superior officer has cause to question an employee's physical or psychological fitness for duty. An Internal Affairs investigation may follow.

An officer holding the rank of Sergeant or higher has authority to relieve an employee from duty but must promptly report this action to the Chief of Police, accompanied by a written report setting forth details and circumstances.

If the necessity to relieve from duty is not immediate, the behavior or actions of the employee shall be deemed a matter for administrative investigations. In an administrative investigation, only the Chief of Police may relieve an employee from duty. Only the Chief may suspend without pay an officer whose continued presence on the job constitutes a substantial and immediate threat to the welfare of the department, the public, or to themselves.

An officer who refuses to obey a direct order in conformance with the department's orders may be relieved from duty by the sergeant supervisor, who may bring the matter to the Chief of Police through appropriate channels.

As a result, the Chief of Police may establish practices, make decisions, and issue orders regarding matters not directly related but ancillary to the imposition of discipline. These can include, but are not limited to, no contact orders, temporary or permanent assignments, regulating on-duty work hours and responsibilities, regulating secondary employment privileges, ordering psychological or other work-related examinations, determining necessary remedial training or issue any other order, restriction or condition deemed appropriate under the circumstances. These practices do not constitute the imposition of discipline and are not regarded as a part of any disciplinary sanction. Therefore, the imposition of any of the above orders, conditions, or restrictions may not be considered in determining whether a violation should be sustained and, if so, what the appropriate penalty should be.

Levels of Discipline/Penalties

Pursuant to the Lander Police Department disciplinary policy, the following penalties are available:
Oral reprimand; counseling; training.
Written reprimand.
Suspension with or without pay.
Demotion.
Dismissal for the department.

Oral reprimand; counseling and training

Oral reprimands, while informal, require documentation with an employee's acknowledgment of such record. The following steps shall be observed:

At the time of an oral reprimand, the employee receiving it shall be counseled as to correct behavior, and further advised that a written record shall be maintained concerning the reprimand/counseling, and that the employee may read the record.

The employee shall be further advised that he or she has the right to file a statement in his or her personnel file setting forth his or her position, in case of disagreement.

The reprimanding supervisor shall record the reprimand/counseling using the Lander Police Department Disciplinary Report in the personnel record. The Documented Counseling Form shall contain the following information:

a. Employee's name;
b. Date of reprimand/counseling;
c. Summary of reasons for reprimand/counseling;
d. Summary of employee's response;
e. Suggestions for improvement or specific actions recommended;
f. Name of counselor and signature.
g. The following statement must appear:

"I acknowledge that I have today received counseling and I have been advised of the following rights: (1) that a written record of reprimand/counseling shall be maintained; (2) that the employee has a right to review the record and respond in writing; (3) that the form shall become part of the personnel file; and (4) that the employee is required to acknowledge the reprimand/counseling by signing the record."

The employee shall sign and date the form following the statement.

Oral reprimand/counseling may involve remedial training. This training may be deemed necessary to rectify the improper behavior. Remedial training may include attendance at academy classes, in-service, or other training specially created to help the employee correct or modify his or her behavior. Remedial training is reasonably offered until the employee can demonstrate proficiency in the corrected behavior. All training shall be documented.

Accumulation of three oral reprimands in one year shall result in a written reprimand or suspension, depending on circumstances.

Supervisors are expected to counsel employees regularly without oral reprimands. Most counseling is informal, positive, supportive, and perhaps undocumented.

Supervisors are responsible for counseling employees concerning job-related matters, within their capabilities. Many things can affect the job and an employee's performance, so job-related counseling may involve family and other individual, personal subjects. Counseling may include identification of unacceptable behaviors or actions, specifically what was done wrong and the desired or acceptable performance. Counseling can attempt to determine the reason for the particular behavior, determine and recommend how to correct or improve performance or to solve the problem.

A variety of counseling resources are available within the community including psychological, family, marital, and financial counseling. Employees in need of counseling, or desiring information about available resources, are encouraged to talk with the Human Resources Department or representatives of the Employee Assistance Program. The Department recognizes that no stigma is attached to seeking professional counseling to solve problems.

Written reprimand

A written reprimand issued by the Chief of Police or designee cautions an employee about poor behavior, sets forth the corrected or modified behavior mandated by the department, and specifies the penalty in cases of recurrent poor behavior. A written reprimand becomes a permanent part of the employee's personnel record.

Suspension or With or Without Pay

If the situation warrants, the Chief of Police may suspend with or without pay, or in appropriate situations demote an employee in accordance with the rules and procedures of the department, providing that due process is afforded the affected employee.

The Department may place an employee on administrative leave with pay when it is determined that the employee's continued presence in the workplace may interfere with an investigation, create a potential conflict of interest, or otherwise compromise the integrity of Department operations. Such leave shall be considered a non-disciplinary, temporary measure designed to allow the Department to complete an internal investigation or administrative review. While on administrative leave with pay, the employee shall remain available during normal working hours and comply with all directives issued by the Department.

Administrative leave with pay does not imply guilt, wrongdoing, or a final determination of the matter under review. It is intended solely to preserve the status quo and maintain public trust during the investigative process.

No employee shall be subject to termination, demotion, or suspension without pay unless afforded due process consistent with federal constitutional requirements and Wyoming law. At a minimum, this shall include:

1. **Written Notice:** The employee shall receive timely written notice of the proposed action, the nature of the charges, and the specific policies, rules, or laws alleged to have been violated.
2. **Disclosure of Evidence:** The employee shall be provided access to the evidence upon which the proposed action is based, including any investigative findings relied upon by the Department.
3. **Opportunity to Respond:** The employee shall be afforded an opportunity to respond orally and/or in writing before a neutral decision-maker, prior to the imposition of any adverse action. The employee may present evidence, witnesses, and any mitigating information.
4. **Right to Representation:** The employee shall be entitled to have a representative of their choosing present during any pre-disciplinary hearing or meeting.
5. **Decision and Appeal:** Following consideration of the employee's response, the Department shall issue a written decision. The employee shall retain any additional appeal rights afforded under City policy, Wyoming statutes, or applicable labor agreements.

Suspensions without pay shall normally be based on the disciplinary matrix.

Suspensions resulting from criminal investigations or arrest may be prolonged pending court action.

In no case shall an employee convicted of a felony continue to work for the Department.

If an employee is acquitted of criminal charges, the employee may still be subject to disciplinary action.

Any member suspended for a period thirty (30) days or longer shall return all department-owned property. On any suspension, the officer must return to department custody his or her badge, identification card, issued firearm, or take-home fleet vehicle when applicable.

During a suspension, the employee shall not undertake any official duties.

<u>Demotion</u>

Demotion shall be to the next lowest rank. Demotion shall only apply to an officer of the rank of Corporal or above.

An employee may protest or appeal a suspension or demotion in accordance with the City of Lander Administrative Procedures Manual.

Dismissal and Appeals

Dismissals are made in cases of extreme misfeasance, malfeasance, or nonfeasance of duty. A complete record of the circumstances of the misbehavior shall be made by all persons having knowledge of the misbehavior.

Employees may protest or appeal a disciplinary action or dismissal in accordance with the City of Lander Administrative Procedures Manual

Whenever dismissal or suspension is planned, the department shall provide notice to the employee in accordance with the City of Lander Administrative Procedures Manual. The notice will also include:

A written statement stating the reason for dismissal;

The effective date of the dismissal; and

A statement outlining the status of fringe and retirement benefits, if any, following dismissal.

Reporting arrests

Any employee, in or out of district or jurisdiction, arrested for, charged with, or convicted of any crime, or required to appear as a defendant in any criminal or civil proceedings, must immediately inform the Chief through proper channels in writing. Employees do not have to report parking tickets or minor traffic offenses. Additionally, employees must report summonses or arrests for reckless driving, DUI, second or more violations for speeding, or any other traffic offenses. Failure to notify the department of the foregoing shall be cause for disciplinary action.

APPENDIX A
LANDER POLICE DEPARTMENT DISCIPLINE MATRIX

A. Purpose: The Discipline Matrix ensures a uniform method of imposing fair, consistent, and timely discipline within the Department.

B. Definition:

    1. SWOP: suspension without pay.

C. Procedure: The Chief of Police shall follow the steps outlined below when making discipline recommendations:

    1. Identify the most serious sustained charge in the Rules of Conduct and locate the corresponding charge in the Discipline Matrix.

    2. Determine whether the current violation is a first, second or third offense of the same charge, and select the appropriate column. If any prior offense is over five (5) years old computed from the date the complaint was received by the Department, it shall not be considered a prior offense when determining discipline. The five-year statute of limitations does not apply in cases involving civil rights violations, sexual misconduct, sexual harassment, and domestic violence.

    3. The Discipline Matrix provides a base penalty that represents the starting point for the authorized penalty. The Department shall impose the midpoint penalty unless mitigating and/or aggravating factors are found. In these cases, the Chief of Police shall use the nature of the misconduct, historical discipline for like offenses, as well as mitigating (lower) and aggravating (higher) factors, to determine an appropriate level of discipline.

    4. Document their decision-making process for determining discipline within the established range that moves the penalty from the midpoint.

    5. Consider the employee's discipline history. The Chief of Police shall consider the similarity between current and prior complaints, as well as actual discipline (if any) imposed from prior violations when making a discipline recommendation.

    6. A sixty (60) day suspension without pay (SWOP) is generally the maximum time period for a suspension. In conjunction with a SWOP, additional discipline in the form of a demotion and/or transfer may also be imposed in order to meet the needs of the Department.

    7. After considering all mitigating and aggravating factors and the member's discipline history, the Chief of Police shall determine the appropriate level of discipline for the current violation. When a level of discipline is selected outside the established penalty range, specific justification shall be documented in the discipline recommendation with the concurrence of the Deputy Chief of Police/Professional Standards Unit.

    8. Notice of the proposed discipline must be provided to the subject member within one year of the date the complaint was received by the Department, unless documented just cause exists such as pending/ongoing criminal investigation or pending/ongoing court action.

D. Shift/Division Commander, with concurrence of the Chief of Police, shall have the authority to issue training, counseling or written reprimands for minor violations. Examples of minor violations are listed in the Discipline Policy for reference.

E. The Chief of Police may deviate from the Discipline Matrix and retains the right to impose any level of discipline deemed appropriate to achieve the goals of the Department. This includes the use of training or counseling.

F. Unless otherwise indicated, all 3rd offenses may result in dismissal; however, any dismissal recommendation requires authorization by the Chief of Police and City Attorney.

DRUG AND ALCOHOL TESTING

PURPOSE

The purpose of this General Order is to establish and provide guidelines for the Lander Police Department's drug and alcohol testing policy for all employees.

POLICY

The Lander Police Department ("Department") has a legal obligation to ensure a safe working environment for its employees, as well as a paramount interest in protecting the public that it is entrusted to serve. The City of Lander recognizes that the misuse of alcohol or the use of controlled substances by employees creates an undue risk to its employees, impairs an employee's job performance, and of paramount importance, it creates an undue risk to the health and safety of the public we serve. Due to the safety-sensitive nature of this work, the City of Lander has a compelling interest in eliminating the use of illegal drugs from its workplace.

It is the policy of the City of Lander ("City") that the illegal use of drugs or misuse of alcohol is strictly prohibited. Any discipline issued pursuant to this policy will be considered for just cause within the Collective Bargaining Agreement.

The Department will enforce its drug and alcohol policies in a manner consistent with the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq. Employees with a history of substance abuse who are in recovery and not currently engaged in the illegal use of drugs may be entitled to reasonable accommodations as required by law.

DEFINITIONS

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol.

Alcohol Concentration: The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this policy.

Alcohol Use: The consumption of any beverage, mixture or preparation containing alcohol including, but not limited to, any medication or mouthwash containing alcohol.

Breath Alcohol Technician: The Collection Site representative who will instruct and assist the employee in the alcohol testing process and operates the evidential breath-testing device.

Lander Police Department Motor Vehicle: City-owned leased or rented motor vehicle or combination of motor vehicles used in commerce to transport Lander Police Department employees, passengers, or property.

Chain of Custody: Procedures to account for the integrity of each specimen by tracking its handling and storage from point of collection to final disposition.

Confirmation Test: In drug testing, a second analytical procedure to identify, the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test to ensure reliability and accuracy. In alcohol testing, a test done 15 minutes after the screening test is required when the BAC is over 0.02.

Controlled Substances: Any drug included in Schedules I through V, as defined by Section 802(6) of Title 21 of the United States Code (21 USC 802(6)), the possession of which is unlawful under Chapter 13 of that title, or any drug included within the definition of "Controlled substance" in Title

21A, Chapter 420B of the Connecticut General Statutes (for example, but not limited to: cocaine, marijuana, barbiturates, amphetamines, morphine.) The term does not include the use of prescribed drugs which have been legally obtained and are being used for the purpose for which they were prescribed.

Covered Employee: All employees of the Lander Police Department.

Direct Breath Analysis: The analysis of a sample of a person's breath using an instrument designed for this purpose in order to determine the concentration of ethyl alcohol in the person's blood.

Evidential Breath Testing Device (EBT): An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath.

Medical Review Officer (MRO): A licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with their medical history and any other relevant biomedical information. If an employee's test result is positive, the MRO will contact the employee to discuss the test to determine if the positive result is valid and to notify the employee that he has seventy-two (72) hours to request a test of the split specimen.

Opportunity for Rehabilitation: Any police officer who voluntarily admits to the Chief of Police their use of, or dependence upon illegal drugs or alcohol shall be afforded the opportunity to participate in a mutually acceptable rehabilitation program. The opportunity for rehabilitation will only be provided prior to any allegation of impropriety by the public or another member or prior to initiation of an investigation of the member's use or sale of a controlled substance by any competent state or federal authority.

Police Function: Any function that affects the safety of employees and the safe and effective operation of the Lander Police Department including but not limited to the following:

1) All time that a Lander Police Department employee is on duty.
2) Any time off duty engaged in scheduled police activity.
3) Operation of any police vehicle.

Prescribed Drug: Any drug, including over the counter medication prescribed for an individual by a licensed practitioner.

Reasonable Suspicion of Drug and/or Alcohol Use: The reasonable suspicion standard for drug testing of sworn personnel is based upon a specific objective fact(s) and reasonable inferences drawn from that fact(s) in light of experience that the individual may be involved in the use of any illegally-used drug, controlled substance, or alcohol.

Refusal to Submit: When any person covered by this policy engages in conduct that obstructs the testing process. This includes, but is not limited to, the refusal to sign consent forms; the failure to provide adequate urine for controlled substance testing; the refusal to take a required test; the failure to make oneself available to a test as required by this policy and failure to provide an adequate breath sample for alcohol testing.

Screening Test: In drug testing an immunoassay screen to eliminate negative urine specimens from further analysis.

Supervisor: Uniformed personnel assigned to a position having day-to-day responsibility for supervising subordinates.

Testing Facility: To be mutually agreed upon between the Chief of Police and the City of Lander.

PROCEDURES

Prohibited Conduct

The illegal use of controlled substances at any time is prohibited.

The performance of any Police Function while using legally prescribed drugs is prohibited unless the use is pursuant to the instructions of a physician who has advised the employee that the substance will not adversely affect their work performance. The use of legally prescribed drugs that may impair the employee's work performance or may affect workplace safety shall be reported to the immediate supervisor before the performance of any police function.

Refusal to submit to a drug test is strictly prohibited. The employee is required to cooperate with the laboratory personnel and provide them with the following:

a. An adequate and complete sampling
b. Assistance in completing the required documentation for chain of custody
c. Marking and sealing the specimen

The refusal by a member of the Department to submit to a drug screening test pursuant to the provisions of this policy will result in disciplinary action, up to and including termination.

The consumption of alcohol while performing a Police Function is prohibited, unless otherwise authorized under Department Regulations.

A blood alcohol level of .02 or greater is prohibited while performing any Police Function, unless otherwise authorized under Department Regulations.

Possession of alcohol in a Lander Police Department vehicle is prohibited, unless otherwise authorized under Department Regulations.

A refusal to submit to an alcohol test is prohibited. A refusal to submit to an alcohol test will be treated as a confirmed positive result.

The use of a masking agent designed to conceal the use of drugs to be tested is strictly prohibited. The use of such an agent will be deemed a confirmed positive test.

Employees Subject to Testing and Types of Drugs Tested For

All employees of the Lander Police Department shall be subject to the alcohol and drug testing procedures detailed in this policy.

1. The drug testing outlined in this policy will test for the following substances:
   a. Marijuana
   b. Cocaine
   c. Amphetamines
   d. Opiates (e.g. heroine, codeine)
   e. Phencyclidine (PCP)
   f. Barbiturates

Note: The Chief or designee may order testing for Hallucinogens or Steroids, when appropriate. This list is subject to change at the City's discretion.

Reasonable Suspicion Testing

When a "reasonable suspicion" is determined, indicating that an employee is using drugs and/or alcohol, that employee will be tested pursuant to the procedures set forth in this policy. Whenever possible two supervisors should make the observation that leads to reasonable suspicion.

Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

a. Direct observation of drug and/or alcohol use;
b. The employee's body shows evidence of drug use (e.g. track marks);
c. The employee is found to be in possession of drugs or alcohol on duty and outside their official capacity;
d. An unusual or suspicious pattern of sick leave usage;
e. Information which is provided by a reliable and credible source documented to the Chief of Police;
f. The presence of signs of drug or alcohol use (e.g. odor of alcoholic beverage, glassy or blood shot eyes, slurred speech, poor coordination and/or reflexes, etc.)

Any observation for controlled substances and/or alcohol reasonable suspicion testing must be reported immediately to a commanding officer.

Any employee who has a reasonable suspicion that their supervisor may be under the influence of a controlled substance and/or alcohol shall report such suspicion to the next supervisor in the chain of command, and if not available, to the highest-ranking supervisor on duty. Reports relative to the Chief of Police shall be made to the Mayor of the City of Lander.

An employee or Supervisor who has a reasonable suspicion under this Policy shall report the basis for their reasonable suspicion to a Supervisor or the Chief of Police. The Supervisor or Chief of Police shall decide whether to direct the employee to testing. A memorandum detailing in writing the specific facts, signs or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of the employee shall be prepared by the reporting supervisor and the Captain or Chief of Police at the time of referral for testing.

Any employee ordered for reasonable suspicion-controlled substance testing shall also undergo an alcohol screening test by the Blood Alcohol Technician.

Post-Accident Testing

Employees shall be tested for controlled substances and alcohol if probable cause or reasonable suspicion exists that the employee's use of drugs and/or alcohol contributed to an accident involving a Lander Police Department motor vehicle.

Nothing in this section shall require the delay of necessary medical attention following an accident; however, alcohol must be tested within two hours but no later than eight hours post-accident. Drug testing must be done within 12 hours.

Return to Duty Testing

Before an employee who has violated this policy concerning alcohol returns to duty requiring the performance of a police function, the employee shall undergo a return to duty alcohol test with a result indicating a breath alcohol level of .00.

Follow Up Testing

Following a determination by a substance abuse professional that an employee is in need of assistance associated with alcohol misuse, that employee will be subject to unannounced follow-up alcohol testing. A minimum of six follow up tests must be performed within twelve months of the employee's return to Police Function whether or not a substance abuse professional determines that the employee is in need of further assistance. Additional follow-up tests shall be performed as directed by a substance abuse professional.

Alcohol Testing Procedures

Alcohol testing will be performed by using evidential breath testing (hereafter EBT) devices approved by the NHTSA. The test will be conducted by a Breath Alcohol Technician (hereafter BAT). Two breath tests will be required to determine if a person has a prohibited alcohol concentration. If the first test result is less than .02, the test will be considered negative. If the test shows an alcohol concentration of .02 or greater, a second confirmation test must be conducted. The second test result will determine what action if any need be taken.

If the employee is unable to provide a sufficient amount of breath, the employee will be referred to a mutually agreed upon physician to assess the employee's inability to provide an adequate breath sample.

In order to ensure that an EBT is working properly, the BAT will follow the normal procedures used in DUI testing procedures.

Consequences of a Positive Controlled Substance Test

Any employee who has tested positive for the use of a controlled substance or alcohol in violation of this policy will immediately be suspended without pay pending a hearing before either a Hearing Officer or the Chief of Police as appropriate. A confirmed use of a controlled substance will result in termination. A confirmed alcohol use will result in disciplinary action, up to and including termination.

In the case of a new probationary employee, involved in the performance of any safety sensitive or police function, a confirmed use shall result in their termination.

It is the policy of the City of Lander to encourage the rehabilitation of its employees with alcohol and/or substance abuse problems. Therefore, the Employee Assistance (EAP) Program is available to provide rehabilitative counseling and treatment to employees with alcohol and/or substance abuse problems. Any counseling or treatment received through EAP is confidential and will not be reported to the City. However, should an employee disclose to a member of the Police Department that they are engaging in the illegal use of a controlled substance or abuse of a prescribed medication, that disclosure must be reported to a commanding officer, and up the chain of command to the Chief of Police, and will subject the employee to discipline, up to and including termination.

Employee Education

The City will provide its employees covered by this policy EAP education materials explaining the requirements of this policy and its procedures. These employees will also be provided with information on the symptoms and effects of drug use.

Supervisor Training

Supervisors of Covered Employees will receive training on this policy and alcohol and drug awareness.

Compensation of Employee

Each employee shall be compensated at their regular hourly rate for all testing pursuant to this policy, while on duty.

FIT FOR DUTY POLICY

Purpose

The purpose of this policy is to establish consistent standards and procedures ensuring all law enforcement employees of the City of Lander Police Department are fit for duty—physically, mentally, and emotionally—before and during the performance of their official duties.

Policy Statement

All sworn officers, probationary officers, and civilian employees whose duties impact public safety must be able to perform their essential job functions safely and effectively, without posing a risk to themselves, coworkers, or the public.

Applicability

This policy applies to all sworn peace officers employed by the City of Lander, police recruits and trainees attending POST or WLEA training, and non-sworn employees whose duties involve direct public interaction, emergency communications, or field support.

Definitions

- Fit for Duty: The physical, psychological, and emotional ability to perform the essential duties of the position safely and effectively.
- Essential Job Functions: The core duties of the position as defined by the City of Lander Police Department and Wyoming POST standards.
- Impairment: A condition that limits the employee's ability to safely and effectively perform essential job duties.
- Fitness for Duty Evaluation (FFDE): A formal evaluation conducted by a licensed medical or psychological professional to determine whether an employee can safely perform essential job functions.
- Reasonable Accommodation: A modification to a job or work environment enabling an employee to perform essential functions consistent with the ADA and Wyoming law.

In Addition to Functions set forth in position specific job descriptions, Essential Job Functions for all law enforcement positions include the following:

- Respond rapidly to emergencies and crimes in progress.
- Pursue, apprehend, and restrain suspects safely.
- Operate patrol vehicles under emergency and high-stress conditions.
- Safely handle and deploy firearms, TASERs, and less-lethal weapons.
- Communicate effectively under stress.
- Maintain judgment, ethics, and composure during complex situations.
- Meet POST physical fitness benchmarks per WLEA Cooper Standards.

Procedures

All employees must complete required pre-employment screening including medical, psychological, and physical fitness assessments per POST requirements. Supervisors must monitor personnel for signs of unfitness and report concerns to command staff. Employees shall not perform duties under the influence of substances or conditions impairing safe performance. The department may require Fitness for Duty Evaluations (FFDE) as necessary.

Return-to-Duty Procedures

Employees returning from injury, illness, or leave must provide medical clearance from a licensed provider. POST physical and psychological readiness standards must be met before resuming full duty.

Confidentiality

All fitness-for-duty records will be kept in a confidential medical file separate from personnel files, accessible only to authorized individuals.

Non-Discrimination and Accommodation

No employee shall face discrimination for medical or psychological conditions. All actions comply with ADA, Wyoming Fair Employment Practices Act, and POST requirements.

Disciplinary Action

Failure to comply with this policy, including refusal of evaluation or concealment of impairment, may result in disciplinary action up to and including termination.

Policy Review and Training

This policy will be reviewed annually by the Chief of Police and HR Director to ensure compliance with POST standards and best practices.

BRADY / GIGLIO DISCLOSURE POLICY

PURPOSE

The purpose of this General Order is to provide Lander Police Department personnel with clear procedures and protocols for compliance with the reporting and testimonial requirements mandated under U.S. Supreme Court decisions including Brady v. Maryland 373 U.S. 83 (1963) and Giglio v. U.S. 405 U.S. 150 (1972).

POLICY

The members of the Lander Police Department have a duty and a legal obligation to disclose and identify both exculpatory and impeachable information associated with the prosecution of a criminal case. To that end information favorable to the defense must be provided.

DEFINITIONS

Brady Material: Brady violations are, by definition, violations of an individual's 14th Amendment right to due process of law. Exculpatory evidence is evidence that is favorable to the accused; is material to the guilt, innocence, or punishment of the accused; and that may impact the credibility of a

government witness, including a police officer. Impeachment material is included in the Brady disclosure requirements.

Exculpatory Evidence: Evidence that is favorable to the accused; is material to the guilt, innocence, or punishment of the accused; and/or may impact the credibility of a government witness, including a law enforcement officer or other agency employee. Impeachment material is included in the disclosure requirements.

Material Evidence: Exculpatory evidence is "material" if there is a reasonable probability that disclosing it will change the outcome of a criminal proceeding. A "reasonable probability" is a probability sufficient to undermine confidence in the outcome of the trial or sentencing of a criminal case.

Duty to Disclose: The affirmative constitutional duty of the police to notify the prosecutor of any Brady material.

PROCEDURES

Chief of Police Responsibilities

The Chief of Police has an affirmative duty to report to the City Prosecutor, Fremont County Attorney's Office and/or the United States Attorney's office, dependent on who is prosecuting the criminal case, any of the following information:

Officer(s) whose history regarding integrity, honesty, credibility, veracity, and related matters has negative bearing on their professional reputation which may be subject to Brady disclosure requirements.

Individual officer(s) who may have informed their superior officer of any elements of their employment as a police officer, information contained in investigative reports, or evidence connected with a criminal indictment or trial that they reasonably believe may be subject to Brady disclosure.

If supervisory officer(s) acting with due diligence have identified any potential Brady material connected with any criminal proceeding for which they have oversight to believe the material should be brought to the attention of the prosecutor in a timely manner through established reporting procedures.

Employee personnel files may be disclosable to the prosecutor for review if consistent with a Brady issue.

The discovery of any exculpatory evidence which was not originally provided to the Fremont County Attorney or the U.S. Attorney's office.

Supervisor Responsibilities

Each supervisor shall be responsible for closely reviewing all case reports presented to them. Such review shall include a review to ensure the truthfulness and completeness of each report and/or warrant.

The Supervisor shall be responsible to ensure that exculpatory evidence has been included in the report and/or warrant as required.

Questions as to whether or not evidence or statements are exculpatory shall be directed to the Chief of Police or designee.

Examples of Brady/Giglio material:

The following list is illustrative in nature and should not be considered a complete list but serve only as examples of possible situations subject to Brady / Giglio disclosure requirements.

Information that would directly negate the defendant's guilt concerning any count in an indictment or prosecution.

Information that would cast doubt on the admissibility of evidence that the government plans to offer that could be subject to a motion to suppress or exclude.

Any criminal record or criminal case pending against any witness whom the prosecution anticipates calling.

The failure of any proposed witness to make a positive identification of a defendant.

Information that casts doubt on the credibility or accuracy of a witness or evidence.

An inconsistent statement made orally or in writing by any proposed witness.

Statements made orally or in writing by any person that are inconsistent with any statement of a proposed government witness regarding the alleged criminal conduct of the defendant.

Information regarding any mental or physical impairment of any governmental witness that would cast doubt on his or her ability to testify accurately and truthfully at trial.

Information that tends to diminish the degree of the defendant's culpability or the defendant's offense level under state or federal sentencing guidelines.

A finding of misconduct by a Board of Rights or Civil Service Commission that reflects on the witness's truthfulness, bias, or moral turpitude. This includes employees under suspension.

Evidence that a proposed witness has a racial, religious, or personal bias against a defendant individually or as a member of a group.

An officer's excessive use of force, untruthfulness, dishonesty, bias, or misconduct in conjunction with his or her service as a law enforcement officer.

<u>County/State's Attorney Review</u>

The Fremont County/District Attorney's office will review material evidence and exculpatory evidence / Brady material from various sources as follows:

Employer disciplinary finding of dishonesty.

Qualifying criminal conviction of the witness.

Conduct observed by the County Attorney's Office.

Finding of dishonesty or false statement by a court.

Other means or sources.

The Chief of Police shall document the notification of the Fremont County/District Attorney's Office of any such material.

<u>Disciplinary Action</u>

Officers who are knowingly and intentionally untruthful, are otherwise dishonest in the course of their employment, or use excessive force are subject to impeachment of testimony at trial. Such officers are also subject to disciplinary action up to and including termination of employment.

Post-Conviction Claims of Omission

If the Chief of Police is notified of a possible omission of exculpatory evidence in an investigation, the Chief of Police shall assign an investigator to review the case and investigation for omission. The Chief of Police may assign the Internal Affairs Investigator to this matter.

The Chief of Police shall not assign the original investigating officer(s) to investigate the possible omission of exculpatory information.

The officer(s) assigned to investigate the possible omission of exculpatory information shall fully, completely and thoroughly investigate the matter and complete a written report of their investigative efforts and findings. A copy of this written report shall be delivered to the Chief of Police and forwarded to the Fremont County Attorney's Office.

Training

All sworn law enforcement officers of this department shall receive training in Brady / Giglio disclosure requirements.

VEHICLE OPERATIONS

PURPOSE

The purpose of this policy is to establish guidelines to direct the safe operation of Lander Police Department vehicles by police personnel.

POLICY

It shall be the policy of the Lander Police Department ("Department") that all personnel operate Department vehicles in accordance with state statutes and Department policies and procedures. Personnel responding to calls for service are expected to arrive promptly and safely. All Department personnel shall operate Department vehicles with due regard for the safety of persons and property at all times and shall be ever mindful of the reasonableness of their actions. When operating under emergency conditions, officers shall carefully balance the risks involved in such operations against the public's interest in maintaining safety. All vehicles used in routine or general patrol service, whether conspicuously marked or unmarked, must be equipped with operational emergency lights and siren.

DEFINITIONS

Authorized emergency vehicle: A police vehicle equipped with operable emergency equipment to include a siren and red and blue flashing lights while such vehicle is being operated by sworn police personnel answering an emergency call or in pursuit of fleeing law violators.

Code 1 response: A non-emergency response traveling with the flow of traffic. Non-emergency calls for which a Code 1 response is appropriate include, but are not limited to:
Crimes reported after the fact where no imminent danger is reported to exist;
Non-violent shoplifters in custody;
Minor offenses not of a potentially life threatening or physically dangerous nature;
Property damage motor vehicle accidents that do not create an immediate public hazard or a serious traffic problem;
911 hang ups/abandoned calls without specific information;
All other calls that do not require an emergency response;
At the direction of a supervisor; or
When directed by a supervisor.

Code 3 response: An emergency response with emergency lights and an audible siren activated in compliance with Wyoming Statutes §§31-5-928 and 31-5-952, to include but not be limited to:
Crimes in progress or crimes that just occurred when an expedited response might reasonably lead to the apprehension of suspects still in the area;
Active domestic assaults;
Robberies in progress, robberies just occurred, and robbery alarms;
Life threatening or physically dangerous situations;
Motor vehicle accidents with injuries;
Motor vehicle pursuits when conducted in compliance with Lander General Order, Motor Vehicle Pursuits;
An officer's call for assistance;
When directed by a supervisor.

Pursuit: An attempt by a police officer in an authorized emergency vehicle to apprehend any occupant of another moving motor vehicle, when the driver of the fleeing vehicle is attempting to avoid apprehension by maintaining or increasing the speed of such vehicle or by ignoring the police officer's attempt to stop such vehicle.

Supervisor: A person designated by the Lander Police Department to have supervisory control over the operation of Department vehicles during a police response.

Fleet Supervisor: The supervisor designated by the Chief of Police to oversee the maintenance, administration and assignment of all agency vehicles.

PROCEDURES

Requirements and Restrictions

License requirements: No person shall operate a Department vehicle of any kind unless they have a valid Wyoming Driver's license to operate such vehicle. The Captain will verify the validity of all employees' driver's licenses annually and report the findings to the Chief of Police by the end of January and July of each year. Employees found to have an expired, suspended, or otherwise invalid license will not be permitted to operate any departmental vehicle until the issue is remedied.

Occupant restraint systems: When operating police vehicles, or privately-owned vehicles while on duty, operators, passengers, and prisoners shall wear available seatbelts or restraint devices. Operators will ensure that all occupants, including prisoners, have their seatbelts fastened prior to the vehicle being operated. Any child required by State Statute to be restrained in a child restraint seat shall be secured in a child restraint seat.

Officer use of seat safety belts: (Wyoming Statute § 31-5-1402) Sworn personnel shall wear a seat safety belt while operating, or as a front seat passenger of, a City-owned vehicle. Personnel shall not operate a City-owned vehicle if the operator's seat safety belt is inoperable. Personnel shall not modify, remove, deactivate, or otherwise tamper with the vehicle seat safety belts except during an emergency situation, or with the permission of the Chief of Police. The following are exceptions to this requirement:

Authorized emergency vehicles while responding to an emergency call.

Physically disabled or impaired people who carry with them a written physician's statement with justification for the exemptions. (Employees shall provide a copy of the physician's written statement to the Chief of Police.)

For tactical situations such as an officer operating in an undercover capacity where the use of a seatbelt will compromise the officer's identity.

Vehicle check: Operators will conduct a check of their assigned vehicle to ensure critical vehicle equipment, including the radio, lights, and siren, are functioning properly prior to the beginning of their shift. Operators will also inventory their assigned vehicle to verify the presence of all equipment necessary for their assignment. Prior to the start of shift, and following the transport of a passenger, officers shall check the rear passenger compartment for weapons and/or contraband. On a weekly basis, shift supervisors shall conduct vehicle and equipment inspections of all vehicles in operation by personnel under their command. The employee shall be present during the inspection. A memorandum will be submitted to their respective designated supervisor upon completion of the inspection. At the end of each shift, personnel shall refuel their vehicles, inspect for and remove any evidence, trash, personal equipment, and leave the vehicle interior in clean condition.

Vehicle maintenance: Employees operating a vehicle are responsible for inspecting the vehicle and its equipment for functionality and cleanliness. Malfunctioning or deficient equipment shall be reported to the officer's immediate supervisor on a vehicle repair form. The employee shall also inspect the vehicle for damage. Any employee discovering unreported damage to a department vehicle shall immediately report it to their immediate supervisor. No person shall operate a Department vehicle that has a deflated tire or when there is evidence of an apparent mechanical defect. Should the member fail to note and properly report any defect, which is discovered after their

shift, it will be assumed that it occurred during their tour of duty, and they will be held accountable. Vehicles will periodically be removed from service in accordance with monthly maintenance schedules.

Disabled Vehicles: When a vehicle becomes disabled, the employee shall notify the Communications Center and his or her supervisor. Communications shall notify the appropriate towing agency, as required. In addition, the respective employee shall complete a vehicle repair form.

Personal use: Lander Police Department employees will not use Department vehicles for their personal use except with the express permission of the Chief of Police or designee.

Pushing/Towing: Unless properly equipped, no person shall use a Department vehicle for the purpose of pushing or towing another vehicle, nor shall a departmental vehicle be towed by another vehicle except by the towing facilities provided by the Department.

Passengers: Generally, private citizens shall not be permitted to “ride along” in police vehicles that are being used in the performance of duty unless the citizen's presence is necessary in the furtherance of police work. Transportation of citizens and the agency’s “ride-along” program is outlined in General Order Transporting Citizens.

Unattended vehicles: When leaving the vehicle for more than a brief period, the doors shall be locked. Whenever a police vehicle is left at a garage for repairs, the officer shall remove the key from the ignition and leave it with authorized garage personnel. All weapons shall be removed from the vehicle prior to it being left at the garage. Vehicles shall not be left unattended with engines running unless required for the performance of the employee’s duties.

Responsibilities of Sworn Police Personnel

Safe operation: The driver of any Department vehicle shall operate said vehicle in a reasonable and safe manner, exercising due caution and judgment, in compliance with all motor vehicle laws and regulations.

Code 1 response: Upon receiving a non-emergency call for service, assigned personnel shall respond in a Code 1 manner, obeying all motor vehicle laws while driving with the normal flow of traffic to the assigned location.

Change in response: Sworn police personnel may upgrade or downgrade their response, based on developing information or at the direction of a supervisor, to Code 1 or Code 3 protocols.

Travel conditions: Officers shall be cognizant of weather and road conditions, modifying their response from Code 3 to Code 1 when conditions dictate such action is necessary.

Wyoming Statute §31-5-106: All sworn personnel shall possess a complete and thorough knowledge of Wyoming Statute §31-5-106: Authorized Emergency Vehicles and shall comply with its provisions at all times. Note: Pursuant to Wyoming Statute §31-5-106(b), the statute “does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall this section protect the driver from the consequences of his reckless disregard for the safety of others.”

Responsibility of police personnel to stop for a stopped school bus: Pursuant to Wyoming Statute §31-5-507, all drivers shall immediately bring such vehicle to a stop not less than ten feet from the front when approaching and not less than ten feet from the rear when overtaking or following any school bus when such bus is displaying flashing red signal lights, except at the specific direction of a traffic officer. Emergency vehicles shall not proceed until such school bus is no longer displaying its red flashing lights. This includes the prohibition of vehicular turns at an intersection of two or more highways toward a school bus receiving or discharging passengers.

Code 3 response: Upon receipt of an emergency call for service that requires a Code 3 response, assigned personnel shall activate the police vehicle's audible siren and emergency lights and shall utilize them during their response. The audible siren and emergency lights are tools used by law enforcement to expedite their response to calls for assistance and to warn motorists of their presence. However, police officers responding to calls, regardless of their seriousness, must exercise due caution in their response and their actions must meet the test of reasonableness.

Sworn personnel shall proceed to the scene and must obey all traffic rules and regulations. Officers may rely on the exceptions contained within WY Stat. §31-5-106 only to the extent necessary for the performance of their duties. In such cases, officers will use extreme caution as civilian operators and/or pedestrians will not always see, hear or heed the lights and siren of the approaching emergency vehicle. The exemptions granted in WY Stat. §31-5-106 shall only apply when an emergency vehicle is making use of an approved audible warning signal device and approved visible flashing or revolving lights, and in no way does the exception relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall this section protect the driver from the consequences of his reckless disregard for the safety of others.

Sworn personnel shall drive at reasonable speeds, consistent with road, weather, traffic and light conditions. Officers must also take into account the area in which they are driving, and the type of call to which they are responding when making decisions regarding the safest method to proceed.

Sworn personnel operating Code 3 to emergency calls may turn off their lights and/or sirens for officer safety and suspect apprehension reasons as they get close to a scene. However, once the warning lights and audible siren are turned off, they are no longer operating within the requirements of WY Stat. §31-5-106 and no longer have the rights of emergency vehicles.

Supervisors/Commanders Responsibilities

Response codes: Supervisors shall upgrade or downgrade response codes for responding officers based on, but not limited to, their training and experience, their knowledge of the history of a particular response location, the people involved, the road, weather and traffic conditions as well as the number of officers already on scene.

Code 3 responses: Supervisors are responsible for continually monitoring Code 3 responses and taking steps to ensure the safety of their subordinates and the public. Primary responsibility rests with the patrol supervisor on duty. If the patrol supervisor is not available, any other supervisors monitoring the call shall intercede as required.

Vehicle maintenance: Each commanding officer is responsible for reporting vehicle maintenance issues for vehicles operated by officers under their command to the fleet officer to ensure that appropriate repairs are made prior to operating the vehicle.

Training: Supervisors shall constantly reinforce the contents of this general order by ensuring that regular training sessions at shift briefing are conducted and documented at least once annually. Training records will be forwarded to and maintained by the Training Officer.

Accidents: When a motor vehicle accident involving police vehicle(s) is reported, the supervisor shall be responsible for ensuring the following occurs:

Any employee who is injured because of an on-duty accident will receive immediate and appropriate medical care.

If the operator of the damaged Department vehicle is injured, the supervisor shall take the necessary steps to protect the vehicle and its contents from theft or further damage.

Any employee involved in an on-duty automobile accident shall submit a written report of the incident as soon as possible.

Motor vehicle accidents involving agency vehicles shall be investigated by the operator's supervisor in accordance with proper accident investigation procedures as outlined in General Order Traffic Accident Investigation. Upon completion of the investigation, a report will be submitted to the Chief of Police, which sets forth the findings. Supervisors shall initiate the appropriate disciplinary action against personnel who are found to have violated any element of this policy.

A determination will be made as to the extent of damage to the vehicle and the ability for it to be operated safely. When determined to be inoperable, the vehicle will be removed to the garage for inspection and repair.

Supervisors will be notified and respond to any accident involving a police vehicle from another agency or any City of Lander PD vehicle.

The Chief of Police will review all completed accident investigations involving agency vehicles to assure completeness and impartiality.

Discipline: Any officer involved in an automobile accident deemed to be their fault by improper driving or any other reason shall be subject to such disciplinary action or any other action deemed appropriate by the Chief of Police.

MISSING OR LOST PERSON COMPLAINT

PURPOSE

The purpose of this policy is to establish a procedure for the Lander Police Department ("Department") to investigate and report missing or lost persons complaints.

POLICY

It is the policy of the Lander Police Department to thoroughly and expeditiously investigate reports of missing or lost persons to identify individuals at risk. Employees of the Lander Police Department must be aware that people are reported missing for many reasons. Some people leave home voluntarily for personal reasons or may disappear for unexplained reasons but under suspicious circumstances. The role of the responding employee or officer is critical in identifying those persons at risk. Employees shall conduct thorough investigations of missing persons with particular care in instances involving missing children and those, who through mental or physical impairment, cannot care for themselves.

Jurisdictional conflicts are to be avoided when a person is reported missing. If the person either resides in, or was last seen in the department's jurisdiction, the department shall accept the call and initiate the reporting and investigative process. If the person resides within the department's jurisdiction but was last seen elsewhere, the department should work to engage and obtain the cooperation of the department covering the area where the person was last seen.

DEFINITIONS

AMBER Alert: "America's Missing Broadcast Emergency Response Alert" is a nationally recognized program used by law enforcement to help find children under the most serious life-threatening conditions. This program is a rapid notification to the public, which utilizes all available technology during the critical period after a child/missing person has been abducted. The system can be activated by any police unit in the state. AMBER alerts shall be requested by submitting the AA form in NCIC to the Wyoming Division of Criminal Investigation Control Terminal.

Adult Missing Person: Any person, 18 years of age or older, whose whereabouts are unknown, who is either missing under circumstances not conforming to their ordinary routine or habits or may need assistance or intervention.

Adult Missing Person Not At Risk: An adult will NOT be considered At-Risk if any of the following criteria are met:

Absent Spouse: An absent spouse has committed no crime and is legally free to come and go. (Caution should be exercised both in preserving the privacy rights of the spouse in their wish to keep their whereabouts unknown and in making sure that the "absent spouse" is not, in fact, the victim of foul play related to domestic abuse.)

An adult who has left a note and/or told a credible person that they are intentionally absent. (An exception would be a suicide note.)

An adult who simply has not been in touch with the reporting party for an extended period of time, unless extenuating circumstances exist.

Fugitives from justice including AWOL service personnel.

Adult who is being sought for business or social purposes such as debt collections or school reunions

Adult Dependent: An adult who has physical or mental limitations which restrict his/her ability to carry out normal activities (e.g., Alzheimer's disease, mentally handicapped).

At Risk Missing Person: A missing person will be considered at risk if any of the following criteria are met: The person has a physical or mental disability or is senile, which may subject that person or another to personal and immediate danger; the circumstances indicate that the person's physical safety may be in danger; the person is missing after a catastrophe but has not been confirmed deceased; or the circumstances indicate that the person's disappearance may not have been voluntary.

Catastrophic Missing Person: An individual who is possibly a victim of a disaster (i.e., boating accident, plane crash, earthquake, flood, fire, terrorist act, etc.).

Child Missing Person: Any person younger than 18 years old whose whereabouts are unknown to his or her parent, guardian, or responsible party.

CODIS: The Combined DNA Index System for Missing Persons. This system generates investigative leads in cases where biological evidence is recovered from the crime scene.

Dependent Adult: An adult who has physical or mental limitations which restrict his/her ability to carry out normal activities (e.g., Alzheimer's disease, mentally handicapped).

DNA: A material that is found in the nucleus of white blood cells and some structures outside the nucleus called mitochondria. Known as the "blueprint of life," it acts as a genetic code that distinguishes one person from another.

DNA Data Base: The Department of Justice DNA database for all cases involving the report of an unidentified deceased person or a high-risk missing person. The DOJ database is called CODIS, an acronym for "Combined DNA Index System". The system is similar in concept to that of the fingerprint index process, in attempting to identify offenders by their unique genetic substance and link them to the crime.

IAFIS: The "Integrated Automated Fingerprint Identification System", which is a national fingerprint and criminal history system maintained by the FBI, Criminal Justice Information Services (CJIS) Division.

Law Enforcement Agency: Any municipal police department, any county sheriff's office, and any Division of State Police with Department of Public Safety.

Lost: A missing person who has strayed away, and whose whereabouts are unknown.

NamUS: The "National Missing and Unidentified Persons System," which serves as a searchable online repository for missing and unidentified persons records that includes case date and circumstances, agency information, dental records, and NCIC coding, fingerprint classifications, and DNA testing status.

NCIC: The National Crime Information Center. A nationwide, on-line computer telecommunications system that is maintained by the FBI. NCIC's Missing Person File was implemented in 1975. Records in the Missing Person File are retained indefinitely, until the individual is located or the record is canceled by the entering agency.

NCIC Number: The National Crime Information Center (NCIC) Number. A computer-generated number automatically assigned by NCIC to each accepted record usually noted on the reporting agency's Missing Person Report.

Parent/Family Abduction: A child who has been taken, detained, concealed, enticed away, or retained by a parent or non-parent family member.

Reporting Myth: It is an incorrect assumption that 24 hours, or any other time frame, must pass before a law enforcement unit will accept a missing person report. There is NO waiting period for reporting a missing person.

Runaway: Any child who is voluntarily missing.

SILVER Alert: This system does for missing persons with dementia and other cognitive impairments what the Amber Alert system does for missing children - it helps speed up the process of finding them. Specifically, the Silver Alert system applies to any missing person age eighteen (18) years or older who has a mental impairment or is sixty-five (65) years of age or older. Both Amber Alert and Silver Alert systems create an emergency notification system for law enforcement agencies to broadcast local, regional, or statewide public alerts via radio, television, and electronic highway signs. The Silver Alert system mandates that law enforcement immediately begin searching for missing individuals who are ages sixty-five (65) or older, or age eighteen (18) and over, if mentally impaired. Once the police receive a missing person's report and a description of the missing person, the information is broadcast via radio, television and electronic highway signs through the Emergency Alert system (EAS). The plan alerts the public as quickly as possible to the disappearance so everyone may assist in the search for the safe return of the individual.

Stranger Abduction: A missing person taken/kidnapped by a stranger (includes cases of a known abductor who is not a family member.)

Suspicious Circumstances: Circumstances which give rise to the belief that "foul play" may have been involved; the disappearance is out of character for the individual; and no known reason can be determined.

UPS: The Unidentified Persons System, an automated database maintained by the Department of Justice (DOJ). Another major resource is the National Missing Children Hotline, accessible at 800-843-5678. The National Center for Missing and Exploited Children (NCMEC) also offers the Lost Child Alert Technology Resource (LOCATER) which is also available to law enforcement at no cost

ViCAP: The Violent Criminal Apprehension Program. This national data center is designed to collect, collate and analyze information of crimes of violence.

Voluntary Missing Adult: A missing adult who has left on his/her own free will.

PROCEDURES

Acceptance of Initial Call

Officers, dispatchers, or other personnel who take the initial call, by telephone, in person, or by electronic media, shall determine if the incident is a missing person case according to the definition of a missing person in, provided above.

Reporting parties and families of missing persons often experience feelings of helplessness and anxiety. Dispatchers, officers, or other designated personnel dealing with these persons should be sensitive to those feelings and respond appropriately. There are two dimensions to a missing person investigation:

Locating and determining the well-being of the missing person;

Supporting the person initiating the report and the loved ones who were left behind.

Officers need to act in a swift, organized, and efficient manner. In cases of child abductions, studies show the majority of children are killed within the first three hours of the abduction.

Confirmation of Responsibility for Acceptance of Report; Priority in Handling; and Agency Notification

It is the duty of all Lander Police Department employees to immediately assist any person who is attempting to make a report of a missing person or runaway, and a report shall be accepted regardless of jurisdiction. Lander Police Department employees shall accept without delay any report of a missing adult person.

Any Lander Police Department employee who receives a report of a missing child under eighteen (18) years of age shall immediately accept such report for filing and inform all on-duty police employees of the existence of the missing child report and communicate the report to other appropriate law enforcement agencies.

When dealing with “missing persons” or “adult missing persons” jurisdictional issues, it is not uncommon for multiple agencies to be involved in the same case. It is essential that agencies work closely together in order to enhance, and not impede, the investigation of the case. The policy requires that any Lander Police Department employee taking the initial missing person or adult missing person report promptly notify and send copies of the report to the law enforcement unit that has jurisdiction over the missing person’s or adult missing person’s residential address, and to the law enforcement unit where the missing person or adult missing person was last seen. It may also be appropriate to notify the law enforcement unit having jurisdiction of the missing person or adult missing persons intended destination.

The intent of this policy is to ensure that missing person or adult missing person cases are given appropriate priority over property related cases. Special attention should be given to reports of missing children or for persons with physical or mental limitations. These persons are at greater risk of harm.

Each Lander Police Department employee receiving notification of jurisdiction over any aspect of a missing person or adult missing person investigation should promptly give appropriate assistance in the active investigation, follow-up as requested by the law enforcement unit making the request, and provide all reports, records, and assistance appropriate to the investigation.

Responding Officer’s Initial Contact at the Scene and Making an Assessment at the Scene

Responding Officers or other designated personnel shall interview with sensitivity, the reporting party and any witnesses to determine:
that this is a missing person or adult missing person case;
if the person may be at risk or if there exist any suspicious circumstances and;
if there are any potential crime scene areas and/or potential witnesses.

Many times, parents or guardians are anxious to assist law enforcement in the initial phase of the investigation and they will want to provide additional documents to assist in the location of their loved one. Besides obtaining photographs of the missing person, additional items such as fingerprint cards obtained through community fair projects, items containing DNA samples of the missing person, or other related documents may be offered voluntarily by the family. The responding officer shall accept these items and properly document their collection in their reports. These items shall be treated, submitted, and stored as evidence. Officers shall also inform the follow-up investigators that these items have been collected.

This policy requires that the following information be obtained to aid in the search for the person and completion of the reports, and for immediate notification of inter- and intra-agency coordination:

Name, age, and physical description of the missing person and relationship of the reporting person to the missing person;

Time and place last seen and the identity of anyone accompanying the missing person;

The extent of any search already conducted for the missing person;

Whether the missing person has been reported missing before and the degree to which the absence departs from established behavior patterns, habits, or plans;

Whether the missing person has been involved recently in domestic problems; suffered emotional trauma or life crises; demonstrated unusual, uncharacteristic or bizarre behavior; has talked about running away or committing suicide; is dependent on drugs or alcohol; or has a history of mental illness;

The physical condition of the missing person and whether the person is currently on prescription medication. Find out if the person took the needed mediation with them;

Any information about a vehicle or other form of transportation;

Whether the missing person or adult missing person has taken anything with them (e.g., food, clothing, money, weapons, personal items). If they have bank accounts, charge cards, or debit cards (check them for recent activity);

If at the missing person's home, check for notes, travel folders, newspaper articles, or like items in the person's room. If there is a computer, try to view their social networking sites and consider appropriate safeguards for later analysis;

At the earliest possible moment, notify dispatcher and all on-duty officers;

Whether the missing person has a cell telephone. Determine the cell phone carrier and consider contacting their Law Enforcement Assistance department for help. Record and call the number. Leave a message if voice mail picks up;

Whether the missing person has relatives, friends or neighbors whom he/she may visit or otherwise contact; and

Whether the missing person has failed to perform some important task (e.g. pick-up children, feed pets)

NOTE: When a child is reported missing, regardless of reason, the responding officer will immediately notify a supervisor.

Investigative Follow-up and Minimum Required Actions

This policy requires that officers perform the follow-up actions:

Make a further assessment to determine what reasonable steps should be taken to locate the missing person

Obtain a complete description of the missing person or adult missing person, notifying dispatch and all on-duty officers

Broadcast a "Be On the Look-Out" (BOLO) bulletin within its jurisdiction if:

the missing person is under eighteen (18) years of age; or

if there is evidence that the missing person regardless of age is at risk.

Enter information into the) and WCJIN/NCIC

Lay groundwork for neighborhood or area canvass. Determine what personnel and resources are required for this search

Determine if there is any area or property to be protected as a crime scene

The investigating officer shall determine if the missing person fits the mandatory criteria for an AMBER Alert. The Wyoming Child Abduction Emergency Alert, commonly referred to as Amber Alert is a program that enables law enforcement to quickly notify the public in cases of child abduction, where the child's life is in imminent danger of seriously bodily harm or death. The criteria are:
The missing person must be under the age of eighteen (18) years or of proven mental or physical disability;
Belief that the missing child is in imminent danger of bodily injury or death;
Must have accurate information on at least one of the following:
Description of the child;
Description of the suspect; or
Description of the suspect vehicle

If above criteria are met, and there is no extenuating investigative need that dictates otherwise, the Emergency Alert System should be activated

If the missing person does NOT fit the above criteria, officers should continue to exercise discretion in determining which of the many other tools available would be the most appropriate for transmitting information and photographs to other officers, the media, and the public.

Complete the Wyoming Child Abduction Emergency Alert Activation Request

Telephone the Wyoming Division of Criminal Investigation that the form will be arriving; and

Notify the supervisor that an emergency alert notification has been requested.

The investigating officer shall determine if the missing person fits the mandatory criteria for a SILVER Alert. The criteria are:

Applies to any missing person age eighteen (18) years or older who has a mental impairment; or

Who is sixty-five (65) years of age or older (Both AMBER Alert and SILVER Alert systems create an emergency notification procedure for law enforcement agencies to broadcast local, regional, or statewide public alerts via radio, television and electronic highway signs.)

The SILVER Alert system mandates that law enforcement immediately begin searching for missing individuals who are ages sixty-fve (65) or older, or age eighteen (18) years and over if mentally impaired

Once the police receive a missing person's report and a description of the missing person is obtained, the information is broadcast via radio, television and electronic highway signs through the Emergency Alert System (EAS)

The plan alerts the public as quickly as possible to the disappearance so everyone may assist in the search for the safe return of the individual

<u>Investigating officers should:</u>

Consider calling a supervisor and/or investigator to the location. Ask the supervisor to assist in determining the scope and area of search operations. Call for any other assistance or support required. Protect all crime scenes. Identified search areas should have restricted access. Set up staging areas to control and organize a large number of searchers.

Thoroughly search the immediate and surrounding area in a logical and systematic manner. For children, search the house first (even if the parents said they already have done so.)

Process any potential crime scene for evidence.

Identify and interview potential witnesses.

Consider using a standardized search checklist which should include the last known location of the missing person and any likely locations where the person may have gone.

Consider using additional resources to assist in the search:

(1) Federal Bureau of Investigation (FBI)
(2) Department of Justice (DOJ)
(3) Critical Reach
(4) National Center for Missing and Exploited Children (NCMEC)
(5) National Center for Missing Adults (NCMA), and others

Examine court orders regarding custody matters, if applicable.

Consider notifying other agencies for assistance in locating the missing person in their related jurisdiction, the agency where the missing person was last seen may initiate the investigation. It is essential that agencies work together to enhance the success of the investigation.

Officers should request voluntary assistance from the family or reporting party in obtaining initial items of evidence belonging to the missing person such as:

Recent photograph(s) of missing person, (Also try to obtain photos depicting the person smiling with their teeth showing. This is beneficial for assisting in dental comparison and identification)

Personal electronic devices (cell phones, or cell phone number for tracking purposes, pagers, credit cards, ATM cards, toll passes, computer and any online resources such as: screen names, email sources, websites they may frequent, etc.)

In high risk, at risk, or high priority cases where canine assistance will be requested, officers should identify but not touch any “scent article.” Allow the dog handler to take possession of the article. (Vehicles can be scent articles in a search). Suggested items include hat, comb/brush, sock, razor, toothbrushes, under garments, etc., that were recently worn by the missing person and not handled by anyone else. Such “scent articles” should be placed in a clean paper bag using a clean glove or a clean stick. Items taken from a family laundry hamper, containing a mix of family members clothing, will not be beneficial.

Personal clothing, bedding, personal hygiene items, etc., that may contain DNA with evidentiary value (direct all questions about DNA collection to the State Forensic Laboratory)

Any other personal items that may contain the missing person’s scent for search dogs

Officers should obtain a list of persons known by the missing person’s friends, co-workers, acquaintances, associates, etc.

Officers should obtain a list of locations frequented by the missing person; hobbies, interests, preferences and predilections.

Officers shall utilize the following database systems:

A missing person case SHALL be entered into NamUs after the individual has been missing for (30) thirty days

Anyone can enter a case, after becoming a registered NamUs user. You may submit a registration request following the registration link: https://www.findthemissing.org/users/new confirm, or by selecting the “Register” button on the left navigation bar of the www.findthemissing.org website

A National Crime Information Center (NCIC) number or law enforcement case number must be in place before the case is published on the NamUs site (both are preferred).

Officers are required to register in the system (see above). Registration allows the officer to have direct involvement with the case and the assigned NamUs Regional Services Specialist (RSS) to obtain case details and biometric data.

Once the case is entered in NamUs, the submitting officer should request to be included as a local contact on the case, if they are not already. The RSS will facilitate obtaining the biometric data, which includes dental records for the NamUs Forensic Odontologist to code and upload to the NamUs case file. Additionally, the RSS will facilitate a fingerprint classification request and a request for DNA on a Family Reference Sample (FRS)

NamUs offers a Missing Person to Unidentified Person case-matching feature that should be monitored by the LEO for potential matches. When a match of interest is discovered, the officer should bring it to the attention of the RSS for expediting the comparison in a death scene investigation when a homicide is suspected of an unidentified, unknown body

After performing any death scene investigation when homicide is suspected, the official with custody of the human remains shall ensure that the human remains are delivered to the office of the Chief Medical Examiner

The Chief Medical Examiner shall obtain from the human remains:

samples of tissue suitable for DNA typing; and/or

samples of bone or hair suitable for DNA typing.

The Chief Medical Examiner shall immediately submit the samples obtained to the Wyoming Division of Criminal Investigation.

Interaction With Complainants and Others

It is important that officers remain in open contact with the family of all missing persons or adult missing persons, and with any other associated person

In missing person or adult missing person investigations, law enforcement units should consider appointing and assigning an officer as “family liaison” to keep families updated on the progress of the investigation; to assist with the preparation and distribution of missing person or adult missing person posters; to provide support and coordination with all missing person organizations; and to act as the point of contact for communications.

All officers, investigators, and supervisors involved in missing person or adult missing persons investigations need to be particularly sensitive to the interests, concerns, and needs of the family or other reporting persons and, to the fullest extent possible, continually communicate relevant and appropriate information on the handling of the case. It is not uncommon for the reporting persons or those left behind to experience significant emotional responses. They are dealing with a situation which is at the very highest stress level possible. Medical support, including consultation with a therapist is advisable; however law enforcement should advise the reporting party of two clearing houses to which they may also report a missing person:

For a missing person under the age of seventeen (17) years, contact the National Center for Missing and Exploited Children;

For a missing person over the age of eighteen (18) years, contact the National Center for Missing Adults

Officers should initiate follow-up contacts within 30 days:

Officers or other designated personnel should re-contact the reporting party within 30 days of the initial report to determine if any additional information may have become available

Other agencies involved in this case should be also contacted to determine if any additional information is available

Required Actions When a Missing Person Is Found

When a missing person is found, the law enforcement unit must report this event through all formal channels when any person reported missing is found, the officer, dispatcher, or other designated personnel shall prepare a formal report of that event. The reporting party and other involved agencies shall be notified and the notification recorded on the law enforcement unit's reporting form.

Any automated systems entries shall be cancelled.

Information regarding any found, unidentified persons, alive or deceased, should be entered into the NCIC/WCJIN.

In the event that a missing person is found before being reported missing to the system, a missing person report, followed by a cancellation, must still be made into the system.

Interviews on return can reveal valuable information about the reasons for going missing, where the missing person has been, with whom they have been, and what they have been doing. In many cases, the missing person will refuse to cooperate.

Officers should be mindful that sometimes the reason for running away is to escape abuse by a family member or care giver. If the interview is conducted in their presence, the aggrieved is unlikely to reveal that and the person will simply have returned to a place of abuse.

Closure of Missing Person Investigation

Careful consideration should be made concerning clearing a missing person investigation. Closure is obviously appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body. Inability to move forward in the investigation should not be a reason for closing a case. By closing a case in such a manner, all evidence may be lost for future identification of a deceased person.

An unidentified body may be discovered several years later, after the missing person report had been filed and prematurely closed. In such a case, there may be no relevant evidence that may assist in identifying the body, further hindering a death investigation

When the reported missing person is under the age of eighteen (18) years, the missing person should remain classified under their actual age as when originally reported missing, regardless of their current age. A missing child report should not be canceled and re-entered simply because the child has reached adulthood. The missing child report should not be removed or canceled from any automated system due to emancipation or reaching adulthood.

Considerations and Limitations

A common myth that twenty-four (24) hours (or any other time frame) must pass before law enforcement will accept a missing person or adult missing persons report is incorrect. A delay in reporting may indicate the existence of neglect or abuse within the family.

Reporting persons must also understand that an adult being a missing person is not a crime. Once the person is located and found not to be at risk, police cannot divulge information about them without

the person's consent. An adult will NOT be considered At-Risk if any of the criteria in the definition of a "Missing/NOT At-Risk Adult" are met.

Forms and Reporting Responsibilities

Lander Police Department employees shall be responsible for the following forms and reporting requirements:

Lander Police Department employees shall accept without delay any report of a missing person.

Officers shall submit to the Missing Children Information Clearinghouse all missing child reports received by any such agency.

Officers who receive a report of a missing child under fifteen (15) years of age shall immediately accept such report for filing and inform all on-duty police officers of the existence of the missing child report and communicate the report to other appropriate law enforcement agencies.

Lander Police Department shall submit appropriate information into state and federal data systems.

Supervisors shall require written reports to be completed by investigating officers. Officer reports on missing person or missing adult person cases will be reviewed contemporaneously by supervisors.

Information regarding missing persons under sixteen (16) years of age, or where there is evidence that the missing person is "at risk", shall be entered into the state and federal database systems within four (4) hours by the law enforcement unit taking the report.

SPECIAL NOTE: A report of a missing person under the age of twenty-one (21) years must be reported to the U. S. Department of Justice National Crime Information Center (NCIC) per Federal Law

Additional Resources

National Center for Missing and Exploited Children (NCMEC). NCMEC was established in 1984 as a private, nonprofit and tax-exempt organization to provide services nationwide for families and professionals, to prevent the abduction, endangerment and sexual exploitation of children.

National Center for Missing and Exploited Children
699 Prince Street
Alexandria, VA 22314
800-843-5678
www.missingkids.com

Alzheimer's Association "Safe Return" Program. This is a nationwide identification registry program designed to assist law enforcement agencies with information to quickly identify and return those individuals who have wandered off. The program offers a 24-hour hotline service, provides names, photographs, identifying characteristics, and emergency contact information, and offers a Law Enforcement Officer's Pocket Response Guide that describes the best way to recognize, communicate with, and respond to a person with Alzheimer's. The Alzheimer's Association "Safe Return" program may be contacted at:

Alzheimer's Association "Safe Return" Program
800-272-3900
www.alz.org

U. S. Department of State, Child Custody Division. This agency is the central authority for providing assistance regarding international parent/family abduction.

Bureau of Consular Affairs, U. S. State Department
202-736-7000

U. S. Postal Service. Access to databases of the names of all individuals within the nation who filed "Change of Address" forms will provide law enforcement agencies with return address and postmark information on mail destined for a specific address. 202-268-4267.

U. S. Department of Defense. Information about current and past assignments of active duty members of the Armed Forces can be obtained by calling: 800-336-4592

U. S. Office of Personnel Management. Address information about retired members of Armed Forces or retired federal civil service employees. Address information of where retiree's federal pension payments are mailed can be obtained by calling: 202-606-2424

Fisher Scientific Catalog (FTA Collection Cards and Sponges).
Fisher Scientific
800-766-7000
www.fishersci.com

MedTech Forensics Catalog (FTA Collection Cards and Sponges).
MedTech Forensics
800-596-6420
www.medtechforensics.com

National Center for Missing Adults (NCMA). A division of Nation's Missing Children Organization.
National Center for Missing Adults
4641 North 12th Street, Suite 100
Phoenix, AZ 85014
www.theyaremissed.org

National Missing and Unidentified Persons System (NamUs). This involves a DNA data base.
U. S. Department of Justice, Office of Justice Programs
810 7th Street, NW
Washington, DC 20531

DOMESTIC VIOLENCE INVESTIGATION

PURPOSE

The purpose of this general order is to establish uniform and appropriate response protocols for officers of the Lander Police Department when responding to, investigating, or otherwise dealing with incidents involving domestic violence matters.

POLICY

It is the policy of the Lander Police Department ("Department") that all reported incidents of domestic violence will be recognized and responded to as criminal activity. This policy will reaffirm the officer's responsibility for making arrest decisions in such cases in accordance with Lander policy and state law. It is imperative that the investigating officer(s) ensure the safety of the victim(s) and proceed with the goal of a successful prosecution, where appropriate. A decision by the victim/accuser not to cooperate with the investigation will not diminish or otherwise affect the requirement of the investigator(s) to corroborate any allegations. Consistent with state law, when probable cause exists, the arrest of the suspect is presumed to be the preferred response to domestic violence incidents. It is understood that this procedure will not cover every conceivable situation that may arise. When provisions of this policy are found to be incomplete or inapplicable to a particular set of circumstances, officers are expected to act intelligently and exercise sound judgment, attending to the spirit above the letter of the law.

DEFINITIONS

Deadly Weapon:(WY Stat. §6-1-104) Includes, but is not limited to a firearm, explosive or incendiary material, motorized vehicle, an animal or other device, instrument, material or substance, which in the manner it is used or is intended to be used is reasonably capable of producing death or serious bodily injury

Domestic Violence: An incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury, or assault, including, but not limited to, stalking or a pattern of threatening between family or household members. Verbal abuse or argument shall not constitute domestic violence unless there is present danger and the likelihood that physical violence will occur.

Domestic Abuse: Pursuant to Wyoming Statute §35-21-101, means the occurrence of one (1) or more of the following acts by a household member but does not include acts of self-defense:

Physically abusing, threatening to physically abuse, attempting to cause or causing physical harm or acts which unreasonably restrain the personal liberty of any household member;

Placing a household member in reasonable fear of imminent physical harm; or

Causing a household member to engage involuntarily in sexual activity by force, threat of force or duress.

Household Member: Pursuant to Wyoming Statute §35-21-101 includes:
(A) Persons married to each other;
(B) Persons living with each other as if married;
(C) Persons formerly married to each other;
(D) Persons formerly living with each other as if married;
(E) Parents and their adult children;
(F) Other adults sharing common living quarters;
(G) Persons who are the parents of a child but who are not living with each other; and

(H) Persons who are in, or have been in, a dating relationship.

Institutions and Services: Includes: peace officers, service providers, mandated reporters of abuse, agencies, and departments that provide services to victims and families and services designed to assist victims and families.

Lethality Assessment Program: An eleven-question lethality screening tool and accompanying response and referral protocol designed to identify domestic violence victims who are at the greatest risk of being seriously injured or killed and connect them with crisis center services. The goal of the program is to prevent domestic violence homicides, serious injury and re-assault by encouraging more victims to use the shelter, counseling, advocacy, and support services of domestic violence crisis centers.

Order of protection: Pursuant to Wyoming Statute §35-21-102, a court order granted for the protection of victims of domestic abuse.

Principal Petitioner: A victim of a domestic violence crime whose immigration status is questionable, and who is filing for a T Non-immigrant Visa or a U Non-Immigrant Visa on behalf of himself or herself or a qualifying family member.

Safety Plan: A plan developed between an advocate/counselor or a police officer and victim that contains specific activities for victims to be safe from an offender. Safety planning is an essential step to be completed with all adult victims of domestic violence. It provides individualized planning for violence victims that children or family may encounter regardless of any ongoing or further relationship with the offender. Age-appropriate safety planning is also important for child survivors/witnesses of domestic violence.

Short Term Safety Plan: An immediate plan developed at the time of the report. A responding officer should remain on scene and assist the victim with this plan. Some of these steps could include but are not limited to:

- Create a plan as to what to do next
- Ensure that the victim and children have the ability to call 911
- Ensure that the victim can get to a safe location
- Calling friend, family member or advocate for support
- 24- hour Statewide Domestic Hotline number is 1-800-799-7233

“T” Non-immigrant Visa Victims of Trafficking: Also known as the “T-visa”, provides immigration protection to victims of a severe form of trafficking in persons. The T-visa allows victims to remain in the United States and assist federal authorities in the investigation and prosecution of human trafficking cases.

“U” Non-immigrant Visa Victims of Criminal Activity: Also known as the “U-visa,” provides temporary immigration benefits to aliens and their qualifying family members who are victims of qualifying activity, who have suffered mental or physical abuse as a result, and who are willing to assist law enforcement and government officials in the investigation of criminal activity.

Questionable immigration status: Any individual who cannot reasonably satisfy the investigating officer that he/she is a U.S. citizen, a lawful permanent resident of the United States, a documented permanent or temporary worker, a student or exchange visitor, a member of the U.S. Armed Forces, or otherwise lawfully present in the United States, or whose visa will likely expire before the case in which the individual is a victim can be fully prosecuted.

Qualifying criminal activity: Criminal activity that involves one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital

mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes. See Title 8 U.S.C 1101(a)(15)(U)(iii)

PROCEDURES

Officer Responsibilities

Initial response: Officers dispatched to domestic violence incidents will investigate any complaint(s) of domestic violence in a safe and expeditious manner.

All such incidents should be regarded as potentially “high risk” calls and approach any domestic violence situation with caution.

Two officers will be dispatched and respond to incidents of domestic violence, whenever practical.

When it is practical and can safely be done, officers should briefly listen at the door and/or observe involved parties through a window prior to entry. This may assist in the determination of the existence of probable cause for arrest.

Forced entry: Forced entry is defined as any non-consensual entry. Officers may force entry into a premises when:

The officer reasonably believes an occupant is in need of immediate medical attention, or

The officer reasonably believes an occupant is in imminent danger of suffering serious physical harm.

Unless exigent circumstances require forced entry, such as the necessity to stop what officers believe to be an ongoing physical assault or a felony, the officers should seek to have one of the parties admit them to the residence. In the absence of exigent circumstances, the officer has no right to enter, but shall make reasonable efforts to ascertain the well-being of those present.

Officer’s Demeanor:

The responding officer(s) should maintain a professional and calm attitude upon initial contact.

Officers should state their reason for being present.

Officers should not neglect children when explaining officers’ presence, particularly if an arrest is being made.’

Officers should tell the child(ren) that what happened prior to the officers’ arrival is not their fault.

If a child called 911, tell the child that he/she did the right thing and the officers are there to help the family.

If the family does not speak English, when possible, officers SHOULD NOT use the children as interpreters. This could prove dangerous to the child and the adult victim.

Officers should strive to be considerate and attentive toward all parties and their concerns. Officers shall maintain a professional and objective demeanor throughout their investigation.

Upon entering, officers shall prevent the physical movement of the parties as much as possible and control their access to any potential weapons.

Persons who are under the influence of drugs or alcohol, or who suffer from mental illness, might pose a safety risk to themselves or others at the scene. Special precautions may need to be taken in these circumstances.

Incident investigation:

Officers shall:

Identify all individuals present at the scene and include their information in the incident report. The relationship of involved parties will be identified to determine any family and/or household member status.

Assess and determine the nature of the incident by interviewing involved parties separately and not in view of one another, whenever possible, to ensure that victims are not potentially influenced by offenders or interested parties present at the scene.

Determine the presence and status of any weapons.

Obtain a signed, written statement or taped statement from any victim, when possible.

Obtain a signed medical release form with victim's consent, when appropriate.

Carefully document the condition of the scene, including diagrams, if appropriate.

Identify, collect, and preserve all evidence of the crime(s).

Identify any witnesses to the incident who may not be present at the scene.

Photograph the scene and any visible injuries on the victim. (Photographs of injuries will be printed and sent to court for review by the state's attorney prior to arraignment.)

Determine if the offender is the subject of any Protective Orders, or Temporary Protective Orders of release that include "no contact with the victim" or "no use or possession of dangerous weapons." Verify for order and that the conditions are applicable to the involved victim(s) and offender(s).

If an officer is unsure how to proceed in any given situation, the officer shall notify a supervisor for guidance.

Assessing and treating victim injuries: It shall be the responsibility of the responding officer(s) at the scene of a domestic violence incident to provide immediate assistance to the victim(s). Such assistance shall include, but is not limited to:

Assisting the victim in obtaining medical treatment, if such is required;

Informing the victim if an affidavit will be filed based on probable cause;

Informing the victim of any available domestic violence services and referring the victim to the Wyoming Division of Victim Services;

Providing assistance in accordance with the uniform protocols for treating victims of domestic violence whose immigration status is questionable; and/or

If no probable cause exists for an arrest of either party, the officers will remain at the scene for a reasonable amount of time until, in their judgment, the likelihood of future violence has diminished.

Dealing with children at the scene: It is important for officers to understand that children are often present and ignored by police at the scene of a domestic violence incident. In addition to their potential value as a witness, the welfare of a child may be adversely affected when exposure to domestic violence incidents go ignored and untreated by appropriate professionals.

Officers will determine if children are present at the scene and ensure that they are safe and unhurt.

If child abuse is suspected, officers shall follow the procedures in General Order 6.10: Child Abuse Investigations and make a report to the Wyoming Department of Family Services.

Officers will interview children as witnesses, if possible, taking into consideration the current circumstances.

If dual custodial arrests are made and/or there is not a suitable adult available to care for any children present, arrangements will be made for their care.

Officers shall notify an on-call clinician when children are present at the scene and have been exposed to violence; or obtain a referral to services.

Arrest of Domestic Violence Offender(s):

Officers will identify all applicable violation(s), including violations of any Protective Orders, and record facts of violence and threat of violence.

Officers will determine whether probable cause exists for each violation that will be charged, including all companion charges. All crimes for which probable cause exists should be charged and officers will determine whether a person was acting in self- defense.

An officer who has probable cause to believe that any household member has committed an assault or battery, aggravated assault, reckless endangerment, or strangulation, upon any household member within the preceding twenty-four (24) hours or is taking is taking place, may arrest the violator without a warrant for that violation, regardless of whether the violation was committed in the presence of the officer. (See, WY Stat. § 7-20-102, 6-2-510(a), 6-2-511(a), 6-2-502(a), 6-2-504 (a) or (b), and 35-21-102(a)(iv)). Officers may also arrest individuals when the officer has a warrant for the individuals arrest or grounds for believing that a warrant for the person's arrest has been issued in the state of Wyoming or in another jurisdiction. (See, WY Stat. § 7-2-102 (a))

In general, officers may arrest a person without a warrant when: (See, WY Stat. § 7-2-102 (b))

Any criminal offense is being committed in the officer's presence by the person to be arrested;

The officer has probable cause to believe that a felony has been committed and that the person to be arrested has committed it; or

The officer has probable cause to believe that a misdemeanor has been committed, that the person to be arrested has committed it and that the person, unless immediately arrested:

Will not be apprehended;

May cause injury to himself or others or damage to property; or

May destroy or conceal evidence of the commission of the misdemeanor.

An officer should emphasize to the parties the criminal nature of domestic violence and that the criminal action is being initiated by the state, not the victim.

Whenever an officer determines that a domestic violence crime has been committed within such officer's jurisdiction, such officer shall arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime. The decision to arrest and charge shall not be influenced by the following:
The specific consent of the victim;
The relationship of the parties; or
Solely upon a request of a victim.
The fact that civil proceedings such as separation, divorce, or custody disputes are pending.
The victim's previous unwillingness to participate in the complaint or arrest process.
The number or frequency of calls for police assistance at a particular location.
The victim wishes to not have the suspect arrested.

Assurances from the offender that the violence will cease.

If a custodial arrest is not made, officers shall remain at the scene until in the reasonable judgement of the officer the likelihood of future violence has been diminished

Officers are prohibited from releasing on a written promise to appear or the posting of a bond without surety any person charged with a family violence crime that involved the use or threatened use of a firearm.

Reporting and Processing Requirements:

Lander police officers who respond to a domestic violence incident shall complete a police report whether or not an arrest occurs.

When an officer feels that a recorded 911 call or any recorded call for police response will enhance an investigation, they should request the recording from the dispatch center and add it to the respective case file.

Lander police officers will assign the arrestee a court appearance date if a party is in violation of the law and is not arrested.

All officers at the scene shall complete an incident report or a supplement report prior to the end of their tour of duty.

Officers shall document any visible injuries and any verbal statement by either victim(s) or offender.

Officers shall report suspected abuse, neglect, exploitation, or abandonment of any elderly person by telephone to the Wyoming Department of Family Service or the Wyoming Department of Health (Elder Abuse).

Relevant Domestic Violence Statutes:

Temporary Orders of Protection (WY Stat. §35-21-104)

(a) Upon the filing of a petition for order of protection, the court shall:

(i) Immediately grant an ex parte temporary order of protection if it appears from the specific facts shown by the affidavit or by the petition that there exists a danger of further domestic abuse;

(ii) Cause the temporary order of protection, together with notice of hearing, to be served on the alleged perpetrator of the domestic abuse immediately, either within or outside of this state;

(iii) Hold a hearing on the petition within seventy-two (72) hours after the granting of the temporary order of protection or as soon thereafter as the petition may be heard by the court on the question of continuing the order; or

(iv) If an ex parte order is not granted, serve notice to appear upon the parties and hold a hearing on the petition for order of protection within seventy-two (72) hours after the filing of the petition or as soon thereafter as the petition may be heard by the court.

(b) An order of protection issued under this section shall contain a notice that willful violation of any provision of the order constitutes a crime as defined by W.S. 6-4-404, can result in immediate arrest and may result in further punishment. Orders shall also contain notice that a violation that constitutes the offense of stalking as defined by W.S. 6-2-506(b) may subject the perpetrator to enhanced penalties for felony stalking under W.S. 6-2-506(e).

Orders of Protection (WY Stat. §35-21-105)

(a) Upon finding that an act of domestic abuse has occurred, the court shall enter an order of protection ordering the respondent household member to refrain from abusing the petitioner or any other household member.

(c) The order shall contain a notice that willful violation of any provision of the order constitutes a crime as defined by W.S. 6-4-404, can result in immediate arrest and may result in further punishment. Orders shall also contain notice that a violation that constitutes the offense of stalking as defined by W.S. 6-2-506(b) may subject the perpetrator to enhanced penalties for felony stalking under W.S. 6-2-506(e).

Violations of Order of Protection (WY Stat. §6-4-404)

(a) Any person who willfully violates a protection order or valid foreign protection order as defined in W.S. 35-21-109(a), is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both.

(b) For purposes of subsection (a) of this section, "protection order" means an order of protection issued pursuant to W.S. 35-21-104 or 35-21-105 or any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts, other than support or child custody orders, whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.

Victim assistance:

Officers shall remain at the scene for a reasonable time until, in the reasonable judgment of the officer, the likelihood of further imminent violence has been eliminated. Officers will consult with the on-duty supervisor with respect to the likelihood of further imminent violence prior to the officer(s) leaving the scene.

Prior to clearing the scene officers will ensure the following:

Officers will notify the victim(s) of his/her right to file an affidavit or a warrant for an arrest;

Officers will assist the victim(s) with developing a short term safety plan as defined above which may include assisting the vitim(s) in securing a safe place to stay, if necessary;

Most victims are unfamiliar with court procedures relative to domestic violence incidents, therefore, officers will explain the process to them including, but not limited to processes related to arrest, arraignment and bond including the following:

The offender might NOT be held overnight, and may be released within hours of the arrest (in the event the offender is released, the officer shall make attempts to notify the victim);

The offender will be arraigned the following court day; Prior to arraignment, the victim can meet with or call a domestic violence victim advocate (FVVA) whose phone number is listed on the “Victim of Crime Card” under Domestic Violence Programs ;

The FVVA will provide the victim with accurate information regarding the court process. The FVVA will represent the victim's wishes* to the Family Relations Officer (FRO)**. The FVVA will provide information and referrals regarding available community services, and will help the victim develop a long-term safety plan. (*The FVVA will only disclose information as allowed by the victim - otherwise any information given by the victim to the FVVA is confidential.);

Officers shall give the victim(s) a “Victim of Crime Card” containing information about victims’ rights and phone numbers for services.

Officers will provide the victim(s) with their name and contact information in case the victim has any questions.

Officers shall assist the victim regardless of the victim's race, age, gender, religious beliefs, immigration status, ethnicity, disability, sexual orientation, gender identity, or gender expression.

Supervisor Responsibilities

It is imperative that domestic violence incidents are properly investigated and processed to ensure the safety of the victim(s). Whenever possible, the on-duty supervisor will respond to all domestic violence calls to ensure that policies and procedures are properly followed. Supervisors will:

Conduct a probable cause review at the scene or in booking;

Ensure that all reports are properly completed;

Ensure that follow-up investigative responsibilities are coordinated to allow shift changes and/or referrals to specialized units;

Review any firearm, weapon, or electronic defense weapon issues, including seizures, to ensure compliance with departmental polices, state and federal laws. Where appropriate, assure that the State's Attorney's office is notified where weapons are seized so that appropriate court orders can be sought.;

Review all arrests, dual arrests situations, and self defense issues;

Expedite warrant processing;

Evaluate and/or set conditions of release. Either the duty supervisor or the bail commissioner should enter a Rule 20 into NCIC, with restrictions.

The shift supervisor is responsible for setting bail after arrest. In the rare instances when a bail commissioner reduces the bond set by law enforcement, a shift supervisor, who has concern for the safety of the victim, can contact the State's Attorney within the jurisdiction, to override the bail commissioner's recommendation until the arraignment.

The Chief of Police shall designate a supervisor as the Department's domestic violence Liaison. This supervisor will expeditiously review and oversee the Police Response to Crimes of Domestic violence Model Policies, Procedures, and Guidelines and assure this directive is in accordance with the model policy and to enhance such agency's response to victims, community, and court personnel with respect to domestic violence.

Records Unit Responsibilities

When a restraining order or protective order is received by this department, Records Unit or Dispatch personnel will enter the name and address into the hazard file on the in-house computer system. A copy of the order will then be placed in the original case file, and the original order will be filed at the front desk. When this department receives a disposition from the court, Records personnel will remove the name and address from the hazard file and remove the original from the desk. The original order and the disposition will then be filed in the case file. The department will forward a copy of this report to the State's Attorney for the appropriate judicial district in cases where an arrest has been made

Arrest documents: When an arrest has been made, the completed Domestic violence Offense Report will be forwarded to the Fremont County Attorney's Office.

MENTALLY ILL AND HOMELESS INDIVIDUALS

PURPOSE

The purpose of this General Order is to establish guidelines, policies, and procedures for Lander Police Department ("Department") members for the handling of persons who, due to mental illness, present a danger to themselves or others and cannot meet their basic needs or ordinary demands of life.

POLICY

Mental illness or homelessness is not a crime and does not, in itself, justify or require police intervention. Many mentally ill persons are capable of functioning on their own without danger to themselves or others. When persons appear to be mentally ill, however, the Department's primary concern shall be to protect the mentally ill person and other citizens.

DEFINITIONS

(WY Stat. §25-10-101)

Dangerous to Themselves or Others: means that, as a result of mental illness, a person:

(A) Evidences a substantial probability of physical harm to himself as manifested by evidence of recent threats of or attempts at suicide or serious bodily harm; or

(B) Evidences a substantial probability of physical harm to other individuals as manifested by a recent overt homicidal act, attempt or threat or other violent act, attempt or threat which places others in reasonable fear of serious physical harm to them; or

(C) Evidences behavior manifested by recent acts or omissions that, due to mental illness, he is unable to satisfy basic needs for nourishment, essential medical care, shelter or safety so that a substantial probability exists that death, serious physical injury, serious physical debilitation, serious mental debilitation, destabilization from lack of or refusal to take prescribed psychotropic medications for a diagnosed condition or serious physical disease will imminently ensue, unless the individual receives prompt and adequate treatment for this mental illness. No person, however, shall be deemed to be unable to satisfy his need for nourishment, essential medical care, shelter or safety if he is able to satisfy those needs with the supervision and assistance of others who are willing and available;

(D) While this definition requires evidence of recent acts or omissions of endangerment, either to self or others, a court may consider a person's mental health history in determining whether directed outpatient commitment or involuntary hospitalization is warranted.

Examiner: means a licensed psychiatrist, a licensed physician, a licensed advanced practice registered nurse, a licensed physician assistant, a licensed psychologist, a licensed professional counselor, a licensed addictions therapist, a licensed clinical social worker or a licensed marriage and family therapist.

Homeless Individual: An individual who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residency that is: (1) A supervised publicly- or privately-operated shelter designed to provide temporary living accommodations, or (2) A private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings.

Mental Illness and Mentally Ill: mean a physical, emotional, mental or behavioral disorder which causes a person to be dangerous to himself or others and which requires treatment, but do not include addiction to drugs or alcohol, drug or alcohol intoxication or developmental disabilities.

Treatment: means diagnosis, evaluation, intervention, which may include psychiatric medication, individual and group mental health counseling, illness management diversion services such as immediate linkages to mental health services in the community and discharge planning. Treatment shall begin at the time of detention, if the person knowingly and voluntarily consents, and shall continue throughout involuntary hospitalization or directed outpatient commitment. Treatment may be given without the consent of the detained person or his parent or guardian when treatment is limited to diagnosis or evaluation or when treatment is necessary to prevent immediate and serious physical harm to the person or others. “Treatment” does not include observation or supervision.

PROCEDURES

Emergency Detention

Wyoming Statutes §25-10-109, permits a law enforcement officer to detain a person when the officer has reasonable cause to believe the person is mentally ill.

Immediately after detaining a person, the officer shall contact an examiner. A preliminary examination shall occur within 24 hours after the detention.

The law enforcement officer or examiner who initially detained the person shall make a written statement of the facts of the emergency detention. A copy of the statement shall be given to the detained person, his parent or guardian, to any attorney representing the person, to the county attorney in the county where the person is detained, to any gatekeeper designated by the department and to any subsequent examiner. At the time of emergency detention the person shall be informed orally and in writing of his right to contact his family and an attorney, of his right to appointed counsel if he is indigent, of his right to remain silent and that his statements may be used as a basis for continued detention, directed outpatient commitment or involuntary hospitalization.

Recognizing abnormal behavior

Mental illness is often difficult for even the trained professional to define in a given individual. Officers are not expected to make judgments of mental or emotional disturbances but rather to recognize behavior that is potentially dangerous or destructive to self or others.

When Lander Police officers are confronted with a situation involving a mentally ill individual, the officer should endeavor to gain as much background information about the individual as possible. Some of the signs to help recognize mental illness in a person relate to significant changes in behavior. These include:

Others saying that the person is not “themselves;”

They may behave in a way dangerous to themselves or to others;

They may withdraw into themselves, talking only to themselves;

Mentally ill persons may show signs of strong and unrelenting fear of persons, places, or things. The fear of people or crowds, for example, may make the individual extremely reclusive or aggressive without apparent provocation.

They may have sensations that are not based on reality, such as:

Visions, strange odors, peculiar tastes or voices

Unrealistic ideas or grand thoughts about themselves

Believing that they are worthless (extreme depression)

Delusions (unrealistic ideas) about the world

Exaggeration of events that occur

Believing the world is more unfriendly than it is

Strange losses of memory or not know the time, or where or who they are

The types of impaired (abnormal) behavior that are most dangerous are the violent, depress/suicidal, or where physical illness or loss of memory is involved. Impaired behaviors seen most often by officers include the:

Psychopathic personality

Alcoholic

Drug addict

Sex offender

Intellectually Disabled

Mental disorders of old age

If the officer observing the conduct of the individual has any doubt as to whether or not the individual is a "person requiring treatment," the officer shall request a supervisor be dispatched to the scene.

The supervisory officer shall determine if the individual is a "person requiring treatment." When the decision is made to convey, the officer observing the conduct will make the conveyance. The officer shall execute a written request for emergency examination detailing the circumstances under which the person was taken into custody, and such request shall be left with the facility. The individual shall not be taken to the prisoner ward nor be registered on an arrest ticket.

Officers shall complete an Incident Report to document the incident.

Dealing with the Mentally Ill

Should the officer determine that an individual may be mentally ill and a potential threat to themselves, the officer, or others, or may otherwise require law enforcement intervention; the following responses provide general guidelines. (Officers shall also refer to General Order 7.06: Crisis Intervention Team, for incidents involving individuals with mental or behavioral health problems.)

Take steps to calm the situation. Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet non-threatening manner when approaching or conversing, with the individual;

Move slowly and do not excite the disturbed individual. Provide reassurance that the police are there to help and that they will be provided with appropriate care;

Avoid topics that may agitate the individual and guide the conversation toward subjects that help bring the individual back to reality;

Always attempt to be truthful with the individual. If a subject becomes aware of deception, they may withdraw from contact in distrust and may become hypersensitive or retaliate in anger.

Conveyance when Presented with a Court Ordered Admission

When a court determines that there is probable cause to believe that an individual has “psychiatric disabilities” and is dangerous to himself or herself or others, or gravely disabled, that court may order that such an individual be taken into custody and transported to a general hospital for examination.

Under these circumstances, the officer shall take the individual named in the document into protective custody and convey the individual to the appropriate treatment facility for examination.

Training

Officers shall complete entry- level training on issues surrounding dealing with persons with mental illness. Such training will be documented.

Agency personnel shall complete an annual refresher training concerning dealing with persons suffering from mental illness. The annual training will be documented.

TRAFFIC ENFORCEMENT

PURPOSE

The purpose of this General Order is to establish and provide written guidelines that describe the Lander Police Department's procedures relating to traffic enforcement activities.

POLICY

It is the policy of the Lander Police Department ("Department") to establish procedures for traffic enforcement activities, including provisions that officers enforce traffic laws and regulations in a fair and equitable manner in an effort to increase voluntary compliance with motor vehicle laws, deter collision-causing violations, and promote the safe and efficient flow of traffic.

PROCEDURES

Selective Traffic Enforcement Activities and Procedures

The ultimate goal of the Department's selective enforcement program is to reduce traffic collisions and increase voluntary compliance with traffic laws. The Department maintains a records system that collects data related to traffic collisions, traffic enforcement and roadway hazards. Traffic enforcement and traffic collision data summaries and analysis will be used to support field operations, program planning, development of countermeasures, and evaluation of program effectiveness, including the following:

Analysis of Traffic Collisions

The Captain will be responsible for conducting a monthly analysis of all traffic collisions investigated by our Department. This analysis will be used to assign personnel to any identified hazardous locations for selective enforcement activities. This analysis will be submitted to the Chief of Police as part of the monthly statistics.

Analysis of Traffic Enforcement Activities

The Captain will be responsible for conducting a monthly analysis of all traffic enforcement activities conducted by our department. This analysis will be used to assist in gauging the effectiveness of selective enforcement countermeasures and other traffic programs. This analysis will be submitted to the Chief of Police as part of the monthly statistics.

Implementation of Selective Enforcement Techniques

While the implementation of selective enforcement techniques is the responsibility of all Patrol Supervisors, the Chief of Police may designate certain supervisors and officers whose primary duties and responsibilities would include concentrating on selective enforcement techniques and activities, including:

Geographical/temporal assignment of personnel and equipment;

Preventive patrol designed to deal with specific categories of unlawful driving behavior;

The use of such techniques should be based upon crash data and experience, enforcement activity records, traffic volume, and traffic conditions.

Deployment of Personnel for Traffic Enforcement

Supervisors will deploy patrol personnel to selective enforcement activities in conjunction with routine patrol responsibilities, including the following activities:

Observe and report traffic flow

Look for improper driving behavior

Identify and act on emergency, hazardous conditions, and other service needs

Enforcement Procedures for Traffic Violations

Enforcement procedures for traffic violations include provisions for the following:

Making a Physical Arrest

Officers should make a physical in-custody arrest of persons who are in violation of serious traffic laws, such as, DUI, felony traffic offenses, and other serious violations as required by the court.

Issuing a Citation

The issuance of a traffic citation (infraction or misdemeanor summons) is applicable in the majority of cases involving all traffic violators. A traffic citation should be issued to all violators who qualify for a pay by mail ticket, or who can be issued a summons with a court date.

Issuing a Written and/or Verbal Warning

Except for the following types of offenses, a written and/or verbal warning may be a proper alternative used by officers in response to a minor traffic infraction:

a. All felony and misdemeanor traffic offenses handled by the Court
b. Unregistered vehicles and vehicles with expired registrations
c. Vehicles deemed by the officer to be unsafe
d. Other violations as determined by the Chief of Police

Similarly, a written and/or verbal warning may be appropriate for a minor equipment failure (such as license plates not illuminated) of which the driver was unaware. Verbal warnings may be supported by some written documentation, such as an entry into the CAD System, or a similar manual reporting system.

Motor Vehicle Stops

Stopping the Violator

After the decision to make a stop is made, the officer should choose an appropriate location to make the stop based on several factors including:

a. Location of the violation.
b. Traffic and road conditions.
c. Weather conditions.

Conduct the traffic stop as soon after the violation as practical based on the above conditions.

Guidelines for Stopping the Violator

Signal the violator your intention to pull them over by using flashing lights, “wig-wag” headlights, and audible signal (air horn/siren) as deemed necessary;

Radio headquarters and advise dispatch of the following:

The location of the stop

The plate number of the offending vehicle

If the license plate is not visible, a description of the vehicle such as make, model and color and the number of occupants shall be communicated.

Park the police cruiser behind the offending vehicle in a safe position and at a safe distance, establishing an "aisle of safety" by off-setting the cruiser two to three feet to the traffic side of the offending vehicle.

In the event the vehicle operator refuses to stop, the procedures contained within Motor Vehicle Pursuits apply.

Procedures for Handling Special Traffic Law Violators and Situations

On occasion, officers may encounter traffic violators or situations that may require special procedures to be followed. These situations include, but are not limited to, any of the following:

Violators Who Live Outside the State of Wyoming

When an out-of-state traffic violator is issued a minor misdemeanor traffic citation, the officer shall inform the operator that their privileges to operate a motor-vehicle in Wyoming and other states may be suspended/revoked if they do not appear in court or pay the fine as required.

Non-Resident Violator Compact: is the name of the law that ensures equal treatment of non-residents and residents. When a driver is stopped and issued a citation by law enforcement, the officer can let the driver continue on their way without requiring the driver to post bond. If the driver later fails to comply, by paying the fine or going to court on the scheduled court date, the driver's licensing state will suspend their driver's driving privileges until the driver complies

Juvenile Violators

Motor Vehicle operators 16 years of age and older may be summonsed to court for motor vehicle violations. Motor Vehicle operators under the age of 16 who have committed traffic violations, will not normally be taken into custody, but will be issued a traffic citation, unless the alleged violation is one of the following:

1) Vehicular homicide
2) Driving under the influence of alcohol and/or drugs
3) Fleeing and eluding a police officer
4) Leaving the scene of an accident
5) Other circumstances deemed necessary by a Supervisor

If an adult operator is not able to be notified to retrieve the vehicle in a timely manner, it may be towed.

Any time a juvenile is arrested, the officer shall notify the juvenile's parent or guardian of the circumstances as soon as possible. For those offenses that do not result in an in-custody arrest, the officer may either summon the parent or guardian to the scene or take the juvenile home. If an officer deems that a juvenile should remain in custody pending a hearing, the officer must first obtain proper authorization in accordance with the permission of the Fremont County Attorney's Office.

It should be noted that juveniles are permitted to operate farm equipment or related implements as defined in the statutes without an operator's license, as such are not legally defined as "motor vehicles."

State or Federal Legislators

In those instances where state or federal legislators are stopped for a motor vehicle violation, citations may be issued to such persons in the same manner as any other citizen.

Foreign Diplomats, Consular Officials, and Foreign Nationals

Diplomatic and consular officers may be accorded special privileges, rights, and immunities as directed by law and federal statutes. At the same time, it is the duty of all persons enjoying such rights and privileges to respect local laws and regulations. Questions that may arise regarding a traffic violator's diplomatic status may be directed to the U.S. Department of State.

Military Personnel

Military personnel who violate the traffic laws should be treated with the same discretion as any other violator. When a physical arrest of an active armed forces member occurs, the arrestee will be allowed to call their duty officer, similar to that of any other arrestee.

Military personnel who are assigned to an in-state post may maintain an out of state license and/or registration, so long as they comply with the requirements set forth in their home state.

Military personnel who have been on active military duty either in another state or overseas may be issued a temporary license without a photo during the time of their absence from this state. On their permanent return, however, they must obtain a photo license.

Information to be Provided to Traffic Law Violators

When a motorist is charged with a traffic violation, the officer will provide the violator with at least the following information:

Court appearance schedule, if applicable

The optional or mandatory nature of a court appearance by the motorist, including the date, time, and location of the scheduled court appearance, if applicable.

Notice of whether the motorist is allowed to enter a plea and/or pay the fine by mail or at a specific location, along with an explanation of the options and procedures regarding paying or contesting the ticket and the possible consequences of failing to appear, or pay the fine, as required.

The motorist shall be advised of any other information deemed necessary in a clear, concise, and professional manner. The officer should make every effort to ensure that the motorist has understood the instructions and has no questions.

Uniform Enforcement of Traffic Laws

Uniform enforcement action for traffic violations is a key step in achieving the Department's traffic safety goals. Ultimately, uniform enforcement guidelines combined with properly used discretion will ensure appropriate actions by the police, and gain the public confidence in traffic enforcement.

To establish uniform traffic law enforcement within the discretion vested in each officer, Officers will adhere to the following guidelines:

Officers engaged in traffic enforcement shall be in full uniform and utilizing an authorized police vehicle.

Vehicles may be used in a highly visible manner in order to enhance the deterrent effect on the public. Vehicles may also be positioned in a concealed manner to the extent that it is not visible to persons using ordinary powers of observation. These methods may be used at the officer's discretion while operating radar or monitoring traffic.

An officer may or may not elect to take enforcement action if certain extenuating circumstances or certain aggravating conditions are present.

The following procedures are designed to provide direction in each of the following circumstances. However, these enforcement guidelines are not intended to supplant officer judgment, as the officer must decide what enforcement action is proper based upon a combination of training, experience, and common sense.

UNIFORM TRAFFIC ENFORCEMENT	
VIOLATION	ENFORCEMENT ACTION
A. Driving Under the Influence of Alcohol/Drugs	Officers of the Department shall aggressively enforce the laws pertaining to driving under the influence of alcohol/drugs, and arrest any driver found to be in violation of these laws when probable cause exists. Probable cause can be established by observation of the driver's vehicular operation, field sobriety tests, and other sensory observations of the officer, as well as, blood/urine tests. If probable cause is established, the driver shall be taken into custody and processed for DUI. Warnings for DUI violations are not authorized.
B. Driving while Suspended/ Revoked	All drivers who are driving during a period of suspension or revocation should be considered flagrant violators of the law and will be issued summonses.
C. Speeding Violations	Officers should consider the degree of hazard, location, road condition, weather, and traffic conditions, when deciding what action to take against a driver. The following can serve as a guide for speeding violations: ● 1-15 M.P.H. above the speed limit - officers may use their discretion to stop the vehicle, and if so, issue either a verbal or written warning, or a traffic summons ● 16 -20 M.P.H. above the speed limit - Officers should stop the vehicle and issue either a written warning or issue a traffic summons ● 21 M.P.H. and more over the speed limit – Officers will stop the vehicle and issue a traffic summons
D. Other Hazardous Violations	As with speeding violations, the officer may consider the following circumstances before deciding to issue a summons: ● The hazard committed by the driver (e.g., disregarding a traffic control device/signal, improper lane changes in high volume traffic, or following too close.) ● The location and time of day of the offense ● The current enforcement emphasis of the department ● Road, weather, traffic conditions when the violation was committed ● Driving history of operator, if known
E. Off-Road Vehicles	Officers will enforce all laws and ordinance governing the operation of off-road vehicles on public land, parks, private property, etc. If an officer observes an unlicensed vehicle or one that cannot be legally operated on public roadways operating on such roads, he will order the operator to remove the vehicle and will take appropriate enforcement action, including the towing of the vehicle.
F. Equipment Violations	Officers should issue citations for serious equipment defects, and towed from the roadway, if necessary

G. Public Carrier/ Commercial Vehicle Violations	Operators of commercial vehicles are subject to the same treatment as other motorists. Uniform enforcement policies and procedures noted in this General Order are applicable to commercial vehicles.
H. Other Non-Hazardous Violations	Non-hazardous violations are defined as violations of laws or ordinances affecting the use or protection of streets or highways, but not enacted primarily to regulate safe movement of vehicles or pedestrians. Such violations may include minor equipment defects, no license on person, etc. Except in cases of flagrant violations, non-hazardous violations may be handled by verbal or written warning when deemed appropriate by the investigating officer.
I. Multiple Violations	Enforcement action in incidents involving multiple violations may vary greatly, depending on the circumstances. Generally, officers should use discretion and not file multiple charges against persons if both charges involved would be the result of one single event or act. If multiple violations have been committed, the officer should issue a citation for at least the most serious offense, unless serious independent violations exist, which then may warrant more than one charge.
J. Newly-enacted laws and regulations	Normally the Department observes a thirty (30) day grace period during which officers will issue verbal warnings and advise violators of the new law or regulation. The Chief of Police, by Special Order, may establish leniency periods of different lengths for individual laws/regulations; however, this enforcement guideline is not intended to supplant officer judgment. Each officer must decide what enforcement action is proper based on a combination of training, experience, and common sense.
K. Violations Resulting in Collisions	Officers should determine which violator is responsible for the crash and take the appropriate action.
L. Pedestrian and Bicycle Violations	The enforcement of traffic laws pertaining to pedestrians and bicycles necessitates broad discretion from individual officers. To provide guidance in this discretion the following procedures are established, which should result in more uniform and consistent application of the law: ● Sufficient public town and community awareness campaigns should be initiated prior to any substantial increase in the enforcement effort toward pedestrian and/or bicycle traffic ● Officers should concentrate their efforts on pedestrian and bicycle violations in those areas where pedestrian congestion or bicycle accidents have been frequent and severe, or in areas where such violations are known to frequently interfere with traffic

Enforcement Practices

The most effective deterrent to traffic law violations is visible patrol in a marked vehicle. All personnel are responsible for traffic law enforcement and other traffic related activities during non-committed times. The following types of traffic patrol may be used for traffic enforcement:

Visible Traffic Patrol

This type of patrol includes the following activities:

Area Patrol: Moving or stationary observation in the officer's area of assigned responsibility that covers a particular number of streets, roads, or sections of highway.

Line Patrol: Moving or stationary observation on a specified route between two points, usually on one City street or a section of highway

Directed Patrol: Area, line, or stationary patrol, usually performed in an "out-of-service" capacity, at the direction of a supervisor for specified times, locations, and violations.

Officers have the option of using area or line patrol at any time during their tour of duty. Officers may be assigned a directed patrol area at any time a supervisor believes a special area needs a greater concentration of traffic enforcement.

Stationary Observation, Covert, and Overt Traffic Patrol

Stationary observations may be made from either covert or overt locations depending upon collision history or specific traffic flow problems and the type of location to be observed. Observation from conspicuous locations will serve to deter violators, while covert observations will likely offer the opportunity to detect more violators. If operating speed checks by radar during dark, officers should keep parking lights illuminated on the police vehicle if parked on the roadway or for some other safety reason.

Radar posts will not be conducted from private property without the owner's permission. This does not preclude officers from running radar on private property that is open to public use, such as, shopping center parking lots and City property.

Use of Unmarked or Unconventional Vehicles

Shift Supervisors may approve the use of unmarked police vehicles for the purpose of addressing a specific traffic enforcement problem. Officers assigned to bicycle patrol may perform traffic enforcement and conduct traffic stops within the limits of the bicycle and officer's capabilities.

Procedures for Stopping and Approaching Traffic Law Violators

Statistics indicate that a high percentage of the incidents resulting in officer injuries and deaths begin as "routine traffic stops." Officers should approach all traffic stops with caution and remain flexible in the tactics used depending on the circumstances involved in a particular stop.

Unknown Risk Stops

At best, stops for moving violations, equipment violations, and other reasons that appear to initially present minimal threats to the officer can only be categorized as having an unknown risk to the officer, regardless of the apparent lack of threat potential.

It is difficult to describe the factors involved in determining this level but considerations should be given to the following: reason for the stop, number of occupants in the vehicle, time of day, any information the officer may possess that would require extra awareness on the part of the officer. The following may be considered by the officer when conducting such stops.

Wait to approach the vehicle until a second unit arrives. This is the most important tactic when the risk is unknown.

Approach from the right side of the vehicle.

Request the driver/occupants exit the vehicle.

Conduct a High Risk Stop as described in this policy

High-Risk Stops

High-risk traffic stops would involve circumstances where the threat potential against an officer is either known or believed to be high, based on specific information, including stopping of stolen vehicles, vehicles containing wanted or suspected felons, vehicles with known or suspected deadly weapons inside, and stops at the conclusion of a pursuit.

High Risk Stop Procedures

When a vehicle contains a threat to officer safety, the stopping officer should never make the stop without having backup. The supervising officer should be notified immediately by the officer or communications when there is a high risk stop situation.

The officer should advise communications of the exact location and direction of travel of the violator's vehicle, what the situation is, where the officer wants the backup police unit deployed and how many other units are needed. It is recommended that the stopping officer be no closer than 50' while trailing the vehicle to allow proper reaction time.

The stop location should be an area with adequate lighting, nearby cover, and a minimum amount of pedestrian and vehicular traffic. If the violator stops where the officer does not want the car to be stopped, the officer should use the public address system to direct the violator to move the vehicle to a proper location for the stop. Failure to comply with directions should heighten the risk of the stop.

Based on the threat, the officer shall position their vehicle at a distance that allows adequate reaction time and protection. Based on the distance from the violator, the officer should consider the use of the patrol shotgun or rifle. When the first vehicle is positioned as stated above, the second officer should park their vehicle to the left of the first unit and parallel or slightly angling the front of the vehicle to the front of the first officer's vehicle. There should be enough distance between the two vehicles to allow the doors to open and be used as cover if needed. Based on the location of the first vehicle the subsequent responding officers may have to improvise with the location of their vehicle to ensure a safe response.

The driver of the primary police unit should give all commands to the occupants of the vehicle. During night time stops the auxiliary lights on the police unit shall be shown into the rear window or outside mirrors of the violator's vehicle.

The driver shall be ordered to shut off the vehicle and place the keys on the vehicles roof. All occupants should be ordered to raise their hands above their heads while still seated in the vehicle to allow the officers to observe their movements. The all occupants of the vehicle should be ordered to exit through the driver's door or driver's side of the vehicle. When possible the secondary or backup police unit shall utilize the spotlight to fully illuminate the person and impair their vision towards the officers.

Once out of the vehicle, the occupants should be ordered to raise their hands over the head as high as possible and turn completely around 360 degrees. This action will provide the officers an opportunity to view the person for weapons. If heavy or baggy clothing is obstructing the officer’s view, particularly of the waist band, the person may be advised to lift or move the clothing with their left hand (as the majority of persons are right handed). If a weapon is visible, advise the violator that any move other than those instructed shall be considered aggressive. Do not have the violator remove the weapon as this will put the weapon in the violators hand or on the ground were other occupants may gain access.

The officer shall order the occupant to lace their fingers behind their head, face away from the officer and walk backwards toward the police unit. The occupant should be directed to the open doors between the two police units. Occupant should be instructed to place their hands through the open window of the open police vehicle door. This will allow the officers to handcuff the occupant while maintaining a safe distance and a protective barrier/cover between the officer and the occupant.

After cuffing, the occupant should be escorted to the rear of the police vehicles to be thoroughly search for weapons and briefly questioned about other occupants in the vehicle and the existence of any weapons. Once searched and questioned, the occupant should be secured in the back of the police vehicle as other occupants are removed and/or the vehicle is approached and cleared.

New officers shall receive instruction and conduct practical exercises on high risk stops during their entry level training program.

Depending upon the situation and the officer's assessment, officers shall use procedures and tactics that are included in their training on this topic.

Officer Conduct During Traffic Enforcement Activities

While traffic law enforcement is a routine task for police officers, it is usually not a routine experience for the general public. Traffic enforcement should be accomplished by conducting the traffic stop in an organized and professional manner, including those factors listed in the Wyoming Statutes, Title 31, Chapter 5. In addition, officers should:

Presenting a confident and professional image in dress, grooming, language, bearing and emotional stability.

Allowing the driver to reasonably discuss the violation.

Being alert for any impairment, emotional stress, or illness exhibited by the driver.

Making a reasonable effort to answer the violator's questions and to assist them with entering back into the flow of traffic.

Officers should be mindful that this might be the only contact that a citizen may have with the Department, and the manner in which they treat the violator can reflect favorably or unfavorably on the citizen's perception of the department as a whole.

Use of Speed Measuring Devices for Traffic Law Enforcement

The use of speed measuring devices is an invaluable tool to aid in traffic law enforcement. More specifically, police radar/laser and speed trailers, have been shown to be an effective device in carrying out the following departmental traffic enforcement objectives:
Reducing traffic accidents in high collision areas where speed is a factor;
Reducing speeding violations in response to citizen complaints;
Reducing speeding where speed limit violations are prevalent.

Radar and laser will be operated in accordance with Federal Communications rules and regulations. Radar and laser units will be operated in a manner consistent with the operator's training and the unit's instruction manual, keeping in mind the requirements of Wyoming Statutes related to law Speed Regulations, Title 31, Chapter 3 and penalties as outlined in Title 31, Chapter 12.

Equipment Specifications

The equipment standards of electronic speed measuring devices used by the Department, including radar units, laser units, speed monitoring trailers, and similar devices, will be equivalent to the model standards promulgated by the National Highway Traffic Safety Administration.

Operational Procedures

Each officer shall have a thorough understanding of the operational procedures for all speed measuring devices and will adhere to the manufacturer's recommendations as outlined in the instruction manual. Other operational procedures include:

All officers certified in the use of electronic speed measuring devices will inspect the unit prior to its use to ensure it's working properly.

Proper Care and Upkeep

If the operator of a speed-measuring device does not get a proper calibration check or feels the device is malfunctioning at any point during its operation, an equipment repair concern will be brought to the shift supervisor. The unit will not be placed back in service until it has been properly checked and/or repaired. The shift supervisors will be responsible for the operational readiness of all traffic enforcement equipment.

Programmed Maintenance

The Captain will ensure that every speed-measuring device is maintained according to manufacturer recommendations, and receives a certified calibration at least semi-annually, either by the manufacturer or a qualified technician. All certification, service, and repair records for each speed will be forwarded to the Captain to be retained in a file.

Operator Training and Certification

The effective use of speed measuring devices is dependent upon the operator's training and understanding of the specific limitations and use of each device. No officer shall operate any speed-measuring device unless they have received property training in its use, including certification when applicable.

Speed Trailer

The operations and maintenance of the speed trailer is assigned to the Patrol Sergeants.

The speed trailer is used for educating the motoring public by displaying their speed in relation to the posted speed limit.

Set up locations for the speed trailer shall be determined by the shift supervisor or coordinated with the Chief or his designee.

Priority will be given to locations determined to be unsafe for the motoring public due to excess traffic crashes or motor vehicle complaints.

The speed trailer will not be set up in high wind, or during any inclement weather.

Identification and Referral of Drivers for Operator's License Reexamination

In instances when officers encounter drivers who no longer appear to be competent to operate a motor vehicle, a request for recertification may be made to the Wyoming Department of Motor Vehicles. Wyoming Statute §31-7-122 authorizes police officers to take an operator's license. The license may be confiscated for any reason or combination of reasons regarding age, physical condition, or mental instability.

Licenses shall be confiscated under the following circumstances:

The age, physical condition or mental instability of the operator indicate to the officer that the operator is unfit to drive.

The officer has probable cause to believe the operator's right to drive is suspended and the operator holds a Wyoming driver's license.

The license appears to have been altered in any way.

Once the license has been confiscated, the following steps shall be taken:

A Department of Motor Vehicles approved form will be completed and the driver's license will be attached to the transmittal and will be reviewed by a supervisor.

Whenever a license is seized, a written report will be completed citing the officer's observations of the operator's conduct and any appropriate violations.

A copy of the Form will be attached to the police report.

The report will be completed within the guidelines of the report writing standard.

All reports, forms and the license will be forwarded to the Records Division

Parking Enforcement Activity - General

Street parking in the City of Lander is restricted in various areas to ensure fair access to parking and expedite the flow of vehicular traffic. All existing parking regulations will be enforced with reasonableness and impartiality in all areas of the city. Procedures for the Department's parking enforcement program including the following:

Overtime Parking Violations: Overtime parking will be enforced on City or State maintained roadways posted with "Time Restriction" parking signs (e.g., 2-hr. parking)

Handicapped Parking Violations: Will be enforced at all posted and painted stalls designated for use by the physically disabled.

Fire Lane & Fire Hydrant Violations: Fire Lane and Fire Hydrant violations may be enforced in those areas identified as such and display an official "No Parking - Fire Lane" sign, or the presence of a fire hydrant.

Early Morning Parking Prohibition Violations: Will be enforced for streets designated in the properly signed areas of the city.

Enforcement Action

The appropriate enforcement action will depend on a variety of factors, including officer discretion, based on experience and training. This may include making a reasonable attempt to contact or locate the vehicle's owner or operator to have the vehicle moved prior to taking formal enforcement action.

Issuance of a Parking Ticket

Upon completing the necessary information, the two portions of the parking ticket will be distributed as follows:

The hard copy (envelope) will be left with the vehicle. If a vehicle is unoccupied and towed, the parking ticket will be attached to the windshield.

The white copy will be forwarded to the Records Office.

The copies will be turned in by the end of the tour of duty.

Exempted Vehicles

Officers shall be aware certain legal exemptions that may exist when enforcing parking regulations, including those that follow:

Vehicles bearing commercial license plates may occupy a parking space on a City street for the purpose of loading or unloading merchandise without violating any ordinance, providing that such loading or unloading shall be done as expeditiously as possible.

Vehicles exempted shall not be ticketed.

Contested Parking Tickets

Parking tickets may be administratively disposed of when it would be the prudent course of action under the circumstances surrounding the individual ticket. Citizens may contest a parking ticket, or ask that it be administratively dismissed or excused, by submitting a request to the Records Department. Only the Chief of Police, or Captain, may dispose of a parking ticket, which will only be allowed for one of the following reasons:

Dismissed: based upon determination that the offense did not occur or a valid permit exists, but was not properly displayed, such as a handicapped parking permit

Excused: based upon determination that the offense did occur, but discretion was exercised to administratively excuse the parking ticket. No parking ticket is eligible to be excused unless the registered owner of the vehicle meets ALL of the following criteria:

There are no outstanding unpaid parking tickets, AND

There has not been another parking ticket excused within the past 12 months

The Chief of Police or Captain will review and audit this process each year, and at other times as determined by the Chief of Police.

Reporting Motor Vehicle Stops

Verbal warnings

Verbal warnings should not be routinely substituted for written warnings and should only be given due to special circumstances, i.e. called from the scene for emergency assignments, etc.

Written warnings

Written warnings and require no additional report(s). Warning tickets will be uploaded from the digital ticket writer prior to the end of the issuing officer’s shift.

Voiding of Infractions/Misdemeanor Summons Complaints

Infractions or misdemeanor summonses issued to motorists will not be rescinded, under any circumstances. If the summons or infraction has been issued and the motorist believes that it was issued in error, they shall be instructed to plead not guilty to the offense and state their reasons in court.

If an officer writes out a summons or infraction and discovers that it was written in error, i.e. incorrect charge, defective traffic control, etc., and the citation has already been saved in the digital ticket writer, the officer will do the following:

Take all copies of the summons or infraction, write the word "VOID" across the summons, and submit an inter-office memo to the Records Department requesting that the ticket be voided, and explaining the reasons that the officer wants the ticket voided.

The voided ticket will then be disposed of in a manner appropriate with state records retention guidelines.

Issuance of Infractions and Misdemeanor Summons Book

Officers needing citation and/or warning books are to request it from their Supervisor. Supervisors are responsible for assuring that pre- issued citations are kept in a secure location.

The receiving officer will fill out the receipt stub completely and turn it over to their Sergeant before removing the citation or warning book from the office.

The Captain or designee is responsible for conducting monthly audits of the citation process to assure all citations are accounted for.

Records personnel will assure that all completed citations are kept in a secure areas.

Escort Services

The department recognizes that there are legitimate and reasonable requests for police escort services to ensure safe, orderly, and efficient movement of special traffic or to expedite delivery of special items. The department shall make every effort to honor such requests to the extent practical and consistent with the need to ensure that the act of escorting or emergency relay itself does not create unnecessary risk to the public. The Captain or designee shall review and approve all requests for escorts or relay and determine if the activity can be handled by existing personnel or require detail officers to fill the assignment.

Requests for escorts that may be obliged may include, but are not limited to, the following:
Funerals;
Motorcades;
Public officials and dignitaries;
Oversized vehicles;
Highway construction and maintenance vehicles; and
Hazardous or unusual cargo

Emergency vehicles, particularly ambulances, shall not be escorted by officers, except under specific circumstances approved by the Supervisor. An example of an escort which may be approved is the escort of an emergency vehicle from the town limits to a hospital or address in the City.

Officers shall not escort civilian vehicles except in unusual medical emergencies. Possible options include:

Call for rescue and provide emergency medical care until relieved by Rescue personnel;

Direct the operator to proceed to the hospital under normal speed and operation; or

If, in the officer's opinion, delay or transfer would jeopardize a person’s life, the officer may, with the approval of the Supervisor or OIC, escort the vehicle to the nearest medical facility. During this escort, all emergency equipment (lights and siren) shall be utilized, officers will travel at a safe speed for both vehicles and officers will stop before all intersections and assure the way is safe before proceeding.

Adverse Weather, and Hazardous Road Conditions

Adverse weather or road conditions include, but are not limited to

Accidental hazards, such as debris that has fallen onto the roadway. Examples include debris from another motor vehicle, power lines, and trees;

Acts of nature, such as fog, ice, snow, etc.; or

Engineering hazards, such as exposed guardrail ends, potholes, missing drain covers, or other objects that may cause unnecessary additional damage or injury during a crash.

Officers dispatched to or finding hazards on the roadway will take the appropriate action to remove the hazard or call for the assistance of other town departments to mitigate the hazard and remain at the scene as long as necessary to ensure public safety.

The Supervisor should consider notifying the P.I.O. who in turn will contact local newspapers, radio stations, public works, and fire department of the adverse road condition(s) when it appears that the event may close the road for an extended period.

The Supervisor will ensure that the Public Works Department office or on-call personnel are notified when an incident or weather conditions create a hazardous condition that requires Public Works Department intervention.

Manual Traffic Direction Locations

Manual direction will be used in situations where traffic control signals or devices are not present, inadequate due to traffic flow or malfunctioning. Emergency conditions may dictate the manual control of traffic.

Manual Traffic Direction Procedures

All persons on manual traffic duty will wear a traffic vest and reflective high visibility gloves. All cruisers will be equipped with these vests and illuminated flashlight/traffic wands.

Clear, uniform hand signals shall be used. Hands and arms will be kept in a position to be clearly visible to motorists who are signaling to stop. Officers must recognize vehicle signals before others are allowed to proceed.

Officers will take into consideration bad weather, darkness, bright sunlight or flashing cruiser lights, which might obscure motorist's vision.

Temporary Traffic Control Devices

In cases of natural or man-made disasters, special events, accidents, or other emergency situations, it may be necessary for an officer to utilize temporary traffic control devices.

Those devices not immediately available in the field may be supplied by Public Works personnel or by other officers transporting those devices from headquarters or the Public Works lot.

The following temporary devices may be used:

a. flares
b. portable barricades (wood or plastic)
c. detour signs
d. reflectors
e. traffic cones
f. portable stop signs
g. police vehicles (emergency situations)

Special Event Traffic Control

Special events are those activities within the City of Lander that are not a normal occurrence, that have never taken place before or any other event so designated by the Chief of Police.

Special events are any activities that may involve large amounts of vehicular and/or pedestrian traffic. These may include parades, picketing, demonstrations, or any large public gathering.

The Chief shall designate supervisory personnel for special events. All coordination inside and outside the police department will be directed by the designated supervisor of the event. The designated supervisor will provide an After-Action Report to the Chief regarding the special event.

Patrol will develop a plan to provide for traffic direction and control, crowd control and as anticipated crime problems during these events. The plan shall be forwarded to the Chief of Police for review and approval. The plan should address the following concerns:

A written estimate of crowd control, traffic, and anticipated crime problems for the event.

The number of officers needed and/or any special operations personnel.

The need for on-street parking restrictions.

A contingency plan for traffic direction and control, which will include a route to allow for normal and emergency activities to continue with minimal disruption.

Information will be provided at the earliest possible time to the media concerning the event.

Officers will be allotted adequate breaks during the course of the event.

Where traffic direction and control is provided by private sources it will be monitored by patrol to insure it is adequate and

Use of special operations personnel, if any.

Fire Scene Traffic Control

Police officers shall control traffic at fire scenes, as necessary. Police officers will check surrounding areas to see if they are impacted by detours and assist with traffic if needed. Private vehicles driven by volunteer fire fighters are not allowed into the fire zone. The vehicles are to be parked properly and not in a manner that obstructs traffic.

Adverse Weather/Road Traffic Control

Adverse road conditions may arise from many situations. These include accidents, power lines and limbs down, or severe weather conditions.

An officer will be cognizant of changing weather conditions so emergency measures can be taken. This includes calling out sand and/or snowplow crews.

An officer may be utilized to provide on-scene traffic direction if needed.

Provision of Assistance to Highway Users

The public, when utilizing public highways, may encounter mechanical or other difficulties requiring assistance from the police. Officers will advise the dispatcher of the location and reason for request when assistance is required for:

a. Tow trucks (Type of car, problem, whether hook or flatbed is needed);
b. Ambulance;
c. Emergency assistance; or
d. Traffic control.

With a high transient driving population a stranded motorist can also be a potentially dangerous condition. Officers will offer reasonable assistance at all hours of the day. If the officer believes it is

necessary to transport a stranded person in their police vehicle, they shall first obtain permission from the Supervisor. Prior to such transport, the officer shall advise dispatch of his/her location, destination, and reason for the transport and mileage at the beginning and end of the transport.

When a citizen requests directions, officers shall provide information and direction consistent with other duties and responsibilities.

Coordination With City, Regional and State Traffic Authorities

The Lander Police Department Records Department is responsible for forwarding all appropriate collision and enforcement data to the Wyoming Department of Transportation.

Whenever Lander Police Department employees receive complaints or suggestions concerning traffic engineering deficiencies or become aware of engineering deficiencies based on traffic crash analysis, the information will be forwarded to the Chief who will forward the information to the Lander Public Works Department or appropriate state authorities.

PRISONER TRANSPORT

PURPOSE

The purpose of this general order is to establish clear guidelines for Lander Police Department officers to follow prior to, during, and immediately after a prisoner transport, including procedures relating to the safety of officers, prisoners, and the general public during transport operations.

POLICY

Transporting prisoners is an inherently dangerous responsibility. Ensuring the safety of officers, prisoners, and the general public requires that the transporting officer must not assume that someone else has searched a prisoner or a transport vehicle. All prisoners, regardless of sex, age, race, perceived threat, or the nature of the offense committed, shall at a minimum, be checked for weapons and contraband prior to being transported. In addition, all transport vehicles shall be searched by the transport officer prior to and immediately after a prisoner transport in order to mitigate the risk to officers of prisoners escaping, gaining access to dangerous items or having an opportunity to destroy potential evidence.

DEFINITIONS

Arrest: To take a person into custody for violation of any law, ordinance, regulation, or bylaw of Wyoming, or any Town or City within the State of Wyoming.

Detainee: A person in the custody of agency personnel and whose freedom of movement is at the will of agency personnel.

Disabled Detainee: A detainee with an anatomical, physiological, or mental impairment that hinders mobility.

In Custody: Being under the full control of a law enforcement officer.

Prisoner: Any person, regardless of age or sex, who is either arrested or taken into custody for an alleged violation of any criminal or traffic law, or pursuant to a warrant or other court order or directive, whether for transfer to a detention facility, court proceeding, arranging for bond or pending release or one who is taken into protective custody for transport to a mental facility for evaluation and/or admission as a mental health patient.

Restraining Devices: Equipment that is used to restrain the movement of a person in custody, such as handcuffs, flexcuffs, waist chains, and tie-down stretchers.

Security Hazard: Any threat to the security of a prisoner, to the facility in which he is held, or to others with whom the prisoner may come into contact. Estimates of the degree of security hazard will govern the means of transport, the types of restraining devices to be used, and other actions to be taken by the transporting officer.

Special Transport: Transportation of an incarcerated person other than to court or another detention or correctional facility.

Transport Vehicle: The vehicle used for transporting a prisoner from one point to another. The transport vehicle may be the patrol vehicle, such as in the case of transporting a prisoner after an arrest, or a specially designed prisoner transport vehicle such as a bus or van. This term does not refer to commercial vehicles, such as buses, trains, or airplanes that may be used for prisoner transport.

Transporting Officer: A Lander police officer who is responsible for transporting a prisoner from one point to another.

PROCEDURE

Search of Prisoner Transport Vehicles

In order to mitigate the opportunity for prisoners to use or destroy weapons or contraband, the rear passenger compartment of every vehicle that may transport prisoners shall be searched by the operating officer:

At the beginning of the officer's shift

Prior to placing any individual in the transport vehicle

Immediately after transporting an individual in the vehicle

At the end of the officer's shift

The officer will document in a written report whenever he/she locates any items, including weapons and/or contraband during the vehicle search.

Search of Prisoner(s) by Transporting Officer

All persons taken into custody present a potential risk to the safety of the transporting officer. Therefore, all prisoners shall be searched for weapons and/or contraband prior to being transported.

An officer transporting an arrestee from the site of a field arrest shall conduct such search as is legal and feasible under the circumstances, and shall exercise extraordinary caution.

When available, an officer of the same gender will conduct prisoner searches. The arresting officer will take into account the most appropriate gender to search a suspect where the suspect's gender and their gender identity or expression are different. When an officer of the same gender is unavailable, a second officer will witness the search and/or the search will be recorded on the vehicle video camera or building video camera when available and practicable. The search should be limited to the outer clothing unless exigent circumstances require a more inclusive search, such as when the officer reasonably believes the arrestee is concealing a weapon, is destroying evidence, etc.

Transport Responsibilities

The transporting officer shall be responsible for:

Searching the prisoner prior to transport, and preparing them for transport.

Confirming the identity of each prisoner to be transported.

Providing documentation to the receiving officer or employee of the facility to which the prisoner is being transferred.

Obtaining the name of the receiving officer or employee of the facility to which the prisoner is being transferred, and include the information in a report.

Making any notifications to the facility that the prisoner/arestee is being transported to if the prisoner poses a security hazard, medical risk or suicide risk.

Securing the officer's firearm prior to entering the Detention Facility.

Whenever officers are transporting an arrestee to court the officers will notify court personnel when the detainee is considered to be an unusual security risk.

Prisoner Property

All hand carried personal property shall be taken from the prisoner prior to transport, as well as the contents of any pockets.

All property accompanying the prisoner shall be inventoried.

The transporting officer shall be responsible for all property and its correct disposition once he has taken custody of it.

All property shall be listed in the arrest report in the appropriate sections.

Prisoner Restraining Devices to be Used During Transport

All Lander Police Department prisoners being transported for any reason shall be restrained with appropriate devices that provide for the safety and security of both prisoners and officers. As a rule, prisoners will be secured with handcuffs behind their back; however, officer discretion may be used when determining what type of restraint device may be appropriate for prisoners who may be the exception to the rule. Race and gender will not be considered as a factor in determining whether or not a prisoner will be restrained during transport. The determination of how a prisoner will be restrained will be based upon an assessment of the prisoner's flight risk or propensity for violence, based upon; the severity of the charges, the prisoners' physical condition (age, illness, injury, etc.), the distance to be transported, and the mode of transportation.

Prisoners will never:

Be handcuffed to any part of a vehicle

Be handcuffed to a member of the opposite sex

Be handcuffed to an adult, when they are a juvenile; unless they are related

Officers will document the restraint technique used for each prisoner in their report.

When restraining a prisoner:

Restrains shall be applied so as not to cause injury or restrict circulation.

All restraints shall be double locked, if they are so equipped.

Handcuffs and/or body chains shall be used on all prisoners transported by vehicle.

Leg irons may be used on high risk prisoner transports.

Flex cuffs may be used when necessary.

Absent exigent circumstances, restraints shall not be removed until the prisoner has reached the final destination.

Ill, injured, mentally ill, and physically handicapped prisoners present unique conditions that may dictate special care and treatment during the transport process.

Such prisoners shall be transported in the most secure and safe manner possible.

If the mental illness or physical handicap prevents safe and secure transportation in a police vehicle, an ambulance may be called to assist with transport. These circumstances still require an evaluation by the transporting officer of the violence/flight risk of the prisoner being transported.

Special attention shall be given to persons who are non-ambulatory, or those requiring wheelchairs, crutches, or prosthetic appliances, and those requiring medicine.

The Shift Supervisor shall make a decision on what, if any, restraining devices should be utilized and how they will be utilized. In those instances where an accused appears to be, or may be in need of immediate medical treatment after being taken into custody, the Shift Supervisor may authorize the subject to be taken directly to a Health Care Facility.

If a decision is made to take a prisoner directly to a healthcare facility, such an advisement will be made to the Dispatcher.

Should a prisoner be in such a mentally disturbed state so as to jeopardize his own safety or that of the transporting officer, an ambulance may be called at the discretion of the Shift Supervisor. In the event an ambulance is called, a sworn officer will accompany ambulance personnel.

Transport Vehicle Configuration/Safety Barriers

The safety and security of officers, prisoners, and the public is best achieved by utilizing appropriate equipment.

Any police vehicle that is likely to be used for prisoner transport shall be equipped with a protective safety barrier between the front and rear seats or rear compartment. The barrier shall be configured and constructed in such a way as to prevent prisoners from having access to the driver's compartment.

Vehicles not normally used for prisoner transports are not required to be equipped with safety barriers.

The following modifications will be made to Lander police vehicles designed for prisoner transportation:

a. Manual door locks on rear doors shall be disabled
b. Crank handles for manually operated windows will be removed
c. Rear door handles will be deactivated
d. Electric rear door and window controls will be driver controlled

In the event the vehicle does not have such a partition or protective cage, a unit having such a partition should be called to the scene for the transportation.

Prisoner Transport

Male and female prisoners shall be transported separately, when possible.

Juveniles shall be transported separately.

When prisoner transports are scheduled in advance, the transporting officer shall be of the same sex as the prisoner; or two officers shall be assigned to the transport or a matron can be utilized to assist during the transportation of a female.

When an officer transports a person of the opposite sex, the officer shall advise the Dispatch of the location from which the transport originates, the destination, and the vehicle mileage. Upon arrival at the destination, the officer shall advise dispatch of the ending mileage.

Prisoners will not be allowed to communicate with persons other than the transport officers during transport.

Prisoner Location During Transport

When transporting prisoners, officers will ensure the safety of the officer and the security and safety of the prisoner and the general public by following procedures:

Officers shall transport prisoners using a vehicle with a physical security screen.

Prisoners will be seated in the passenger side of the rear seat.

Officers shall place the safety belt on all prisoners, unless doing so may expose the officer to risk of injury from a violent prisoner.

Transporting officers will take the most direct route to their destination unless circumstances dictate otherwise.

When a prisoner is transported in a vehicle without a physical security screen, a second officer will sit in the left rear seat with his/her weapon away from the prisoner.

Transport officers will notify the desk officer of their location and starting mileage prior to transport. The transport officer will notify the desk officer when they arrive at their destination.

At no time shall a transporting officer leave a prisoner unattended, unless assistance must be rendered to a third party in a life threatening situation. In no case shall a prisoner be left unattended if there is reason to believe he/she poses an immediate risk to any person.

Interruptions of a Prisoner Transport

The primary duty of the transporting officer is to safely deliver the prisoner(s) in their care. Only when there is a clear risk of death or injury to a third party and with the specific approval of the shift supervisor may the transporting officer stop to render assistance to other parties during a prisoner transport. Certain circumstances may dictate the need to stop and render assistance.

Secondary calls

When the transporting officer encounters a non-emergency need for law enforcement service, the officer will not stop but will report the need to the dispatcher. Officers assigned to the incident will be directed to explain to citizens the reasons why the transporting officers did not stop.

When the transporting officer observes an emergency situation, they shall report it to the dispatcher and request permission from the shift supervisor to render assistance. Only after receiving approval, will they stop and render assistance. A backup officer will be immediately dispatched to handle the call so the transporting officer can resume the transport. Upon being relieved, the transporting officer will verify the security of the prisoner and advise dispatch when they resume.

Tending to prisoner needs

Transport officers will not stop to address routine needs of prisoners being transported. However, if necessary, transport officers may stop to address medical needs of the prisoner being transported. Officers should be aware that prisoners may be employing a diversionary tactic designed to facilitate an escape or a physical attack on the transporting officer. Prior to stopping to render assistance, the transport officer will advise the shift supervisor of the situation and receive approval. A back-up officer will be immediately dispatched to assist.

Long distance transports

Interruption of prisoner transports may be necessary when traveling more than three hours. When a transport of more than three hours is anticipated, a second officer will be assigned to assist during transport. At least one officer of the same sex as the prisoner will assist with a long distance transport in anticipation of the required use of public rest room facilities.

If transporting officers are in uniform than they shall have their duty belt with lethal and non-lethal options available. Plain clothes officers shall have available both lethal and non-lethal options like electronic control weapon or chemical agent.

When refueling or stopping for a meal, the location will be chosen at random by the transport officer.

If the prisoner requires the use of a restroom, two officers will escort the prisoner to the restroom. Private facilities should be used when available. One officer will inspect the facility prior to allowing the prisoner to enter. Handcuffs may be removed to allow the prisoner to use the restroom facility and to wash up. Unoccupied restrooms will be used whenever possible.

Prisoners will never be permitted to communicate with anyone during transport. Family members, friends and attorneys will not be permitted to accompany a prisoner nor shall the transport be interrupted to allow for communication by the prisoner with any other person.

Unusual Occurrences During Transports

In the event of an accident, mechanical breakdown, illness, death, or escape, transporting Officers shall use common sense applicable to the situation. Guidelines and procedures pertinent to each situation should be followed. The safety and security of the general public, Officers and prisoner(s) are paramount at all times.

In the event of a traffic accident involving the transport vehicle:

First attention shall be given to any injured persons in the vehicle.

The local jurisdiction shall be notified immediately, and medical assistance requested if necessary.

The transporting officer's immediate supervisor shall be notified, and shall make alternative transportation arrangements if necessary.

If the accident occurs at a location within Lander, the on-duty Patrol Sergeant shall be notified and shall respond.

All procedures for response to an accident involving a Lander vehicle shall be followed.

In the event of a mechanical breakdown, the transporting officer's immediate supervisor shall be notified.

If a prisoner becomes seriously ill in transit, the transporting officer shall obtain medical assistance as soon as possible, and notify his immediate supervisor.

The death of a prisoner in transit shall first be treated as a medical emergency, and medical assistance obtained immediately. The transporting officer shall notify his immediate supervisor and shall be responsible for all applicable documentation.

Transporting Sick, Injured, or Disabled Prisoners

Transporting handicapped, sick or injured prisoners presents additional problems. Prisoners with physical or mental handicaps often need special handling techniques with which officers may not be familiar. Such unfamiliarity should be addressed prior to initiating the transport.

Prior to transporting the prisoner, the transporting officer shall determine any special medical conditions for the transport which have been established by a physician, or medical control. Prisoners who require medical treatment during the transport, will not be transported in a standard police vehicle but in an ambulance, wheelchair van or other suitable vehicle staffed with personnel medically qualified to administer whatever care may be necessary.

Restraint devices will only be used when absolutely necessary to prevent escape of the prisoner, and only when a physician or medical control has stated that the use of a physical restraint will not injure the prisoner.

Prisoners Transported to a Medical Facility

Officers will ride in the ambulance when transporting a prisoner to a medical facility to prevent violent assaults on ambulance personnel, for evidentiary purposes, and to reduce the risk of escape. Officers shall follow the procedures set forth above in this General Order when prisoners are transported to a medical facility in a police cruiser.

Prisoners should be restrained during transport to and from medical facilities, and while at the medical facility, unless prevented by injury or when medical personnel request the restraints be removed to allow for examination and treatment.

The transporting officer will remain with the prisoner during examination and treatment, except when a doctor or medical staff requests the officer leave the treatment area. In that event, an officer shall take a position that prevents escape.

If the prisoner is violent or an escape risk, the transporting officer will request dispatch to notify hospital security, or the local police agency where the facility is located.

Officers will remain with prisoners who are admitted to a medical facility until they are discharged from the hospital, released on bond or PTA, or arraigned at the hospital. The on-duty Supervisor shall assign officers to provide security while the patient is admitted.

Prisoner Escape

In the event of a prisoner escape during transport, the primary objective is to recapture the prisoner, prevent injury to the public, property or to police officers. In the event of an escape, the transporting officer(s) shall:

Notify the dispatcher and the on-duty supervisor

Make an immediate attempt to recapture the prisoner. If an immediate recapture is not possible, it is more prudent to await the assistance of other police officers

Notify the nearest local police authority, when not in the City of Lander, and follow their directions

Provide the identity and full description of the escapee(s), the circumstances of the escape, and any other information which may lead to the apprehension of the escapee(s).

If the escapee is not recaptured within the normal tour of duty of the transporting officer, that officer shall prepare an application for an arrest warrant on the charge of escape.

Document the circumstances surrounding the escape and efforts made to capture the escapee, and complete all applicable reports

MOBILE DATA COMPUTERS

PURPOSE

The purpose of this General Order is to establish procedures and guidelines for the utilization of Mobile Data Equipment provided in Lander Police Department patrol vehicles.

POLICY

It is the policy of the Lander Police Department ("Department") to provide Department Mobile Data Computers ("mobile computers") to enhance radio communications and to provide sworn employees with a measure of safety through information awareness and aid in accomplishing community service. The use of mobile computers also reduces radio airtime, maximizes available information, provides access to criminal databases and Wyoming Department of Transportation, and provides for the reporting of crimes and other incidents in a timely manner.

DEFINITIONS

Information Technologies: Members of the Lander Police Department who are assigned to oversee and maintain the Department's computers and electronic communications equipment.

PROCEDURES:

Management of Mobile Computers

The Chief of Police or designee is responsible for the administration and operational readiness of all Mobile Data Computers and will provide Mobile Data Computer training to all officers.

Employees will inspect each mobile computer and console during vehicle inspections for signs of damage or disrepair.

Designated staff may enter, review, and monitor information stored on mobile computers at any time without advance notice. Periodic inspection of mobile computer traffic logs will take place at the direction of the Chief of Police.

Use of MDCs and Software

All traffic transmitted using the mobile computer must be business-related and comply with the same quality standards as voice traffic. The mobile computer will not be used for personal or recreational purposes, and messages shall not contain derogatory references to other personnel or agencies, or contain any text a reasonable person would find offensive. Downloading or transmitting materials that contain obscene or disparaging language or graphics is strictly prohibited.

Employees are hereby advised that there is NO EXPECTATION OF PRIVACY concerning the sending or receiving of messages on the Department's Mobile Data Computer System.

Only Department personnel, who are specifically trained in its proper operation, including certification for mobile state data systems and NCIC/WCJIN operation, are authorized to sign onto and operate a mobile computer. Under no circumstances will individuals from outside the Lander Police Department be permitted use of Department mobile computers without prior authorization from the Chief of Police, or designee.

User passwords shall be kept confidential and not shared with other employees or the public.

In the interest of officer and citizen safety, officers should not attempt to read the mobile computer screen or interact with the touch screen or keyboard while the vehicle is in motion. An exception to this procedure may occur when the cruiser is a two-officer unit, and the officer seated in the front passenger's seat is operating the computer.

Officers will be able to adjust Department mobile computers and their mounting systems so that they are in a comfortable working position. The mobile computer's adjustable position will allow officers access to the cruiser's radio microphone and dashboard controls.

The Chief of Police, designee or a vendor (City or 3rd Party) at the direction of the Chief of Police will be charged with the responsibility of installing all software applications onto Department mobile computers.

No one will attempt to install, delete, or modify any software or hardware associated with a mobile computer without authorization, in writing, from the Chief of Police or designee. Personal software is not to be downloaded or installed on any mobile computer without prior written authorization from the Chief of Police or designee. Any unauthorized software may be cleaned from the device at random, and the Department will not be liable for its loss.

In no case will external materials or applications be downloaded onto mobile computers. To prevent viruses, no material shall be downloaded or installed from the Internet or other external sources. Employees may be held accountable for any damage caused by unauthorized software to the mobile computer.

Restrictions

Officers are prohibited from accessing sites or engaging in e-mail pertaining to sexual content, hate groups, chat rooms, merchandising, etc., unless instructed to do so in conjunction with a special assignment or investigation.

Any message containing slang or language that could be construed as a slur or sexual harassment against any person or group is not authorized nor permitted.

Confidentiality

Access to WCJIN and NCIC/CJIS is provided for official use only and inquiries of a personal nature are prohibited. Officers are encouraged to use the Mobile Data Computer as the primary source for all inquiries. Radio inquiries should be reserved for urgent requests while the vehicle is in motion to ensure officer safety or in situations when it is not feasible to do so.

Any information sent or received on a mobile computer is confidential and will only be disseminated as directed by WCJIN and NCIC/CJIS regulations and any other applications under the state data system umbrella. Release of confidential information to the general public that is accessible from the mobile computer is strictly prohibited. The general public includes family members, friends and ride-alongs that are not law enforcement employees.

Confidential information will include but is not limited to:

Criminal history information

Intelligence files

Department software, files, and databases

All officers will take into account their surroundings to prevent any unauthorized view to mobile computer screens containing confidential information or unauthorized access to the mobile computer by the public or any non-sworn personnel. Mobile computers will not be left unattended in public places or residences at any time except in cases of extreme emergency. A supervisor will be immediately notified of any breach in confidentiality.

Operating Procedures

Officers will receive call-for-service information on their mobile computers, and then acknowledge receipt. Car-to-car messaging is encouraged to reduce radio traffic. Messages are generally considered public information. Officers may also acknowledge receipt of information over the radio, and dispatch will perform the function and/or updates through the Computer Aided Dispatch (CAD) system.

Logging on the mobile computer:

a. Officers will turn on the power for Department mobile computers.
b. Once Department mobile computers have been powered on, officers will be presented with a logon screen.
c. To access Department mobile computers, officers will be required to log on with a user ID and password.
d. When cruisers are shut off, Department mobile computers continue to run off the cruiser's battery for a designated period of time. When the designated time has been achieved, the mobile computer will shut down.

Note: If a shutdown should occur, officers will have to log back into the mobile computer upon their return. Officers will not be required to turn off Department mobile computers when leaving their cruiser for a short period of time.

Logging off the mobile computer:

e. At the end of the officer's shift, they will log off the mobile computer.
f. To power off the mobile computer, officers must first log off and EXIT the system application.
g. From the Shutdown dialogue window, officers need to select the shutdown option for the mobile computer.
h. The sequence will properly shutdown and also power off the mobile computer.

Officers who experience technical difficulty with the mobile computer will immediately contact the Supervisor or IT Personnel, if on-duty.

Security, Care, and Maintenance of Equipment:

Officers will exercise reasonable care in the use of mobile computers to minimize excessive wear or damage. Sharp objects shall not be used to access the touch screen. Damage that is caused due to normal use will be covered under warranty agreements with the manufacturer. Damage that is caused by carelessness or negligent actions of the employee may result in discipline.

At the beginning of each shift, the officer will inspect the mobile computer for any signs of damage or disrepair and immediately report any findings to their Supervisor. Officers will perform the log on procedure for the CAD/RMS system, WCJIN and NCIC/CJIS. At the conclusion of each shift, the officer will properly shut down the mobile computer.

Officers will keep the mobile computer screen and keyboard clean using the supplies provided. Paper products are not to be used to clean the screen. Food and liquids must be kept away from the mobile computer at all times. In the event of an accidental spillage, the officer will:

a. Log off all active sessions and shut down the mobile computer as quickly as possible.
b. Clean the affected area as trained.
c. Make arrangements, through their supervisor, for City Information Technology personnel or an approved vendor to inspect the mobile computer if necessary.

An officer's vehicle will not be jump-started, or used to jump-start another vehicle, with the Mobile Data Computer installed.

When away from the vehicle, officers must ensure that the vehicle is locked to prevent unauthorized use of the mobile computer.

Mobile computers will not be used as a work bench, clipboard holder, shelf, cup holder etc. Note: paper clips should not be placed on Department mobile computers as they may fall inside corrupting its hardware, which could result in a failure of the system.

The interior environment of the cruiser must be within a temperature range of 40-95 degrees Fahrenheit to power on Department mobile computers. Officers may need to warm up or cool down the interior of a vehicle prior to powering on, depending on the cruiser's interior temperature. During hot weather, officers should lower rear windows one-half inch to allow air circulation for the cruiser's interior, which can aid in preventing overheating.

Mobile computers needing to be repaired will only be removed at the direction of the Chief of Police or designee, City Information Technologies personnel or a Department designated repair vendor.

If officers experience any problem with a mobile computer, they will fill out a vehicle maintenance request form. The form will be submitted to the officer's supervisor. The supervisor will review the form and forward the form to the Chief of Police or designee.

Suggestions on improvements to Department mobile computers will be directed to the officer's immediate supervisor, who will forward them through the chain of command.

USE OF SOCIAL MEDIA

PURPOSE

To establish the Lander Police Department's position on the utility and management of social media and provide guidance on its management, administration, and oversight by Department personnel both on-duty in the course of their official duties and off-duty when identified as members of the organization, or otherwise pursuant to their official duties in the public arena.

POLICY

It is Lander Police Department ("Department") policy that all personnel use computers, computer applications, computer programs, Internet resources, and network/Internet communications in a responsible, professional, ethical, and lawful manner. Department employees are prohibited from posting, transmitting, and/or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked or unmarked vehicles, equipment, or other material that specifically identifies the Department, or any personal or social networking website or web page, without express written permission of the Chief of Police.

All existing laws, rules, regulations, and directives that govern on- and off-duty conduct are applicable to conduct associates with social media and networking. When engaging in social networking, employees will strictly adhere to any and all existing federal, state, and local laws,

policies of the Lander Police Department, and laws regarding public information on arrests, investigations, and personnel data.

DEFINITIONS

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.

Blogosphere: Denotes the world of blogs and refers to all the blogs and blog interactions on the internet.

Chat: An interaction on a website, with a number of people adding text items one after another into the same space at nearly the same time – differs from a forum because conversations happen in "real time."

Comments: Responses to a blog post, news article, social media entry, or other social networking post.

Feed: A list of user's recent tweets which can be posted on other sites such as Facebook or an agency's website.

Forums: Discussion areas on websites where people can post messages or comment on existing messages at any time.

Page: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

Post (noun): Content an individual shares on a social media or similar site or the act of publishing content on such a site.

Post (verb): The act of creating, uploading, editing, or adding to any social media outlet. This includes text, photographs, audio, video, or any other multimedia file.

Profile: Information that a user provides about himself or herself on a social networking or similar site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites, blogs and microblogging sites, photo and video sharing sites, wikis, and news sites that permit user contributed content.

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies, such as Facebook, Twitter, LinkedIn, Usenet Group message or on-line bulletins boards, blogs, wikis, news sites, or other similarly developed formats.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

TikTok: A social media platform for creating, sharing and viewing short videos.

Tweet: A post or status update on Twitter of 140 characters or less.

Wall: The users own profile page and the updates it contains. People can write updates on your wall that are viewable by all your friends.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

Wiki: Web page(s) that can be edited collaboratively.

YouTube: An online video community that allows users to upload video content, share that content, and view the videos uploaded by others. Viewers are able to rate videos and leave comments.

PROCEDURE

Where the Lander Police Department uses social media to advance the purposes and goals of the organization, the following procedures shall apply to these officially sanctioned uses:

General Operating Procedures for Department-Sanctioned Use of Social Media

Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.

When appropriate, the page(s) should link to the Department's official website.

Social media page(s) should be designed for the target audience(s) such as youth or potential police recruits.

All Department social media sites or pages shall be approved by the Chief of Police and shall be administered by the individual(s) specifically designated by the Chief of Police to administer the social media site.

Where possible, social media pages shall clearly indicate they are maintained by the Department and shall have Department contact information prominently displayed.

Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.

Content may be subject to public records laws. Relevant records retention schedules can apply to social media content.

Content must be managed, stored, and retrieved to comply with public records laws. (See the Wyoming Public Records Act).

Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the Department.

Pages shall clearly indicate that posted comments will be monitored and that the Department reserves the right to remove obscenities, off-topic comments, and personal attacks.

Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

Conduct During Department-Sanctioned Use of Social Media

When representing the Department via social media outlets:

Employees shall always conduct themselves as representatives of the Department and, accordingly, shall adhere to all Department standards of conduct and observe conventionally accepted protocols and proper decorum.

Employees shall identify themselves as a member of the Department unless law-enforcement purposes dictate otherwise.

Employees shall not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to Department training, activities, or work-related assignments without express written permission.

Employees shall not conduct political activities or private business.

The use of Department computers by Department personnel to access social media is prohibited without authorization.

Department personnel use of personally owned devices to manage the Department's social media activities or in the course of official duties is prohibited without express written permission.

Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

Recognized Uses for a Department-Sanctioned Social Media Presence

Social media is a valuable investigative tool when seeking evidence or information about:

- Missing persons
- Wanted persons
- Gang participation
- Crimes perpetrated online (i.e., cyberbullying, cyberstalking)
- Photos or videos of a crime posted by a participant or observer.

Social media can be used for community outreach and engagement by:

- Providing crime prevention tips
- Offering online reporting opportunities
- Sharing crime maps and data
- Soliciting tips about unsolved crimes.

Social media can be used to make time-sensitive notifications related to:

- Road closures

- Special events
- Weather emergencies
- Missing or endangered persons.

Use During Employment Screening:

Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism. The Lander Police Department has an obligation to include Internet-based content when conducting background investigations of job candidates.

Searches should be conducted by a non-decision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers.

Persons authorized to search internet-based content should be deemed as holding a sensitive position.

Search methods shall not involve techniques that are a violation of existing law.

Vetting techniques shall be applied uniformly to all candidates.

Every effort must be made to validate internet-based information considered during the hiring process.

Personal Use of Social Media

Barring state law or binding employment contracts to the contrary, Department personnel shall abide by the following when using social media:

Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this Department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the Department.

As public employees, Department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties – that is, that owes its existence to the employee's professional duties and responsibilities – is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this Department.

Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Chief of Police or his or her designee.

For safety and security reasons, Department personnel are cautioned not to disclose their employment with this Department, nor shall they post information pertaining to any other member of the Department without their permission. As such, Department personnel are prohibited from the following:

- Display Department logos, uniforms, or similar identifying items on personal web pages.
- Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this Department. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.

When using social media, Department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Department's Code of Conduct is required in the personal use of social media. In particular, Department personnel are prohibited from the following:

- Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
- Speech involving themselves or other Department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.

Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.

Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this Department without express authorization.

Department personnel should be aware that they may be subject to civil litigation for:

- Publishing or posting false information that harms the reputation of another person, group, or organization (defamation).
- Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person.
- Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose.
- Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

Employees should be aware that there is no reasonable expectation of privacy when engaging in social networking online. As such, the content of social networking websites may be obtained for use in criminal trials, civil proceedings, and departmental investigations. Such content may have a detrimental impact on criminal investigations or judicial proceedings.

Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Department at any time without prior notice.

Reporting violations – Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

Except in the performance of an authorized duty, employees may not use Department computers to access social networking sites, blogs, bulletin boards, or similar media.

Except in the performance of an authorized duty, employees may not utilize personal computers, cell phones, or other devices to access social networking sites, blogs, bulletin boards, or similar media while on duty.

Except in the performance of an authorized duty, employees shall not post, transmit, reproduce, and/or disseminate information (texts, pictures, video, audio, etc) to the internet or any other forum

(public or private) that would tend to discredit or reflect unfavorably upon the Department or any of the Department's employees.

Employees having personal web pages or other types of internet postings which can be accessed by the public, shall not place, or allow to be placed, photographs or depictions of themselves dressed in uniform and/or displaying official identification, patches or badges, or in any way, either directly or indirectly, identify themselves as an employee of the department for any reason, without approval as indicated in this policy.

Employees having personal web pages shall not use their rank, title, or position in a manner that would suggest that they are representing the interests or official position of the police department.

Photographs of the inside of the police building as well as any crime or accident scene shall not be posted without the consent of the Chief of Police.

When engaging in the personal use of social media, employees shall not post any text, photograph, audio, video, illustration, or any other multimedia file related to or depicting any of the following:

- Current, past, or pending departmental investigation.
- Criminal or civil proceeding pertaining to, or arising from, any matter involving the department, including allegations of misconduct.
- Brandishing any weaponry, whether City-owned or privately-owned, actual or simulated, or any contraband whether actual or simulated.
- Brandishing any tactical instrument, whether City-owned or privately-owned, including, but not limited to: firearms, ASP, baton, OC spray, electrical control weapon, and/or mechanical restraints.

Posting the following types of criminal justice information to social networking sites is explicitly prohibited:

- Confidential, sensitive, or copyrighted information to which you have access due to your employment with the City of Lander;
- Data from an ongoing criminal or administrative investigation including photographs, videos, or audio recordings;
- Photographs of suspects, arrestees or evidence;
- Personal statements about an on-duty use of force incident; and/or
- Comments related to pending prosecutions.

Employees are prohibited from creating and posting social media content (photographs, videos, etc) on their personal social media page(s), while they are on duty without the express consent of the Chief of Police.

<u>Approval Process</u>

An employee seeking approval to use references to the Lander Police Department on a personal website, web page, or other public forum shall submit a request for approval to the Chief of Police via the chain of command.

Employees who post photos, comments, or other material pertaining to other department employees must inform and seek approval from the employee(s) before posting the same.

The Lander Police Department reserves the right to access, audit and disclose, for whatever reason, all content, messages, photographs, videos, and any other information created, transmitted or received via the use of any equipment issued or maintained by the Department. This includes, but is not limited to, records of all key strokes or web-browsing history made at any department computer or over any department network.

MOBILE VIDEO/AUDIO RECORDING (MVAR) EQUIPMENT

PURPOSE

The purpose of this General Order is to establish procedures and guidelines for the utilization of the Lander Police Department's Mobile Video/Audio Recording equipment.

POLICY

Mobile video/audio recording (MVAR) equipment has been demonstrated to be of value in the prosecution of traffic violations and other offenses, in evaluation of an officer's performance, training, and for the protection of officers against the risks associated with wrongful accusations. In order to maximize the utility of this equipment in these and related areas, officers shall follow the procedures for MVAR equipment use as set forth in this policy.

It is the policy of Lander Police Department ("Department") that officers shall use the equipment in all situations outlined in this directive. In all other cases, the officer will make the choice as to whether or not to utilize the video and/or audio of the MVAR equipment. The Department, however, recommends the utilization of the equipment, in recognition of its accurate portrayal capabilities.

This agency has adopted the use of in-car video/audio recording systems in order to accomplish several objectives, including:

- Accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, collection of evidence and testimony in court; and
- The enhancement of this Department's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes, as well as for officer training and evaluation.

Officers are prohibited from erasing, altering, or tampering with any mobile audio or video equipment or attempting to erase, alter or tamper with any video or audio equipment, including intentionally stopping/starting a recording.

PROCEDURES - GENERAL

The Captain is responsible for overseeing the overall maintenance and administration of the Department's MVAR program. The Department shall install and utilize Mobile Video/Audio recording equipment in police vehicles, as determined by the Chief of Police. Officers shall be trained on its operation in accordance with the manufacturer's and/or installer's recommendations. This directive shall include procedures for training, operation and inspection of the equipment, completing reports, and provisions for the collection and retention of recordings. There shall be no deviations from this directive without the authorization of the Chief of Police.

Mobile Video/Audio recording equipment has been demonstrated to be of value to police officers in the field. These benefits include:

Providing protection to officers in the field by allowing the department to review basic police practices and procedures used by officers and their interaction with the general public.

Acting as an invaluable instructional tool as it provides the department with the ability to train officers in proper police procedures through a process of review, analysis, and evaluation. These recordings can be utilized in recruit training as well as in service training sessions to demonstrate both acceptable and unacceptable techniques.

Maintaining a record of motor vehicle stops and patrol activities.

Providing corroboration and documentation of events, actions, conditions, and statements made during arrests, critical incidents, and other police reports. While evidence may be captured on the recordings, the use of Mobile Video/Audio recordings is not intended to document all evidentiary material for court proceedings.

Operation and Situations for Use

Inspection of Equipment

MVAR equipment installed in vehicles is the responsibility of the officer assigned to that vehicle and will be operated and maintained according to the manufacturer's instructions and recommendations.

Prior to each shift, officers will inspect the MVAR equipment to determine that it is functioning properly, both in-car video and audio equipment. The officer shall bring any problems or malfunctions, whether during initial inspection or any time during the shift, to the attention of their immediate supervisor as soon as possible.

Officers will perform the following functions checks of the following components:

Remote Audio Transmitter – Officers shall:

- Check for adequate battery power level;
- Test the device to ensure synchronization with the recorder;
- Test the device to activate the recorder remotely; and
- At the beginning of the shift the officer will state on the audio transmitter the name of each officer occupying the vehicle and the sector of town assigned.

Camera(s) – Officers shall:

- Inspect the lens for damage and/or debris. (Clean lens with a soft dry cloth only. Do not use liquid solvents or cleaners of any kind);
- Ensure the windshield is free of debris;
- Ensure the camera is oriented in the proper direction for appropriate recording;
- Manually activate the recorder using both the remote audio transmitter and the switch on the device of the vehicle; and
- Manually activate the overhead emergency lights and ensure the automatic trigger functions properly.

Officers assigned vehicles outfitted with MVAR equipment shall ensure that all required pre-operational checks are performed in accordance with their training and the manufacturer's recommendations.

Officer Responsibilities:

Officers are encouraged to inform their supervisors of any recorded sequences that may be of value for training.

Officers will note in the incident, arrest, and related reports when video/audio recordings were made during the incident in question.

Officers shall not erase, reuse, or in any way alter MVAR recordings.

Upon contact with a person the officer will advise the person that they are being recorded when possible.

Supervisor Responsibility:

Supervisory personnel who manage officers utilizing MVAR equipment shall ensure that:

All officers follow established procedures for the use and maintenance of MVAR equipment, handling of video/audio recordings, and the completion of MVAR documentation.

On at least a bimonthly basis, randomly review video and recordings to assist in periodic assessment of officer performance, determine whether MVAR equipment is being fully and properly used, and to identify material that may be appropriate for training.

Ensure repair and replacement of damaged or non-functional MVAR equipment is performed.

Ensure that all reporting requirements are being completed as required to ensure adequate program evaluation.

Shift supervisors shall:

Determine if vehicles with non-functioning or full MVAR systems should be placed into service. If these vehicles are placed into service, the supervisor shall complete the appropriate documentation and transmit the form to the Captain, If the vehicle is not placed in service, and it is during normal working hours of the Department's fleet and equipment personnel, the supervisor shall direct the vehicle there for repair.

Counsel or recommend disciplinary actions for any officer found to fail to properly use or care for their assigned MVAR equipment.

Equipment Repair/Maintenance

Installation and maintenance shall be performed by authorized service personnel. Alterations to the system by unauthorized personnel are prohibited.

Damage, theft, or malfunctioning of any component of the equipment shall be immediately reported to a Shift Supervisor. Supervisors shall ensure that all equipment is operated in accordance with department directives and manufacturer's recommendations.

If equipment is malfunctioning, the officer will forward an equipment repair request to the [insert Agency designee] who will authorize the necessary repairs. The equipment shall be repaired only by qualified technicians who have been specifically trained and are authorized to do so.

Operating Procedures

Powering the Unit:

The power on the console unit shall be turned off at the end of each shift in order to preserve the life of the battery.

In the event that the vehicle requires jumpstarting, the main cable harness must be disconnected from the trunk unit beforehand, or the system fuse removed beforehand.

Activating the Unit:

MVAR equipment shall remain on throughout the tour and be set to automatically activate in the following situations:

Upon the activation of the emergency lights on the vehicle

When the officer activates the MVAR

The equipment can be manually activated from inside the vehicle.

Officers relying on an automatic trigger should always visually check the system to ensure activation occurred.

Activation is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

Required Use:

Officers will be required to use the equipment under the following circumstances:
All responses to calls when emergency lights, siren, or both are engaged;
All vehicle pursuits;
All traffic stops, including high risk/felony stops;
All DUI investigations;
When a person is detained and placed in the rear of the patrol vehicle;
During contacts with any person suspected of criminal activity;
Response to in-progress crimes;
Prisoner transports;
Consent to search a vehicle;
Deployment of canines;
Physical or verbal confrontations or use of force;
Domestic violence calls;
Any situation or event that the officer believes should be recorded; and
Whenever directed to do so by a Supervisor

Suggested Use:

Officers should consider and may use the equipment in the following situations:

When making “Terry” stops or dealing with suspicious persons;

Training scenarios;

Events that are major criminal incidents, serious accidents, or any time, when the officer deems the recording of events would be beneficial to the department’s mission or the protection of the officer.

General Use:

The following guidelines shall be used by officers when operating MVAR equipment:

Ensure that the video camera is positioned and adjusted to record events.

The equipment shall not be deactivated until the enforcement action/event being recorded has been completed.

Cameras may be removed from assigned vehicles and used in conjunction with a 90-foot extension cord that will be stored in the Shift Supervisor’s vehicle. This is the only time other than for repairs that the camera should be removed from the assigned vehicle.

The equipment will not be used in a manner that would bring discredit upon the officer, the department, or the City of Lander.

Prohibited Recordings:

No Department member may knowingly and surreptitiously use the MVAR system to record a conversation of any other Department member except with a court order, when documenting or reporting criminal activity, or as authorized by the Chief of Police or an authorized designee. This prohibition does not apply to recording off-duty Department officers who are subject to recording any interactions with the Department as subjects or witnesses in the same manner as the general public.

The MVAR system may not be used for the purpose of intimidating an individual or to discourage an individual from observing police activity, making appropriate inquiries of an officer, or making a complaint.

The MVAR system shall not be used to make recordings of members of the public that do not have a legitimate law enforcement purpose or are designed to embarrass or otherwise harass any person.

Downloading/Server Control and Management

Digital recordings will be downloaded automatically to the secure server when an officer returns to Department headquarters. Officers should verify all videos have completed downloading prior to the end of shift. If there is a problem with a system downloading, the Chief of Police or designee will be notified and he/she will perform a manual download.

Server Security and Access

Access to the server is limited only to the personnel and/or third-party vendors designated by the Chief of Police.

The digital recording equipment is accessible only to the Chief of Police, Captain and those officers designated by the Chief of Police.

All recordings on the MVAR are the property of the Lander Police Department.

All recordings on Department equipment are subject to random unannounced review by supervisory staff for training purposes and to ensure compliance with the policy.

Storage and Retention

Shift supervisors will file a written report to explain loss or damage to video recordings, or any erasure, time gap, or break in recordings. This report will be submitted to the Chief of Police or his designee.

All digital recordings held for evidentiary purposes will be stored in accordance with the guidelines for retention of evidence per state statute.

Upon the completion of the tour of duty, the officers shall note in any reports or summons that a video recording of the incident was made.

Recordings may be duplicated for court, investigative, training, criminal, administrative or other authorized purposes. No member of the department will view or duplicate any digital recording, for other purposes, without first submitting a written request to the Chief.

All Wyoming Public Records Act requests for digital recordings will be processed through the Chief and Human Resources. No digital recordings will be used for commercial or unauthorized purposes.

Any duplicate of a digital recording that is being removed and retained as evidence for a critical incident shall be forwarded to the Property Room as any other piece of evidence. The following incidents shall automatically be considered a critical incident for the purpose of this General Order, regardless of its content:

a. The recording of all crimes in progress that depict the criminal actions of suspects.
b. The recording of all motor vehicle stops, where the operator is arrested for Driving While Under the Influence.
c. The recording of all police pursuits, including those pursuits that were terminated. This only includes recordings from those vehicles directly involved in the pursuit.
d. The recording of any use of force by members of the Department that results in serious injury to a suspect.

e. The recording of any assault on an officer.
f. The recording of any injury to an officer.
g. The recording of any other incident, as determined by the Shift Supervisor.

MVAR recordings containing information that may be of value for case prosecution, or in any criminal or civil adversarial proceeding shall be safeguarded as other forms of evidence. As such, these recordings will:

h. Be subject to the same security restrictions and chain of evidence as detailed in the Department evidence collection policies.
i. Not be released to other bona fide criminal justice agencies without prior approval of the designated command officer.
j. Not be released to another criminal justice agency for trial until the actual trial date.
k. A true and attested copy of the digital recording marked as a copy will be submitted to the criminal justice agency for any pre-trial purpose.

Training

The Department shall provide training for all users of the MVAR system.

Only those officers who have received training in the use of the MVAR system are authorized to activate and utilize the MVAR equipment.

The designated Training Officer shall is responsible for providing:

a. Basic user training
b. Periodic refresher training

The Training Officer is responsible for updating the course of training as necessitated by changes in policy or equipment.

System users are encouraged to report to the Training Officer any event that may be considered valuable for training purposes.

PUBLIC RECORDING OF POLICE

Members of the public have a constitutional right to record police officers performing their official duties in public spaces, provided the recording does not physically interfere with or endanger officers, suspects, witnesses, or members of the public. Officers shall not prohibit, delete, seize, or otherwise interfere with lawful recordings, nor shall they confiscate recording devices without a valid warrant, court order, or exigent circumstances recognized by law. Officers may restrict recording only when necessary to preserve safety, protect the integrity of a crime scene, or maintain confidentiality as required by law. Any restriction or seizure of a recording device shall be documented in writing and reported to a supervisor. Retaliation against individuals for exercising their right to record is strictly prohibited.

BODY WORN CAMERAS

PURPOSE

The purpose of this general order is to establish Lander Police Department guidelines and limitations for the use and management of body-worn camera systems.

POLICY

The Lander Police Department is committed to the belief that on-officer audio/video system is an important and valuable tool for law enforcement. On-officer video is essentially audio-video documentation of a police officer's investigative and enforcement activities from the perspective of the officer's person. All sworn officers of the Department shall be issued and required to utilize body-worn cameras (BWCs) in accordance with this policy and all applicable laws. The purpose of BWCs is to enhance officer safety, improve evidence collection, increase transparency and accountability, and promote public confidence in law enforcement.

The use of body-worn camera systems provides documentation of law enforcement interaction with the public by providing recorded evidence of actions, conditions and statements that may be used for court proceedings, internal review, or review by the public through formal request. Goals of a body-worn camera system include officer safety, to accurately document events during an incident, to provide prosecutors with the best evidence for court proceedings, and to determine the accuracy of complaints made against Lander Police Department officers. The Lander Police Department will utilize the Provision Body Camera system.

DEFINITIONS

Provision Software: A secure video file management system required for downloading, storing, and retrieving video files recorded with the Body Camera 4 camera.

Body Camera 4: A body-worn audio/video recording system primarily consisting of a camera and an internal battery pack.

PROCEDURES - GENERAL

The Lander Police Department has authorized the use of body-worn camera systems and shall use and maintain the system in conformance with applicable Wyoming Statutes. The Department will use the camera systems to document events and capture data, which will be preserved in a secure server at the Lander Police Department. Once captured, these recordings cannot be altered in any way, and are protected with multiple layers of encryption. The Lander Police Department has adopted the use of body-worn camera systems to accomplish the following objectives:

To enhance officer safety.

To accurately document statements and events during an incident.

To enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/testimony.

To preserve visual and audio information for use in current and future investigations.

To provide an impartial measurement for self-critique and field evaluation during officer training or coaching and mentoring sessions.

To enhance the public trust by preserving factual representations of officer-citizen interactions in the form of video and audio recordings.

Operational Use

Officers shall only use body-worn cameras that have been issued by Lander and only while in uniform.

Body-worn cameras shall be operated in accordance with the manufacturer's guidelines and Lander Police Department training and policies.

The body-worn cameras shall be worn at all times by the assigned officer.

Prior to each shift, officers shall inspect the body-worn camera for any physical damage and to ensure the system is fully charged and operational. Only fully charged and operational systems shall be used.

Malfunctions, damage, loss, or theft of any part of the body-worn camera shall be immediately reported to a supervisor.

Officers shall position the body-worn camera in a manner to facilitate optimum recording field of view, while also ensuring the ability to safely activate the camera prior to, or during an incident.

While it is generally implied that words and/or actions performed in the presence of a police officer have no expectation of privacy, if asked the officer will inform the person they are being recorded. This should be documented in the officer's report.

This policy is not intended to describe every possible situation in which a body-worn camera should be used. Sound judgment and discretion shall dictate when a body-worn camera is activated; however, officers should record the following types of incidents unless unsafe, impossible, or impractical to do so:

, may result in disciplinary action up to and including termination." **Activation Requirements**

BWCs shall be activated to record audio and video during all law enforcement encounters, including but not limited to:

- Traffic stops and motor vehicle enforcement actions;
- Arrests, detentions, searches, and frisks;
- Service of search or arrest warrants;
- Use-of-force incidents or any situation where force may reasonably be anticipated;
- Pursuits on foot or by vehicle;
- Interactions with individuals suspected of criminal conduct; and
- Any other incident where an officer, in their discretion, determines that recording will provide evidentiary value or enhance safety.

Deactivation and Exceptions

Deactivation of BWCs shall be permitted only in accordance with supervisory direction or written Department procedures, such as:

- To protect the privacy rights of crime victims, juveniles, or witnesses;
- During conversations involving confidential informants;

- During routine administrative or personal activity not related to enforcement (e.g., restroom breaks, meal periods).

When deactivation occurs in the course of an encounter, officers must articulate the reason for deactivation either verbally on camera prior to deactivation or in the corresponding written report.

Retention and Records Management

All BWC recordings are official records of the City and shall be retained and managed in compliance with the Wyoming Public Records Act and applicable records retention schedules. Evidence recordings shall be maintained in accordance with chain-of-custody protocols. Recordings that are not evidentiary shall be retained for the minimum period required by law or policy before being subject to secure deletion.

Whenever practical, officers should download video utilizing the Provision docking system. At the end of their shift, officers SHALL place the body-worn camera into the docking station. This will allow remaining evidence to be transferred from the system to the server, and for the battery to be charged. The system should not be removed from the dock until the data has been uploaded, and the battery is fully charged.

Recordings will be maintained for a minimum of three (3) years in the following circumstances:

An officer's use of deadly force or deadly restraint;

The discharge of a firearm unless for the destruction of an animal;

Death or serious bodily injury;

An incident where there is a complaint initiated within 30 days of the incident; and

If there is any other legal requirement for retaining the recording, including but not limited to litigation, a pending criminal case, or a valid court or administrative order, then the recording shall be retained only as long as is legally required.

Digital recordings may be duplicated for court, investigative, training, criminal, administrative or other authorized purposes. No member of the department will view or duplicate any digital recording, for other purposes, without first submitting a written request to the Chief of Police.

All Wyoming Public Records Act requests for digital recordings will be processed through the Chief of Police or designee. No digital recordings will be used for commercial or unauthorized purposes.

Privacy and Restricted Recordings

Recordings involving juveniles, sexual assault victims, medical emergencies, or activities within private residences shall be managed with heightened privacy protections under federal and state law. Disclosure of such recordings shall be limited to law enforcement purposes, lawful discovery, or as otherwise authorized by the Wyoming Public Records Act, court order, or prosecutorial direction. The Department shall implement redaction protocols to ensure compliance with privacy laws before public release.

Supervisory Review and Auditing

Supervisors are authorized to review BWC recordings for the purposes of:

- Evaluating officer performance and training needs;
- Investigating complaints or use-of-force incidents;
- Ensuring compliance with Department policy.
  Periodic audits of BWC use shall be conducted to verify compliance with activation, retention, and privacy standards.

Supervisory personnel shall ensure that officers equipped with body-worn cameras utilize them in accordance with policy and procedures defined herein.

Supervisors will periodically review the uploaded videos to ensure videos are not uncategorized.

Should circumstances require the immediate retrieval of a digital recording (e.g., serious crime scenes, agency shootings, department-involved accidents), a supervisor shall respond to the scene to secure the body-worn camera system and maintain chain of custody.

On at least a bimonthly basis, randomly review video and recordings to assist in periodic assessment of officer performance, determine whether body-worn camera equipment is being fully and properly used, and to identify material that may be appropriate for training. Such review shall be documented.

Disciplinary Consequences

Failure to comply with the BWC policy, including intentional deactivation contrary to policy, unauthorized access, or tampering with recordings.

If an incident occurs, as outlined above, and an officer's camera was not actively recording, the officer will download the BWC video footage for use with the "record after the fact" or "video recall" feature, if available on the Department's BWC equipment.

Once a body-worn camera is activated, it shall not be intentionally turned off until the incident has reached a conclusion. If it becomes necessary to discuss issues surrounding an investigation with a supervisor or another officer in private, the officer may turn off their body-worn camera; thereby preventing their private conversation from being recorded.

The use of a body-worn camera does not replace the need for required documentation. All incident/supplemental reports shall be completed, regardless of the video that has been captured.

Whenever an officer records an incident or any portion of an incident, which that officer reasonably believes will likely lead to a citizen complaint, the officer shall immediately bring it to the attention of their supervisor.

Officers wearing a body-worn camera may use the system to capture statements from victims, witnesses, and suspects in place of utilizing a digital recorder. The use of a body-worn camera for such purposes shall be documented in the same manner as above.

Once video is captured and downloaded, officers shall identify the data file within the following manner:

a. By entering the full case number (ten-digit) within the Case Number field. If no case number exists, the Case ID field may be left blank.
b. Selecting the appropriate category. In the event more than one category is applicable, the category with the longer retention rate SHALL be selected.

c. Entering applicable details within the Comment field. The comments should include sufficient information to identify/retrieve the file, such as case type, location, suspect/driver name, etc. If an officer needs the file maintained as evidence, this shall be noted in the comment field.
d. Officers who are assigned a camera within a group (i.e., “Sergeants”) will note their name and rank within the Comment field.

Operational Prohibitions / Restrictions

Officers shall not modify, tamper, dismantle, or attempt to make repairs to the body-worn cameras. Any officer, who intentionally disables or damages any part of the body-worn camera, or who fails to activate or deactivate the system required by this policy without justifiably reason, will be held accountable and subject to criminal and/or internal disciplinary action.

Officers will not enable a password protected lock on the device in case a situation arises that another officer or supervisor needs to retrieve recorded evidence from the device.

Department-issued body worn cameras are intended for official Departmental use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action.

Officers will typically not allow citizens to review recordings; however, officer discretion is allowed to replay the recording for citizens at the scene to mitigate possible complaints.

To respect the dignity of others, members utilizing body-worn cameras will make reasonable efforts to avoid recording persons who are nude, or when sensitive areas are exposed.

Body-worn cameras SHALL NOT be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms unless there is a call for service in that area where law enforcement response is needed.

The intentional recording of confidential informants and undercover officers is prohibited, unless authorized by a supervisor.

Non-work-related personal activity shall not be recorded.

Under no circumstances shall any recordings be used or shown for the sole purpose of bringing ridicule or embarrassment upon any person.

Officers shall not use body-worn cameras to make surreptitious recordings of other department members, except as necessary in the course of a criminal investigation or for department administrative investigations, and only with the consent of the Chief of Police.

Officers SHALL NOT make copies of any recording for their personal use and are prohibited from using a recording device (such as a camera phone or secondary video camera) to record media from the server or any device utilized to view data recorded on body-worn cameras.

Officers are prohibited from using their personal phone or smart device for body-worn camera applications.

Any uploading or converting digital recordings for use on any type of social media is prohibited.

Officers shall not record individuals who are lawfully engaging in a protest or other First Amendment protected right of speech or demonstration, unless there is at least reasonable suspicion of criminal activity, or to serve any other legitimate law enforcement purpose.

In incidents involving an officer’s use of force, officers may review their video of the incident before the officer has completed their force investigation report. Once the officer has completed his/her use

of force report he/she may also view the video with the Supervisor conducting the force investigation. Any discrepancies or additional information determined by the review of the video will be documented and explained by the Supervisor in his/her evaluation of force report.

Deletion of Unintentional Recordings

In the event of an unintentional activation of the body-worn camera during non-enforcement or non-investigative activities, e.g. restroom or meal break, other areas where reasonable expectation of privacy exists: officers may request recording deletion.

The unintended recording will be noted using the “Accidental Activation” category dropdown box. Actual deletion will require two-party authorization. One of those parties will be the Chief of Police or their designee; the other will be the agency Administrator. Authorization will be noted by each party in the comment field within Provision for that video.

Equipment Repair/Maintenance

Maintenance shall be performed by authorized service personnel. Alterations to the system by unauthorized personnel are prohibited.

Damage, theft, or malfunctioning of any component of the equipment shall be immediately reported to a Shift Supervisor. Supervisors shall ensure that all equipment is operated in accordance with department directives and manufacturer’s recommendations.

If equipment is malfunctioning, the officer will forward an equipment repair request to the Chief of Police or designee who will authorize the necessary repairs. The equipment shall be repaired only by qualified technicians who have been specifically trained and are authorized to do so.

Accountability, Review and Security

All body-worn camera users will be responsible for monitoring system effectiveness and making recommendations for operational improvement and policy revision.

The Lander Police Department will ensure officers, detectives, supervisors, and non-law enforcement court personnel have access to recorded events for legitimate law enforcement purposes or other articulated reasons.

Officers authorized under this policy may review video as it relates to:

Their involvement in an incident for the purposes of completing a criminal investigation and preparing official reports.

Prior to courtroom testimony or for courtroom presentation.

Providing a statement pursuant to an administrative inquiry/investigation.

For training purposes.

A supervisor may review a specific incident contained on digital media for the purpose of training, critique, early intervention inquiries, civil claims, administrative inquiry, or other articulated reasons.

Provision automatically time/date stamps each recording and upload of same by the assigned officer name. Uploaded video that is deemed to be evidentiary in nature shall be transferred to the server as soon as practical by the officer docking his body warn camera.

All digital media collected using body-worn cameras is considered a record of the Lander Police Department. Access to recordings shall be granted to authorized users only. It is the responsibility of authorized users to keep their username and password confidential. Accessing, copying, or

releasing any recordings for other than official law enforcement purposes is strictly prohibited, except as required by law.

Evidentiary copies of digital recordings will be accessed and copied from the server for official law enforcement purposes only.

The release of requested digital media through written public records request will be subject to the same statutory exemptions from disclosure as any other department records classified under the Wyoming Public Records Act.

The Lander Police Department's video administrator will conduct quarterly audits to verify and deactivate users who are no longer authorized.

TOWING MOTOR VEHICLES

PURPOSE

The purpose of this policy is to provide guidelines and procedures to the Lander Police Department ("LPD") for the towing of motor vehicles.

POLICY

Lander Police Department officers shall tow motor vehicles from highways or other areas, in conformance with LPD directives or when such vehicles are determined to be abandoned or inoperable based on the vehicle's condition or the status of the operator.

PROCEDURE

Accident Scenes

Under normal circumstances, the operators of the involved vehicles may request any City wrecker that can respond within a reasonable time. A reasonable time shall be that time as determined by the officer on scene accounting for such factors as:

Time of day

Road/weather conditions

Effect on area traffic

Presence of additional hazards; etc.

The wrecker rotation system will be followed when the operator has no other specific request.

If the wrecker does not respond within a reasonable time, the next rotation wrecker on the list will be requested.

All vehicles involved in fatal or serious accidents will be towed by the next wrecker on rotation and impounded for evidentiary and inspection purposes.

Recovered Stolen/Wanted Vehicles

Where a stolen or wanted vehicle used in connection with a criminal offense is recovered, the investigating officer will:

If determined to be necessary and feasible, arrange for the vehicle to be processed at the scene for evidence.

If the vehicle cannot be processed at the scene or must be retained as evidence, it may be towed to the Fremont County Sheriff's Office and stored in a secure location.

Normally, towing shall be performed by rotation wrecker service.

Impounding and inventory shall be performed in accordance with the guidelines of General Order Evidence and Property Control.

Snow Tows

Vehicles may be towed pursuant to city ordinance as it relates to vehicle remaining stationary overnight within the limits of any public highway so as to create a nuisance or hazard during the time of falling snow, sleet or freezing rain, or to obstruct or interfere with snow removal and/or sanding.

The removal of said vehicles shall be made only after:

A request has been made by the City of Lander Department of Public Works to have the vehicles removed for actual snow removal or sanding operations, or

A parking ban is in effect during a declared parking ban established in conjunction with the City of Lander Public Works Department.

Officers will make an attempt to contact the owner to have the vehicle removed prior to towing.

All vehicles towed for snow-ban violations shall be ticketed.

Emergency/Hazardous Situations

In cases of major storms or incidents resulting in downed wires, trees, etc., or other hazardous situations, vehicles may be towed if the owner is unavailable and circumstances dictate immediate removal.

Illegally Parked Vehicle

If a vehicle is blocking a private driveway or school access, the officer will attempt to make contact with the owner to move the vehicle within reasonable time.

If unsuccessful, the vehicle may be towed or impounded utilizing the wrecker rotation system.

All vehicles towed for illegal parking violations shall be ticketed in accordance with city ordinance or state law in accordance with Traffic Enforcement.

Vehicles parked in fire lanes will not normally be towed unless creating an immediate hazard.

Officers receiving a report of an improperly parked vehicle on private property will investigate to determine if the vehicle is stolen or imposes a hazardous condition. If the vehicle is not stolen, creating a hazardous condition, or involved in a criminal matter the officer will advise the complainant that they need to call their own wrecker to have the vehicle removed from the property.

Motor Vehicle Stops

Certain offenses prohibit violators from legally driving their cars from the scene. These offenses include, but are not limited to:

a. DUI
b. Operating under license/registration suspension, revocation
c. Misuse of plates
d. Unregistered motor vehicle
e. Operating without a license
f. Canceled registration due to insurance lapse
g. Minors transporting alcohol
h. Equipment violations constituting reckless driving.

A vehicle will be towed during a motor vehicle stop if:

a. The operator is taken into custody and no licensed person is on scene who has direct/indirect permission of the owner to operate the vehicle.
b. The vehicle is illegally parked or in a hazardous location and cannot be moved by an operator on scene.
c. The vehicle cannot be legally moved, e.g. registration canceled, suspended, etc.

Safety Considerations

Officers should remain with a disabled or hazardous vehicle until assistance has arrived and the vehicle has been towed.

The officer shall offer to assist the operator and/or occupant(s) in securing transportation to a reasonably safe location. Officers may transport the occupants after notifying the Shift Supervisor. Officers shall note the disposition of the operator/occupants in the CAD record.

Officers will not provide mechanical assistance to a motorist such as changing tires unless the activity is authorized by the supervisor.

Reporting

The towing officer will provide dispatch with the registration number and state, Vehicle Identification Number, year, make and model of the vehicle being towed.

Dispatch personnel will enter the information into the CAD/RMS system.

Dispatch personnel will make an entry into the Criminal Justice information System (CJIS) Tow File of all vehicles towed by the department.

The towing officer will provide dispatch with information they deem pertinent to the towing of the vehicle (i.e. need for a flatbed, specialized equipment, how best to access the scene, etc.)

Dispatch will arrange and coordinate with the tow company for the proper response to the location. Dispatch will ascertain a tow company's response time in those instances when a non-police authorized tow company is being used to conduct the tow. Dispatch will update the towing officer if there is a delay or other circumstances dictate.

The towing officer is responsible for completing and verifying the information contained in the Tow/Abandoned Vehicle record log.

The towing officer will assure that notification is made to other affected law enforcement agencies that have primary jurisdiction over the location where the vehicle was towed from if the owner/ operator or person having control of the vehicle has not been informed of the towing.

MOTOR VEHICLE INVENTORY PROCEDURES

PURPOSE

The purpose of this general order is to provide officers with guidelines for conducting an inspection and inventory of motor vehicles towed, or in the custody of, the Lander Police Department.

POLICY

A motor vehicle inventory is an administrative measure designed to protect motor vehicles and their contents while in police custody; to protect the agency against claims of lost, stolen or damaged property; and to protect departmental personnel and the public against injury or damaged property due to hazardous materials or substances that may be in the vehicle. It is the policy of the Lander Police Department to safeguard the above property and interests and to conduct motor vehicle inventories in accordance with the following procedures. This is an administrative procedure and does not apply to searches conducted for the purpose of discovering evidence.

DEFINITIONS

Motor Vehicle: all vehicles constructed and designed for propulsion by power other than muscular power including such vehicles when pulled or towed by another motor vehicle.

Inspection: An examination of the exterior and interior of a motor vehicle for damaged or missing parts.

Inventory: An examination of all areas of a motor vehicle in which personal property may reasonably be found, including but not limited to the passenger compartment, trunk, glove box and any other compartment designed to hold property. Inventory procedures shall also include opening unlocked containers found within the vehicle for the purpose of inspecting the condition of property and inventorying items contained within. Locked containers may be opened if normal means of unlocking them are readily available and are not likely to damage the container or contents.

PROCEDURES

Inspection and Inventory

A detailed inspection and inventory shall be conducted of all motor vehicles that are towed, removed, impounded, or stored at the direction of a police officer or placed in the custody of the department. Such inspection and inventory shall be the responsibility of the officer who has ordered the towing, removal, impoundment, or storing of such vehicle. In those instances where a vehicle has been placed in the custody of the department an officer shall be assigned by the shift supervisor for the purposes of conducting an inspection and inventory of the vehicle.

An inspection and inventory of a motor vehicle can be delayed in those instances when such inspection and inventory cannot be safely completed due to road conditions, traffic, weather or other circumstances which makes the inspection and inventory of the motor vehicle at the scene impracticable. In such cases an inspection and inventory will be conducted as soon as practicable.

The inventory officer will complete a Motor Vehicle Inspection and Inventory Form, and submit this along with any other related documents for review by the shift supervisor. After review and approval by a supervisor the original form will be forwarded to Records and a copy shall be forwarded to the Property Officer. Additional copies shall be filed with any incident report associated with the towing, removal, impounding, storage or custody of the vehicle.

In conducting an inspection and inventory the officer shall note all missing and/or damaged parts as well as listing all personal items and valuables found within the vehicle. An officer shall open all

unlocked containers and inventory the contents. If the container is locked and no ordinary means are available to open the container it shall be described and listed as a single unit.

If during the course of such vehicle inspection and inventory an officer has probable cause to suspect that a locked container contains material that may present a hazard to public safety, the officer may open such container in a safe and expeditious manner. Such opening and the reason for it shall be noted on the Lander Police Department inventory form.

If during the inspection and inventory of the vehicle contraband and/or evidence is located it shall be seized and inventoried in compliance with General Order Evidence and Property. It shall be noted on the Motor Vehicle Inventory and Inspection Form describing the circumstances. If during the inspection and inventory of the vehicle, hazardous material is located it shall be handled in a manner consistent with the nature of the material, i.e. proper storage, summoning of fire department or bomb disposal technicians.

If probable cause to believe the vehicle holds contraband, evidence or fruits of a crime develops during an inventory search, the inventory search shall cease if the circumstances do not apply to the Carol Doctrine and the officer shall apply for a search warrant.

Any money or articles of value that cannot be secured by the tow company shall be taken for safekeeping by the officer and forwarded to the property officer in compliance with General Order: Property and Evidence.

Removal of Property

The operator, owner, or person having custody of such vehicle may remove item(s) which are not evidence in a criminal matter and that are legally possessed by them from the vehicle. If ownership of an item is in doubt and cannot be readily established, the property should remain with the vehicle.

Exceptions to Inspection and Inventory

An inspection and inventory shall not be conducted in those instances when:

The vehicle is towed at the owner's request by the owner's requested tow company;

The vehicle is removed from the scene by an authorized third party.

DRIVING UNDER THE INFLUENCE DETECTION PROCEDURES

PURPOSE

The purpose of this General Order is to establish procedures and guidelines for Lander Police Department officers to follow when conducting DUI counter-measure programs, and DUI arrests.

POLICY

It is the policy of the Lander Police Department ("Department") to fully support a comprehensive, cooperative DUI program, and has established DUI Enforcement as one of its highest priorities. In compliance with this policy, the following procedures shall be adhered to by all Lander Police Officers upon encountering a DUI driver.

Drivers impaired by alcohol and/or drugs represent a serious threat to the life and safety of persons using the streets within the City of Lander. Enforcement is one of the key elements in the DUI Countermeasures Program. If the Department does not detect and apprehend impaired drivers, the rest of the system cannot function. Sworn officers must be alert for signs of alcohol and/or drug impairment in all contacts with motorists and must make every effort to detect and apprehend them.

PROCEDURES

DUI and Alcohol Enforcement Countermeasures

Drivers impaired by alcohol and/or drugs represent a serious threat to the lives and safety of persons using the streets of the City of Lander. Consequently, a comprehensive, coordinated, and ongoing countermeasures program involving enforcement, education, adjudication, treatment, and public support is essential if a program is to have long-term success in combating the DUI problem.

Enforcement Countermeasures

The Department will take aggressive enforcement action as it relates to persons operating vehicles under the influence of alcohol and/or drugs. The primary objective of this effort is to reduce the number of drug and/or alcohol related traffic crashes and their subsequent property damage, personal injuries, and death. Patrol officers have the primary responsibility for DUI enforcement. Because of this responsibility:

Officers should become familiar with those locations in their assigned areas that are frequently traveled by alcohol or drug impaired drivers, and those areas where alcohol or drug related crashes occur as established through common knowledge or by the traffic analysis function.

Officers must be alert for signs of alcohol and/or drug impairment in all contacts with motorists.

Officers, who are Intoximeter Operator Certified, must remain proficient in administering breath tests on breath testing equipment, and attend all scheduled rectification sessions that may be required.

Officers should refer to Section C below for further information on handling violators charged with DUI.

The Department recognizes the importance of DUI enforcement, and is committed to the efforts necessary to be effective in this area. As a result, the department will:

Provide in-service training from time to time on related issues, as determined necessary by the Chief of Police, and designees.

Offer various opportunities for officers to attend proficiency and/or testing sessions for breath testing equipment as required by the State of Wyoming.

DUI and Alcohol Enforcement Countermeasures

The Department will conduct other DUI and alcohol enforcement countermeasures, including:

Programs designed to detect, arrest, and prosecute underage purchases, possession, and drinking of alcoholic beverages, before they have the opportunity to drink and drive.

Programs aimed to detect and take enforcement action against liquor stores and other businesses that are licensed to sell alcohol, before they can drink and drive.

The Captain has the functional responsibility of such special operations. The Captain or designee may be required to prepare a detailed written operational plan prior to implementation of any of these operations, as well as an after-action report of the results.

Educational Programs

The Captain will have the primary functional responsibility for alcohol and driver safety awareness programs for schools and other civic organizations. This may include, but is not limited to the following formal programs:

Drug Awareness and Resistance Program (D.A.R.E.)

Point of sales training programs on laws and rules for retail liquor store owners and/or employees, and businesses that are licensed to serve alcohol

Public cable access programming

Citizen Police Academy presentations

Any other related program(s) approved by the Chief of Police

Handling Traffic Violators Charged with Driving Under the Influence

In an effort to reduce alcohol and/or drug related traffic collisions or offenses, officers will make every effort to detect, apprehend and arrest all persons suspected of operating under the influence. All officers will receive initial training regarding DUI enforcement during recruit training at the Police Academy and will receive in-service training as necessary to comply with changes in statute law or arrest procedures during the in-service training period.

Based on organization needs and community desires, officers may be specifically assigned to detect and apprehend impaired drivers based on analyses of accident and enforcement data with respect to impaired drivers. The police department will provide saturation patrol tactics for the detection and apprehension of impaired drivers.

The following procedures are designed to assist officers when handling traffic violators charged with Driving Under the Influence.

Observations Used to Detect and Detain DUI Violators

Detection is the first step in any DUI enforcement action. The officer's observations in this stage are critical in establishing probable cause upon which the arrest decision is based. Officers must perform the following:
Recognize and identify specific driving behaviors.
Wide turns;
Straddling the center line or lane dividers;
Almost striking another object;
Swerving;
Weaving;

Stopping in traffic;
Drifting;
Tires riding on road markings;
Erratic breaking;
Following too closely;
Slow response to traffic signals;
Illegal or abrupt turns;
Driving with hi-beam or no lights at all;
Rapid acceleration or deceleration.
Note all observations leading to suspicion that the driver may be impaired

Stopping Suspected DUI

Notify Communications of location and vehicle registration.

Choose an area with at least fair lighting, if possible, and insure that drivers of other vehicles should be able to see the stopped vehicle clearly and soon enough to avoid a collision. Avoid restricted areas (on a curve, bridge, or behind an overpass)

After directing the driver to pull over, the officer should continue to look for further signs of impairment. Some significant clues are:
Failure to respond, or very slow response;
Throwing beverage containers or other items out of the car, or trying to conceal them within the vehicle;
Bringing the car to an abrupt stop;
Stopping in traffic;
Hitting the curb while stopping;
Attempt to trade places with passenger;
Striking another vehicle or object;
Attempting to flee from the scene;
Sudden, unexplained weaving, swerving.
Once the vehicle has stopped you should not let the driver move the vehicle until it is determined the driver is not impaired.

Observations Used to Establish Probable Cause

In DUI apprehension, the officer must keep safety in mind when approaching a stopped vehicle.

Approach the vehicle with caution, but with minimal delay.

When making initial contact with a potential DUI driver, you should look for the most common signs:
Odor of alcoholic beverage;
Bloodshot or glassy eyes;
Sloppy appearance;
Signs of nausea;
Slurred or incoherent speech;
Defiant or hostile attitude;
Cans or bottles in vehicle;
Uncertainty about time or place (disorientation).

Interviewing the driver: These are questions that may be asked
May I see your license and registration please?
What is your name/address?
Where are you coming from, where are you headed?

How much have you had to drink?

Listen for excuses drivers give for erratic driving.

Do not offer excuses for erratic driving, i.e., front end alignment.

Note all observations leading to suspicion that the driver may be impaired. If evidence exists to support your suspicion, request the driver to exit the vehicle for further investigation

If any of the telltale conditions are present, the officer should always ask the operator if he/she is ill or has been taking any medicine or drugs

Field Performance Tests, which are conducted at the scene should be documented.

Location for Field Sobriety Tests

The operator should be asked to go behind his vehicle, and in front of the primary cruiser. If it is dark or poorly lit, the officer should try to illuminate the area as much as possible via appropriate vehicle lighting. Front strobe lights and wig-wag lights should be turned off.

Field sobriety tests should ideally be given on level ground, on a hard, dry, non-slippery surfact. If these conditions are not possible, it may be necessary to walk a short distance to a more suitable location, such as a parking lot.

The operator should be asked if there is any reason why they would not be able to perform balance and coordination tests if asked to do so. If they state that they have some type of physical impairment, the tests may still be given, but the officer should take into account any disabilities claimed.

Conducting Field Sobriety Tests

Officers, if possible, should conduct interviews or Field Sobriety Tests in the space between the patrol vehicle and the subject's vehicle.

The following mandatory psycho-physical tests will determine if a driver's vision, balance, speech control, reaction time, and other acts that require coordination between mind and body are impaired.

Ask the driver if there are any reasons why she/he cannot perform the sobriety test.

“Officer’s DUI Arrest Report and PC Affidavit,” specifies three (3) field sobriety tests that are normally offered in order to establish probable cause for Operating Under the Influence:

Arrest Procedures of DUI Suspects

If probable cause exists to believe that the operator of a vehicle is under the influence of alcohol and/or drugs, the operator shall be arrested and taken into custody and charged with DUI.

Pursuant to Wyoming Statute § 31-6-102, any person who drives or is in actual physical control of a motor vehicle upon a public street or highway in this state is deemed to have given consent, subject to the provisions of this act, to a chemical test or tests of his/her blood, breath or urine for the purpose of determining the alcohol concentration or controlled substance content of his/her blood. (See WS § 31-6-102 for applicable standards and procedures, attached as Appendix A)

If the DUI operator is alone, and the vehicle is either on a public roadway or a private parking lot, the vehicle shall be towed. If there is another licensed operator in the vehicle, the vehicle may be driven from the scene by that operator if they are capable of doing so and with permission of the owner.

Throughout your interaction with the DUI operator, including transportation, note all responses, excuses and conversation between you and the defendant. Document your Observations.

Chemical Tests or Analysis

Types of chemical tests or analysis

Breath tests - Incorporates the collection and analysis of a sample of deep lung air using breath-testing equipment operated by a trained and certified operator

Blood tests - Involves the collection of a sample of venous blood by medical personnel and analysis of same by a qualified laboratory

Urine tests - Requires the collection of a urine sample by law enforcement personnel and an analysis of same by a qualified laboratory

Number and Timing of Chemical Tests

An additional chemical test of the same type must be performed at least 10 minutes after the initial test was performed

Any tests performed pursuant to an arrestee's request will be at the arrestee's own expense and convenience

Reporting Requirements

In all cases where an individual is charged with Driving Under the Influence (Wyoming Statute §31-5-233) the following reports must be submitted:

Officer's DWI Arrest Report

Lander Arrest Report or State Collision Report Form

The completed Misdemeanor Summons

Copy of license memo

The case report, supplements, and related paperwork must be completed in a timely manner. Under the per se law requirement, the report must be sent to the Motor Vehicle Department within 72 hours.

If, during the processing, the accused admits that they were drinking at a specific location (bar/restaurant/tavern), and if the BAC results in excess of .15%, a case on a liquor violation shall be taken, and the particular location shall be referred to the State Liquor Commission.

Training

All sworn officers shall receive DUI Detection/Field Sobriety Training at the recruit academy, during field officer training and periodic in-service training.

All officers, certified in the administration of the Intoximeter, shall complete Operator Training Programs and appropriate in-service training as required by the State of Wyoming.

CRIMINAL INVESTIGATIONS ADMINISTRATION

PURPOSE

The purpose of this policy is to establish a written directive, which describes the administration of the Lander Police Department’s criminal investigation function.

POLICY

It is the policy of the Lander Police Department ("Department") to develop administrative guidelines to enable the Department to conduct efficient, effective, and thorough criminal investigations. These guidelines shall include fixing specific accountability for preliminary and follow-up investigations, utilizing a specific case screening process to determine which cases will be assigned for follow-up investigation, a case management system, and identification of habitual and/or serious offenders.

PROCEDURE

Detective Division - General

Patrol officers will be the primary responders to all reports of crimes or incidents.

The preliminary investigation begins when the first police unit arrives at the scene.

The primary responsibility of the Detective Division of the Lander Police Department shall be to conduct investigations of increased complexity and/or duration requiring specialized skills, knowledge, and abilities.

The Detective Sergeant supervises the daily operations and the Captain is responsible for administration of the Detective Division. The Captain shall be assigned by the Chief of Police.

The Detective Unit contains the following units:

Detective(s)

The Chief of Police will assign supervisors to the Detective Division as needed.

Patrol officers may be temporarily assigned to the Detective Unit when appropriate, due to specialized skills or information, as well as to be given the opportunity to gain additional investigative experience. The Captain has the responsibility of selecting an officer for temporary assignment in the Detective Unit upon approval of the Chief of Police.

Notification of Investigator Required

The investigation of certain crimes that are serious or complicated in nature sometimes warrant the assignment of investigators to the scene of the crime as soon as possible. In those cases, Detective Division personnel should be notified within one hour. This allows the Detectives to secure the crime scene, preserve and process evidence that may be otherwise lost, and interview witnesses or participants to/in the crime. It also allows Detective Division personnel to maintain their responsibilities as "First Responders" in providing police services to the City of Lander.

If the decision is made to call in the Detective Division, upon their arrival, the Patrol Officer/Supervisor shall:
Relinquish responsibility for the investigation upon request;
Brief the investigator on all action taken and information known;
Obtain adequate information in order to properly complete his/her report.
In order to assist the Detective Division's preliminary investigation, and add continuity to follow-up investigations, the on-duty Supervisor shall notify the Captain when any of the following complaints are received and verified as being founded:

Any death investigation other than obvious natural death, including homicides, suicides, industrial, fatal traffic deaths, etc.

Violent Sexual Assaults

Armed or aggravated robbery

Serious injury assaults

Kidnapping or abduction

Bombings

Extortion

Physical or sexual child abuse that involves any of the following:

Serious physical injury to the child

The need for emergency removal of the child from the residence

The need to conduct an immediate in-depth interview with the child

Any serious injury that could result in death that is the result of unusual, suspicious, or unexplained circumstances, including industrial accidents of questionable cause which have resulted in or may result in death.

Residential or commercial burglaries where significant loss or damage to property has occurred, a home invasion, or the modus operandi would indicate the offense is a serial crime or appear otherwise significant. (Note - significant loss/damage is any loss or damage exceeding $5,000).

Any other complaint deemed necessary by the Supervisor

The Captain should be contacted regarding narcotics activity.

The Chief of Police shall be notified of the following situations:
Homicide and attempted homicides
Police related shootings
Abduction/Kidnapping
Home invasions
SWAT call out
Officer sustaining serious injuries (hospitalized)
Any other critical incident as determined by a Supervisor or above

Investigator On-Call Schedule

Introduction

The Department does not schedule and staff Detectives on a 24-hour basis. Specific procedures, however, have been adopted to ensure than an investigator is available on a 24-hour basis. These procedures include the distribution of cell phone numbers to call back to duty an investigator when needed.

Cell Phones

Investigative personnel, including Supervisors, are required to provide numbers to cell phones that can be reached 24 hours a day. Cell phones shall be carried during time off to enable them to respond to calls for service without delay, or to notify the department and the Communications Center where they may be reached, if needed.

Investigator Availability

The Department maintains Detectives contact numbers (home and cell phone) in the event they need to be called back to duty. This list is available to personnel in the Communications Center. In

the event that a Detective becomes aware that they will not be available for a call-in on any particular day, the Captain should be advised.

If no Detectives are available for a call-in assignment, the Captain will determine what action shall be taken, including having another agency handle and investigate the incident.

Call Back Procedure for Detectives

When an officer believes it necessary to have a Detective respond to a particular incident, the officer will first consult their Supervisor, who will determine that an investigator should be called to the scene. If such determination is made, the Shift Supervisor, or designee, shall make such notification as follows:

If a Detective is on duty, the Shift Supervisor shall speak to the Detective directly.

If no Detective is on duty, the request shall be forwarded to the Detective Sergeant, or designee, and upon being advised of the circumstances, will determine if an investigator is required.

In each instance, the decision to determine which Detective(s), if any, will be sent to a scene, including those called back to duty, will based upon circumstances and factors as follows:

The nature, seriousness, and/or complexity of the investigation

The degree of specialization and/or expertise that may be required

Solvability factors known to be present

Resources, skills, abilities, etc. available by patrol personnel

Extent of crime scene processing required

The geographical location of the incident

The time of day and/or proximity to an investigator's normal duty hours

The caseload distribution of personnel

The need for immediate or in-depth interviewing of victims, witnesses or suspects

The number of interviews to be conducted

The need for immediate, extensive, or special investigative effort or skills (i.e., large neighborhood canvas, out-of-town follow-up, suspect composite, sexual assault, child interview, etc.)

Leads indicating a significant modus operandi or serial crime

Arrest of an individual wanted for questioning or suspected of being involved in other offenses

Other pertinent factors, as determined by the Detective Sergeant

Based on the severity and needs of the particular crime scene Detectives are available to provide the following crime scene processing services:

Recovery of latent fingerprints;
Photography and videography;
Sketch and/or digital rendering of scene;
Collection and preservation of evidence; and
Crash investigation.

Whenever there is a transfer of custody of physical evidence such transfer will be documented in a report.

Case Screening System and Criteria for Follow-Up Assignment

Case Screening

Case screening is a process that involves screening preliminary investigative reports for specific solvability factors known to enhance the chances of being solved through follow-up investigative efforts. Therefore, it is critical that initial responding officers completely and thoroughly document information in preliminary reports, including all investigative action taken by the officer.

Responsibility for case screening begins with each Shift Supervisor who will review each police report and determine one of the following courses of action:
If it should be forwarded to the Detective Division for additional follow-up consideration
If it should be followed up by a Patrol Officer
If it should be suspended, without further investigation.

The Detective Sergeant will review reports forwarded to them for purposes of identifying those cases that require additional follow-up investigation or whether cases should be returned to the responding patrol officer for further preliminary investigation.

Patrol Officers will not send cases directly to the Detective Division for follow-up investigation, nor will they advise victims or other persons that a case is being assigned to a specific Detective for follow-up investigation, unless that information is known to them at the time. This does not prohibit an officer from speaking directly with an investigator to seek advice or share information about a case.

Case Assignments

Generally, Patrol officers will conduct the investigation of cases to which they responded or were assigned. If Patrol Officers maintain the responsibility for conducting the investigation, the Patrol Officer becomes the principal investigator. The Detective becomes the principal investigator of any case to which they are directly assigned. Assignment of a principal Detective fixes accountability for the investigation. In many instances, having a principal Detective assigned is sufficient to carry out the entire investigation. However, the assignment of a principal Detective does not preclude the assignment of more than one person to a particular investigation.

Assignment of cases for further investigation will be based on the seriousness of the offense, the solvability factors present, investigative workload and other factors such as special skills, knowledge, or experience needed to conduct a particular investigation. During the case screening process, cases may:

Be assigned to the Detective based upon the above criteria.

If the Detective Sergeant believes that a particular case is not appropriate for follow-up, or that it requires additional preliminary work, it shall be referred back to the submitting Shift Supervisor for assignment to the original reporting officer, or reassignment to another officer.

If the Shift Supervisor disagrees with the assignment, the matter shall be brought to the Captain, who will make a determination as to who will be responsible for the follow-up investigation.

The case may be immediately suspended if not enough solvability factors are present, however, a case may also lack solvability factors and still warrant follow-up investigation based on exceptional factors. The exceptional factors to be reviewed include:

Community importance – example, cemetery desecration or hate crime with limited or no solvability factors.

Case linkage/serial offense – example, cat burglaries with limited or no solvability factors.

Management Exception – example, crimes likely to generate intense media coverage with limited or no solvability factors, or offenses including potential danger to complainants, witnesses, or other persons.

Investigative Exception – example, investigative intuition, such as identification of a suspect based on history of known modus operandi or intelligence information.

Suspending and Closing Cases

The investigative effort will continue as long as it is reasonable to do so based on the aforementioned factors. Active cases are those that are open and continue to be assigned for investigation. Inactive cases will be classified either as closed or suspended.

CLOSING A CASE: A case may be closed when any of the following is applicable:

The case is cleared by the arrest of the offender(s)

The case is closed by the obtaining of an arrest warrant for the offender(s)

The investigation shows that an offense did not occur and there are sufficient reasonable grounds to support this premise (in these instances, the case shall be reclassified to a non-criminal offense)

The investigation shows that the offense occurred in another jurisdiction (in these instances, the case shall be reclassified to “assisting another department”, or similar classification)

The victim has declined prosecution or refuses to cooperate with the investigation

The Prosecution has declined to proceed with charges

Extradition of the suspect(s) has been denied

SUSPENDING A CASE: A case may be suspended when any of the following is applicable:

Results of pending forensic examinations are needed before the investigation can proceed

Judicial matters must be resolved before the investigation can proceed

The workload of the investigator is such that other cases must receive first priority

Measures have been exhausted to recover all property for which the location is known

The case lacks sufficient leads for follow-up investigation, or all available leads have been exhausted, and there is little, or no chance of additional leads being developed

Suspended cases may be reopened whenever new information or evidence is discovered that may lead to the clearance of the case.

Case File Management

The Detective Sergeant shall utilize the Case Management System in RMS, which shall include, at a minimum, provisions for:

Case Designations

Open: Indicates that the case is assigned to an officer and investigative efforts are active.

Suspended: Indicates that all available leads have been exhausted but the case has not been brought to a satisfactory conclusion, and the investigative efforts may be resumed. Cases may only be inactivated when approved by the supervisor.

Closed: Indicates that case has been satisfactorily concluded.

Case Status Control

The Detective Sergeant will assign all cases within Case Management in RMS, including the following information:

Complaint number

Type of investigation

Investigator assigned

Date assigned

Solvability factors present on date assigned

Exceptional factors present on date assigned, and

Identification of the originally assigned officer, if different from the assigned investigator.

The Detective Sergeant, or designee, will check Case Management each workday for any cases having been assigned 10 days or more, and to determine if a follow-up report is due. Shift Supervisors will also check the files each workday for cases assigned to Patrol Officers for investigation to determine if a follow-up report is due. Such cases will be reviewed with the Shift Commander/Patrol Officer to:

Ensure that the case has been initially worked on, that the victim has been contacted, and that a follow-up report has been completed within 10 days of being assigned to an investigator

Ensure that the case has been updated within each 10 succeeding days

Determine if the case has been closed within 30 day

Determine whether the solvability factors have increased or decreased

Determine the future course of the investigation

Determine whether the case should remain open, be assigned to another investigator, or be suspended

Determine if the victim has been notified of any changes in the status of the investigation

The date that each case has been reviewed shall be recorded in RMS Case Management.

When a case has been cleared or suspended, the Detective will submit the final supplement to the Detective Sergeant, who shall forward the completed reports to the records division. All working copies shall be retained with the Detective to be used as reference, or used if the case becomes reopened.

Types of Records to be Maintained

Detectives/Patrol Officers assigned to conduct follow-up investigations shall maintain investigative case files on all active cases. The case files should contain a copy of all preliminary investigative reports, records of statements, results of examinations of physical evidence, case status reports, detective/officer notes, and other reports and records needed for investigative purposes. A typical major case file may include copies of some or all of the following types of reports and support documents:
The original report and all supplemental reports
Written Statements

Evidence/Property Custody Documents
Crime Lab reports
Mug shot or other photographs
Autopsy reports
Search warrant/inventory returns
Vehicle impound and inventory sheets
Other documents related to the case

Detectives/Patrol Officers shall not maintain any original police reports in the investigative case file, including signed statements of victims, witnesses, and defendants; miscellaneous forms and records; and any handwritten investigative notes. Upon the clearance or suspension of a case, Detectives/Patrol Officers shall check the case file and ensure that all original reports have been forwarded, including investigator follow-up reports, for filing in the Records Room.

Accessibility to Case Files

Access to active case files will be on a need to know basis, and will be limited to:

Chief of Police or designee

Captain

Detective Division personnel and other department members designated by the Chief of Police or Captain on a case by case basis.

Assigned Detective(s)/Patrol officers

Members of other law enforcement agencies who have been authorized by the Chief of Police or designee to review said records.

Others are prohibited from accessing investigative case files without the express permission from one of the above.

Procedures for Purging Files

Once a case is fully investigated and a final disposition made as outlined by the assigned Detective/Patrol Officer, the case file will be processed as follows:

If an arrest is made, the case shall be forwarded within RMS to the Records Folder and all paperwork to the Records Division.

If an arrest is made, and there are additional suspects still at large, the case shall be forwarded within RMS to the Records Folder, all paperwork to the Records Division, and a copy of the case shall be kept by the investigating officer.

If a warrant is obtained for the suspect(s), a copy of the Signed Warrant Affidavit and Case file shall be placed in the Warrant File

If the case is suspended, the working copy shall be placed in the RMS Detective Unit Folder, where it shall be retained for a minimum of three (3) months, and then sent to the Records Folder within RMS at the discretion of the Detective Sergeant.

Accountability for Preliminary and Follow-up Investigations

Responsibility for Preliminary Investigations

Officers responding to initial calls for service requests normally conduct the preliminary investigation. In certain instances, the Detective Division may be assigned to take the initial report and conduct

both the preliminary and follow-up investigation. In most situations though, the dispatched officer will have responsibility for all aspects of an investigation of a complaint/crime until such time that:
The investigation is solved
All leads have been exhausted
It has been reassigned to another officer by a Supervisor
Has been forwarded to the Detective Unit for follow-up investigation

In many cases, the dispatched officer will retain overall responsibility for an investigation, but may receive assistance from other officers or Detectives to complete certain tasks associated with the investigation, such as conducting a neighborhood canvas, locating potential witnesses, etc. Receiving assistance from another officer does not relieve the original officer of overall responsibility for the investigation.

Responsibility for Follow-up Investigations

The decision to assign a Detective or Patrol Officer to conduct a follow-up investigation will be based on numerous factors, including but not limited to, the following:
The seriousness of the crime, e.g., major felonies, except as noted below
Skills, knowledge, ability, and experience of the officer originally assigned
Skills, knowledge, ability, and experience of other officers on the shift, or another shift, who may be available to assist the officer originally assigned or to continue the investigation

Potential effort needed to complete the investigation, i.e., extensive travel out of the City to complete the investigation, the scope or complexity of the follow-up investigation, including the extent of the neighborhood canvass, number of witnesses, etc.

Call load and personnel resources available

Presence of solvability factors

Occasionally, in cases assigned to a Patrol Officer for follow-up, additional investigation will be required at the end of the tour of duty of the assigned officer. In such cases, the assigned officer's Shift Commander will determine whether the investigation should be postponed until the assigned officer's next tour of duty or continued by officers on the oncoming shift. Except in cases where the investigation would be jeopardized by its postponement, it shall remain the responsibility of the assigned officer.

When an element of immediate need exists at the end of the shift, the assignment of continuing investigation shall be made by the Shift Commander of the oncoming shift.

A supplemental report must be prepared by each officer who works on the case, but not necessarily for each occasion they work on it. These supplemental reports will be completed within RMS for inclusion in the case file of the investigation. Supplemental reports must be approved by a supervisor.

The status of cases submitted to the Detective Division and returned to the Patrol Unit for follow up, will be reviewed by patrol Shift Supervisors. Shift Supervisors will meet with the assigned officers in their respective shifts to discuss the status of the cases. Supplemental reports will be submitted as required.

Forwarding Cases for Follow-up to Investigative Units

As a general rule, the following cases should be forwarded to the Detective Division for follow-up:

Felonies that cannot be practically follow-up and investigated by Patrol Officers.

Misdemeanors that either necessitate going out of town for further follow-up, or that require resources or time that are beyond what is practical for Patrol Officers.

Responsibilities of the Shift Supervisor

The Shift Supervisor will:

Ensure that an adequate and complete preliminary investigation has been made; Ensure that the crime scene is properly secured and protected as quickly as possible

Review and either approve or return to the reporting officer for preparation all initial and supplemental reports;

Decide whether a follow up should be made by uniformed personnel or Detectives;

Request the assistance of the Detective Unit if an offense under investigation is of sufficiently serious nature to warrant it;

Request the assistance of any other specialized units (i.e., Dive-Rescue, K-9) if needed.

Victim Notification

The investigating officer/detective may apprise the victim of any changes in the status of an investigation, when feasible, including:

Transfer of investigation to another officer;

Transfer of investigation to another agency;

The arrest or referral of a suspect;

Suspension of the investigation.

Habitual and Serious Offender Classification

The Department has established the following elements as part of its classification of habitual and serious offenders, including:

Defining Habitual/Serious Offenders

Investigators shall be familiar with Wyoming Statute §6-10-201 as amended, which defines the various categories of habitual/persistent offenders.

Identification of Cases Involving Habitual/Serious Offenders

Department investigators shall be alert; to identify, verify, and document individuals who have qualified for consideration as a serious offender according to the Wyoming Statutes.

Notification of Prosecutor Regarding Habitual Offender Cases

Investigating officers shall notify the prosecuting attorney in all habitual offender cases that may be coming before the court.

Cold Case Investigations

A “Cold Case” is defined as a violent crime against a person that has not been solved.

The Captain will coordinate Cold Case investigations and evaluate the Detective Division’s ability to conduct further investigative efforts based on a series of criteria which includes, but is not limited to, the following:

Legal considerations such as any applicable statutes of limitations;

Technological considerations including DNA advancements and the condition of the evidence; and

Practical considerations such as budgetary considerations, available resources and personnel support;

All agency efforts related to the investigation of Cold Cased will be properly documented in supplement reports and forwarded in conformance with these directive and other directives related to records retention and report writing.

PROPERTY AND EVIDENCE CONTROL

PURPOSE

To provide a written directive that specifies procedures for submitting, securing, documenting, and accounting for evidentiary and in-custody property handled by the Lander Police Department.

POLICY

It is the policy of the Lander Police Department ("Department") that the property function shall provide for the security and control of seized, recovered, evidentiary, and found property placed under the custody and control of the Department. The Evidence and Property Officer serves as the primary property custodian for the department and is responsible for the management of the property function, including the day-to-day duties related to the property room, and all other permanent and temporary evidence and in-custody property storage areas. Alternate property custodians are responsible for day-to-day property room duties in the absence of the Evidence and Property Officer. The Captain has the overall responsibility for overseeing the property management function of the department. The Chief of Police has discretion in appointing the number of alternate property custodians to be assigned. Other personnel may be assigned as temporary and/or part-time property custodians to assist the Evidence and Property Officer, as authorized by the Chief of Police.

The Department will establish property and evidence control procedures that support investigative efforts, assist in the successful prosecution at criminal/civil trials, facilitate the timely return of property to its rightful owner, and protect the department's reputation as honest and worthy of the public's confidence and trust.

The Department's property and evidence management and control system shall consist of strict measures with respect to the receipt, handling, security, and disposition of property. Any discrepancies in the records and/or property being maintained shall be reported through the chain of command to the Chief of Police. Discrepancies shall be investigated in their entirety, administratively and, if appropriate, criminally.

PROCEDURE

Duties of Evidence and Property Officer – General

The Chief of Police or designee shall assign a Lander Police Department employee to serve as the Evidence and Property officer.

The Evidence and Property officer will be issued a set of keys to the Property Storage Areas and will be responsible for securing the room and restricting access to authorized personnel only. A spare set of keys will be issued to the Detective Sergeant.

The Evidence and Property Officer will maintain records of all property brought to the Lander Police Department headquarters.

Records will include, but not be limited to:
Found abandoned or misplaced property,
Property seized as evidence,
Cash,
Drugs

Weapons

The Evidence and Property Officer will ensure these records are neat, up-to-date, and fully inclusive. The records will be ready for inspection at any time.

The Evidence and Property Officer will routinely transfer property from the Temporary Holding areas in the Detective Unit and the report room to the evidence room.

Procedures for Receiving In-Custody and Evidentiary Property

General

The Lander Police Department will document all evidence and property transactions within the CAD/RMS property system. The Department shall establish procedures for when in-custody and evidentiary property is obtained, including the seizure and recovery of property, by employees into the control of the Department, including procedures for:

Logging of all property into department records

Storing of all property prior to end of work shift

Timely completion of all related reports

Providing guidelines for proper packaging and labeling

Taking extra precautions with exceptional and valuable items

Identifying and notifying the owners of found property

Releasing of property

Logging of Property into Agency Records

The employee receiving the property is initially responsible for ensuring that the property is properly logged into department records before the end of their tour of duty, unless exceptional circumstances (i.e. family emergency, maximum hours, etc.) prevent the officer from completing this task and such is approved by the shift supervisor. This shall be accomplished by the completion of evidence and property control form(s), approved by the department, along with entries into the CAD/RMS system.

When the Evidence and Property Officer receives property, the control form shall be updated, and the information shall be entered into the computerized property tracking system. It is the responsibility of the Evidence and Property Officer to ensure that property tracking system is kept accurate, current, and updated when property is found, recovered, submitted or removed from the property room, or transferred to a different storage location within the property return. With the prior approval of the Chief of Police, a police officer may be assigned to assist in completing this task.
Agency records shall reflect the following information:

- Location of property stored in the property room, or some other storage location
- Date and time when the property was received or released
- Character, type and amount of property on hand
- Chain of custody of the property through its final disposition

Property to be Submitted Prior to End of Tour of Duty

All evidence and property will be submitted to the designated secured property system prior to the end of the officer's tour of duty. This will be done in accordance with procedures established in Section C of this General Order, and will include tagging, labeling, packaging, and sealing the evidence as well as completion of all required forms.

Detailed Report Required

Employees receiving property or evidence are responsible for completing and submitting a written report describing the circumstances by which the property came into the officer's possession, and the nature, condition, and description of each item. All serialized items shall be checked through NCIC to determine if they are stolen.

This report includes the completion of any required evidence and property control form, which shall be placed in the temporary storage locker with the property, except when the evidence/property is submitted via an area other than the temporary storage lockers such as the Bulk Evidence Area. In these instances, the form will be turned into the Shift Commander and forwarded to the Evidence and Property Officer.

Upon receiving property into the evidence room, the Evidence and Property Officer will mark the control form to reflect the storage location within the property room and the date and time the item was placed there.

A copy of the control form will be kept in the evidence room files, where it will remain until the property reaches final disposition. A copy is also sent to records and filed in the case file. Copies in each instance shall be retained according to retention laws.

Guidelines for Packaging and Labeling Property Prior to Storage

Introduction

For physical evidence to be accepted in court, it is essential that the chain of evidence be properly maintained. It is the responsibility of the submitting officer to properly process all property being submitted (i.e., tagged, labeled, packaged, sealed, documented, and recorded), prior to submitting the property into the property system. Property shall not be forwarded to temporary or permanent storage until processing is complete.

Incomplete Processing

In such cases, the Evidence and Property Officer will notify the submitting officer's shift supervisor so that arrangements can be made to complete the processing. The item(s) shall be returned in a secured matter to the submitting officer, along with an Evidence Correction Form. It shall be the responsibility of the officer's shift commander to ensure the corrections are made and resubmitted properly.

Classification of Evidence and In Custody Property

Packaging and labeling evidence and in-custody property shall be accomplished in accordance with guidelines listed below. The submitting officer will use the appropriate evidence and property control form depending on the items classification.

Evidence: Includes property that is believed related in some way to a crime or suspected criminal offense and property seized pursuant search warrants.

Custodian Property: Includes property that is found, taken into custody for safekeeping, abandoned property, contraband not connected with a criminal offense and property submitted for any other reason that does not include use as evidence.

Tagging and Marking Evidence

Evidence is generally not marked per se, as direct markings may contaminate the item. Instead, all evidence shall be tagged and/or packaged and labeled in a manner that enables the officer to positively identify the item at a later date. At a minimum, this identification will contain the officer's initials and ID number. Items that cannot be tagged, such as hair, blood, fibers, etc. shall be placed in an appropriate container that is properly labeled and sealed.

Labeling Evidence and In-Custody Property

Labeling can be accomplished by writing on packaging (envelopes, paper bags, plastic bags, boxes, etc.) that contains the item, affixing a tag to the package containing the item, or using a bar coded property label.

All property must be labeled to include additional information for identification purposes. Labeling requires that the officer document information for each item, including:

- Date recovered or taken into custody
- Case Report number
- Officer's identity
- Owner's name, when known
- Circumstances seized, recovered, or found
- Corresponding item number from the evidence and property control form, when applicable

Packaging and Sealing Evidence

Evidence must be properly packaged and sealed in envelopes, paper bags, plastic bags, boxes, etc., that are designed for this purpose. Sealing methods includes the use of stapling, tape, tamperproof evidence tape, evidence labels or similar materials, depending upon the type of article. The submitting officer shall place their marking on the package in such a manner that part of the marking is on the package itself and part of the marking is the evidence tape, evidence label or other material used to seal the package.

The following materials for labeling and packaging evidence, found, surrendered, and abandoned property will be maintained in the Department's Detective Unit and the supply closet near the report room:
A box of tamper proof evidence tape
Property/evidence tags
Property containers
Evidence envelopes
Clear plastic evidence bags
Paper evidence bags
Latex gloves

Firearms, narcotics, and dangerous drugs and valuables are to be packaged separately, with no more than one item per package. Other items may be packaged together provided there is no issue of cross contamination and the label details each and every item contained in the package.

Large items and certain types of evidence, such as bicycles, perishable items, etc. may not be easily packaged. When tags are used instead of packaging, officers must complete all pertinent information on the tag. If the item tagged requires further examination for physical evidence, the item must be packaged or protected in such a way to prevent the possibility of cross contamination or loss of the evidence.

Preparing Evidence for Laboratory Submission

Personnel submitting evidence for processing to the Forensics Lab will follow the procedures outlined below:

The evidence will be tagged with a properly completed evidence tag,

An evidence form will be completed and attached to evidence,

The evidence will be secured in a property locker.

The evidence is to be packaged per instructions in the Wyoming State Crime Laboratory, Statement of Services

Normally, the Evidence and Property Officer will transfer evidence to the Wyoming Crime Laboratory. This transfer will occur during regular business hours

The Evidence and Property Officer will take custody of the evidence to be examined. Once the Wyoming State Crime Laboratory has processed the evidence, the Evidence and Property will return said evidence to the Lander Police Department evidence room.

Extra Security Measures for Exceptional, Valuable, and Sensitive Property

General

Extra security measures will be taken to enhance security for any item booked into the evidence room that is considered to be sensitive, high in value, or otherwise constitutes an increased security risk. The following types of property will be stored in separately secured cabinets, or within separately secured interior rooms, inside the main property room:

Valuables and Money: Includes jewelry, precious metals, and other valuables

Firearms: Shall be unloaded and secured in a manner to render it inoperable

Drugs and Narcotics: Caution should be taken, including the wearing of disposable gloves. Shall be weighed anytime items are transferred in/out of the property room for court, lab examination, etc.

Urine, blood, and other body fluid specimens: Shall be placed in approved and sealed biohazard container, and properly secured and marked with a biohazard label. Disposable gloves should be used if there is any risk of leakage.

If, in the opinion of the submitting officer, the property being submitted is of great value or potentially vulnerable to claims of tampering, the Evidence and Property Officer may be summoned to personally accept the property and secure it in the designated location within the evidence room. The Detective Sergeant must approve such requests if the Evidence and Property Officer is off duty at the time.

Special Procedures for Certain Types of Property

No explosives, dangerous chemicals, unknown biological specimens, nuclear material, or other dangerous material or property are to be accepted into the property holding area. If it is necessary to submit property of a hazardous nature into evidence, the submitting officer shall notify their Shift Supervisor. The Shift Supervisor shall make contact with the Evidence and Property Officer before such property is placed into temporary storage. If deemed necessary, the Evidence and Property Officer will make contact with the Lander Fire Department or other experts to determine safeguards necessary to insure safe storage.

Identification and Notification to Rightful Owner or Property

Identification and Notification

Officers receiving or taking custody of property will make reasonable efforts to identify, verify, and notify the rightful owner of that property prior to the end of their shift, and arrange for the return of the property, except in circumstances that prohibit the return of certain property, such as contraband, property ordered destroyed by the court, etc.

When property has been forwarded to the Evidence and Property Officer for safekeeping, or when there is no longer a need to hold property for official purposes, the property custodian shall do the same. Such notification may occur in person or by telephone to expedite the process of returning the

property. If the property remains unclaimed, prior to taking any action to dispose of the property, the Evidence and Property Officer shall forward written notification to the owner, according to statutory requirements, that failure to pick up the property will result in the item being disposed of in accordance with applicable statutes. Written notification shall provide the owner a minimum of thirty (30) days in which to claim the property prior to final disposition.

Return to Rightful Owner

Upon review and approval by the Evidence and Property Officer, property may be released to the rightful owner:

When all police use of the property is satisfied, or

When permitted by law based on the circumstances and its value

The owner of the property will sign the back of the property tag or other departmentally approved receipt, acknowledging receipt of the property.

In certain cases, it may be more efficient or prudent for the Evidence and Property Officer to personally return the property to the rightful owner. When appropriate, other officers may be assigned to return such property.

Procedures for Temporary and Final Release of Property

Temporary Release of Property

Whenever property is temporarily removed from the property room for court, laboratory processing, prosecutor review, etc., such release shall be immediately recorded on the evidence and property control form, or a form used specifically for tracking the chain of custody. The pertinent information shall also be entered into the computerized property records as soon as practical.

Final Release of Property

Final disposition of found, recovered, or evidentiary property will be accomplished within six months after all legal requirements have been satisfied. Disposition will be in accordance with the provisions of Wyoming Statutes, as amended, and other provisions as noted in Section L. Written receipts shall be required for all acceptance and transfers of property leaving or coming into possession of the department.

Designated Secured Area for Storage of In-Custody and Evidentiary Property

Introduction

All evidence and custodian property shall be stored within designated, secure areas, with access limited to authorized personnel. The department's long-term storage areas include:
Evidence Room
Booking Room (temporary storage of prisoner property)
Outside storage containers
Bulk Storage
Other secure areas approved by the Chief of Police

Special Security Precautions

The department's property room shall be an alarmed and secured room with limited access. In addition, certain types of in-custody and evidentiary property, by their very nature, are afforded extra protection and additional security. Such items include, but are not limited to, money, precious gems,

firearms, drugs and narcotics. Specific security measures provided for such items are designated in Section D above.

Refrigerated Storage

Only evidence requiring refrigeration shall be placed in the evidence refrigerator (e.g. blood specimens, sexual assault kits). The long-term evidence refrigerator will be located in the evidence room. An evidence refrigerator for short-term storage is located in the report room. Perishable evidence shall be properly packaged and sealed. Use of that refrigerator is governed in Section H.

Use of such refrigerators is restricted to storage of evidence/property formally entered into the system and shall not be used for other purposes.

Refrigerators used for the storage of evidence shall have a thermometer for monitoring the operating temperature, which should be maintained in an appropriate temperature range for this purpose. The Evidence and Property Officer will inspect all refrigerators, at least once weekly, and anytime evidence or property is transferred to or from a refrigerator, to ensure that they are operating properly.

Storage of Bicycles and Large Items

The property management system of the department includes areas designated for storing bicycles and large items. These are secured areas with access restricted to the Evidence and Property Officer.

Officers shall secure large items of evidence or bulk found and abandoned property in the garage bay:

Large items of found property, such as bicycles, etc., shall be secured in the Bulk Storage.

The Evidence and Property Officer will remove the item from temporary storage, if practical, and place it in the inner evidence storage room for disposition.

The Evidence and Property Officer and the Captain are the only people to have access to the inner evidence storage room.

The return of any property from this room shall only be done by the Evidence and Property Officer or the Captain.

Impound Yards

Vehicles seized as evidence will be stored either in the “Police Only” spaces of the LPD parking lot or Fremont County Sheriffs Office Impound lot. Any vehicle seized as evidence will be secured with antitheft/anti movement devices. The keys to these devices will be kept by the Evidence and Property Officer and any other personnel as authorized by the Chief of Police.

Off-Site Storage Area

If a large number of items, or size of a particular item, exceeds the capacity of any departmental property storage area, whenever possible and approved by the supervisor of the case, such items should be photographed and returned to the rightful owner.

The Evidence and Property Officer shall conduct a weekly documented visual inspection of these sites. They shall also be inspected as part of all inventory and procedural audits. During any inspection, or if discovered by any employee, the Evidence and Property Officer shall be notified immediately and shall respond to the scene, if there is any evidence of tampering, or if areas, lockers, or containers are not secure.

Vehicles

Vehicles requiring short-term temporary storage for purposes such as securing search warrants, conducting searches, and evidence processing, etc. shall be secured at Fremont County impound lot, or Lander PD parking lot. Upon completion of these processes, they shall be removed from the police building and moved to an appropriate location (i.e., the rear parking lot, a local towing agency, etc.), depending on whether or not they will be held for evidence or released.

Any officer who impounds a motor vehicle will completely fill out the vehicle impound/inventory forms as required by other applicable directives.

Temporary Secured Facilities for In-Custody and Evidentiary Property

General

All property being submitted to the property system must be secured in a temporary storage area designated for such purposes.

The department provides facilities for the short term storage of evidence and in-custody property during those times when the Property Room is closed and/or the Evidence and Property Officer is off duty or otherwise unavailable. Short-term storage areas may include:

Report room evidence lockers

Detective Unit evidence lockers

The Evidence and Property Officer shall check temporary storage areas each workday, remove all items of property or evidence that have been properly submitted from the storage area, and formally transfer and log them into the property system.

When Temporary Storage is Unavailable

In the event that temporary storage facilities are full or unable to accommodate a particular piece of found, recovered or evidentiary property, the Shift Supervisor shall be notified. Upon concurrence that there is a need to retain and secure the item, the Shift Supervisor will notify the Evidence and Property Officer who will respond to the department to accept the item personally for transfer into the property room. Should the Evidence and Property Officer not be available, the Detective Sergeant shall be contacted.

Under no circumstance will such property be left out in an unsecured manner to await the return of the Evidence and Property Officer. All items will be secured in temporary storage areas or turned over personally to the Evidence and Property Officer.

Officers shall not store evidence and in-custody property in personal desks, lockers, briefcases, personal or department vehicles, private residences, or other places not specifically authorized by the Chief of Police. Personal use of such property is strictly prohibited. Officers MUST submit all such property by the end of their work shift. If circumstances prevent this, the officer's Supervisor shall be informed of this fact. There are no exceptions.

Restricted Access to Property Storage Areas

General

All areas designated for the permanent storage of evidence and custodian property, including the main evidence room, outside and off-site storage areas, and other designated areas in the police, shall be secured and restricted to personnel authorized by the Chief of Police, or designee. Authorized personnel include the Evidence and Property Officer, alternate property custodians and the Chief of Police.

Key and Alarm Restrictions to Property Areas

Under no circumstances shall keys or alarm codes to evidence/property storage areas, including temporary evidence lockers, be under the control of anyone, except the Evidence and Property Officer, and other person(s) designated by the Chief of Police as property custodians. Spare keys may be authorized by the Chief of Police and shall be secured in a lockbox in the Evidence and Property Officer's office. No keys may be duplicated without the express authorization of the Chief of Police.

The property room doors, and safes and cabinets located within the property room, will be kept closed and locked whenever authorized personnel are not physically in the property room.

The following authorized persons may enter or remain in the property room, provided the Evidence and Property Officer or the Detective Sergeant is present:

Chief of Police

Department employees authorized by the Chief of Police, such as those designated to conduct Staff Inspections, or unannounced spot checks of the property room area.

Anyone, other than the Evidence and Property Officer, entering the property room must complete the appropriate log, detailing the name of the person, time of entry, time of exit, and purpose for the room. The combination to all safes /vaults in the property room, designated for valuables, money, drugs, or firearms, shall be changed upon the assignment of a new Evidence and Property Officer and/or Detective Sergeant.

Employees are prohibited from using, borrowing, taking, or removing any items held as evidence or safekeeping, regardless of whether or not such items are used for personal use or for police business, without the written permission of the Chief of Police.

Status of Property Held

The Property Records System shall accurately reflect the classification (evidence or in-custody property), description, quantity, status, and location of all property held, plus the following information:
Case number
Submitting officer's name and ID number
Date and time when property was received
Chain of custody from date and time received through final disposition

Applicable information recorded on the evidence and property control form shall be entered into the computerized property tracking system as soon as practical in accordance with the guidelines set forth above. A bar-coding system can be utilized to facilitate the tracking and inventory of all property.

Inspections, Inventories, and Audits of Property Function

General

The following documented inventories, inspections, and audits shall be completed:
Monthly inspections by Supervisor
Semi-annual inspections
Inventory upon change of property custodian
Annual audit
Unannounced spot check inspections
Evidence Irregularity Audit

Internal Controls

In addition to the audits and inspections below, the Evidence and Property Officer shall employ internal controls to ensure consistency in accounting for evidence and property and to ensure compliance with court orders, state and federal laws and applicable accreditation standards. Internal controls include, but are not limited to:

Rejection and return of submitted evidence if packaging does not meet the standards set forth in the Lander Police Department Evidence Processing and Packaging Guidelines;

Due diligence inquiries –periodic checks to ensure that an item is still where it was sent and that it is not ready for return;

Spot inspections of the property and evidence facilities;

Review of accreditation standards and relevant policies compared to current operations to ensure best practices are being employed and followed; and

Any other means necessary to ensure continued compliance with applicable laws, policies and accreditation standards.

Any violations and/or issues discovered during internal control inspections should be addressed and corrected immediately. Any violations/discovered during the internal control inspections shall be documented and forwarded to the Captain indicating the violation, the personnel involved, and the corrective action taken. Regardless of the immediate corrective action taken by the Evidence and Property Officer, the Supervisor shall employee internal control measures and provide a report to the Chief of Police, or designee, outlining what internal controls were used and the results not less than two times each calendar year.

Monthly Inspections of Property Function

The Captain will conduct inspections of the property room and property storage areas. Such inspections will be completed monthly and may include any aspect of property operations. The inspections do not necessarily have to be comprehensive, however, they will include the following:
A random comparison of at least 10 items in the property room and their property records.
A determination that the property room entry log is being utilized.
A determination that the accountability (chain of custody) of evidence is being maintained.
An inspection of the cleanliness of all long-term property rooms and areas.
A determination that property is being protected from damage or deterioration.
A determination that provisions of the agency orders or other directives are being followed.
A determination that firearms are properly secured and unloaded.
A determination that proper disposal methods are being followed.
A determination that all keys are adequately secured.

A report, in the form of an Inter-Office Memo, or other format designed for this purpose, shall be sent to the Chief of Police upon completion of each inspection. Any problems or deficiencies found during the inspections will be documented in the report. The report shall also include any actions recommended or already taken to correct the deficiencies.

Property Audit Required Upon Change of Evidence and Property Officer

Whenever a new primary Evidence and Property Officer is designated, an audit of property will be conducted. The newly designated Evidence and Property Officer, the Detective Sergeant, and a designee of the Chief of Police, will perform this inventory jointly, to ensure that records are complete and properly annotated. All firearms, monies, narcotics, precious metals, gemstones, and other valuable items will be accounted for on an individual basis. All other evidence and records do not

require an accounting of every single item, however, the inventory should contain a sufficient number of items to ensure the integrity of the system and the accountability of the property. Any and all discrepancies shall be recorded before the newly appointed property custodian assumes responsibility for the property control duties.

Upon conclusion of the inventory, a report containing the results of the inventory and all discrepancies, if any, shall be forwarded to the Chief of Police within thirty days. All officers involved in the inventory shall review and sign the report to verify the accuracy of the report.

Annual Audit of Property Function

Supervisors appointed by the Chief of Police and not routinely involved in the property function, shall be responsible for an annual audit to ensure that the security, accuracy, and integrity of evidentiary and in-custody property including narcotics, weapons, and money are maintained. The Chief of Police will appoint an Audit Team consisting of a Team Leader and at least two (2) other supervisors to assist in the audit who are not routinely or directly connected with the control of the property room. Audits shall not be announced more than two working days ahead in advance. This audit is not meant to be comprehensive, however, it will include random comparisons of records against evidence and custodian property to determine the following:

The audit shall include a review of:

All temporary and permanent storage areas and rooms, including any off-site storage areas in use, for their general physical condition and appearance, e.g., security, cleanliness, etc.

The integrity of the property that is being maintained, including a random sampling of computerized and manual records, logs, and forms received since the last audit. This will ensure:

The accuracy of property received, including money, weapons, and dangerous drugs, have been properly logged and have not been lost or checked out for an unreasonable length of time.

The maintenance of accurate and proper record keeping procedures.

The accountability (chain of custody) of evidence is being maintained.

A random sampling of disposition files and records to ensure that property, particularly weapons, drugs and money, have been disposed of properly and timely.

That all written directives pertaining to the property function are being followed.

That property is being kept from damage or deterioration.

A determination that all keys are adequately secured.

If necessary, as determined by the Team Leader, the audit team is authorized to open items in the presence of the Captain, as follows:

Drug packages to verify weight/count of drugs and, if necessary, conduct qualitative analysis by a chemist.

Packages, safes, and containers containing money, and other valuables to verify contents and amount of cash. These packages must then be resealed in the presence of the property custodian and a notation shall be made on the property log and in the Inspection Report, including:

Reason the package was opened

Date and time the package was opened

Name of the person opening and resealing the package, and the names of witnesses

Upon conclusion of the inspection, a report containing the results of the inspection and all discrepancies, if any, shall be forwarded to the Chief of Police within thirty days. All officers involved in the inspection shall review and sign the report to verify the accuracy of the report.

Unannounced Spot Check Inspections of Property Storage Areas

Either the Captain will conduct an unannounced spot check inspection of all property storage areas twice a year, or more often, at the discretion of the Chief of Police. This spot check will include a random comparison of records against physical property to ensure the accuracy of the records, and inspections of all temporary and permanent storage areas and rooms, including off-site storage areas, for their general physical condition and appearance, e.g., security, cleanliness, etc.

Upon conclusion of the inspection, a report containing the results of the spot check and all discrepancies, if any, shall be forwarded to the Chief of Police within thirty days. All officers involved in the inspection shall review and sign the report to verify the accuracy of the report.

Unannounced Biennial Audit of Property Storage Areas

The Chief of Police will assign a Supervisor to conduct an unannounced audit of all property storage areas once every two (2) years, or more often, at the discretion of the Chief of Police. This audit will include a random comparison of records against physical property to ensure the accuracy of the records, and inspections of all temporary and permanent storage areas and rooms, including off-site storage areas, for their general physical condition and appearance, e.g., security, cleanliness, etc.

Upon conclusion of the audit, a report containing the results of the spot check and all discrepancies, if any, shall be forwarded to the Chief of Police within thirty days. All officers involved in the inspection shall review and sign the report to verify the accuracy of the report.

Evidence Irregularity Audit

The Captain will conduct an audit in a manner as ordered by the Chief of Police when there is reason to believe that evidence has been tampered with, or if the evidence custodian has been removed for any irregularities.

Disposition of Found, Recovered, and Evidentiary Property

Final disposition of found, recovered, or evidentiary property will be accomplished within six months after legal requirements have been satisfied, unless otherwise directed by law or policy. Disposition will be in accordance with the provisions of Wyoming Statutes, as amended, and other provisions of this order. Property custodians shall be familiar with all legal requirements and procedures for the disposition of all property, including provisions relating to:
Contraband and forfeited property, including drugs, narcotics, alcohol, and beer
Money and other valuables
Weapons and firearms
Bicycles and vehicles, and parts
Property used in suicides and suicide attempts
Miscellaneous and unclaimed property with no value

Photographing and Release of Evidence/Property

Property that is subject to spoilage, if needed by the owner, or for some other legitimate reason cannot remain in evidence for an indefinite period, may be photographed and returned with the approval of Fremont County Attorney. The photograph of the evidence will be kept on the Shared file server or another approved area, as evidence.

Property Acquired for Use by the Department

Property shall not be converted to use by the department unless its ownership is legally transferred to the department, such as items turned over as part of the asset forfeiture statutes or per order of the court. Upon being converted as agency-owned property, the item shall be entered into the department inventory system, if required.

The Evidence and Property Officer will retain a listing of all property acquired through civil process or asset forfeiture. All such property shall be disposed of pursuant to legal authority and in conformance with asset forfeiture requirements.

Self-Audit

Each quarter, the Evidence and Property Officer and Captain will conduct a self-audit of property stored in the property room, for the purpose of identifying all items not disposed of in a timely manner as indicated above, after legal requirements have been met. The Evidence and Property Officer shall submit a report to the Chief of Police, identifying any item(s) remaining in the property room beyond the three-month time period. The report will include explanations as to why the property has not been disposed of, and what measures are being taken to correct the matter.

Property Used For Investigative or Training Purposes

Any property including, but not limited to, controlled substances, weapons or explosives may be used for training or investigative purpose only after approval is given by the Chief of Police.

Written approval by the Chief of Police will include the following:
A description of the item(s);
The purpose for use of the item(s);
The person(s) who will have custody of the item(s);
The dates that the items are allowed to be removed from the Property Room; and
Any precautions or reporting requirements to be followed.
Any property that has been loaned out of the Property Room will be audited as part of any Property Room inspection.

Property Acquired Through Asset Forfeiture

All property acquired through asset forfeiture will be logged and secured through the property and evidence process until such time as the property is turned over to the Department by the Court. Once the property is released to the Department by the Court the property will be used by the Department or disposed of according to applicable state or federal requirements

SEXUAL ASSAULT INVESTIGATIONS

PURPOSE

The purpose of this policy is to establish sexual assault investigation guidelines for Lander Police Department officers and Investigators handling such cases.

POLICY

It shall be the policy of the Lander Police Department ("Department") to conduct thorough investigations into all reported sexual assaults taking into consideration the needs of the victim. It is sufficient that a victim alleges an assault to initiate an investigation. In no case shall the victim be discouraged from making a report.

PROCEDURE

An initial sexual assault investigation can generally be divided into four areas of responsibility. These areas include the initial dispatch responsibility, identification and preservation of the victim, and investigative steps that can be utilized to identify the responsible party, or a suspect who is in custody, and developing a case for successful prosecution.

Combined Communications Center Responsibility

Confirm the location of the victim and determine whether they are injured and currently safe from the suspect.

Obtain a description of the suspect, whether the suspect has left the scene, and the direction of travel.

Determine if the suspect was/is armed.

Instruct the victim not to disturb the premises, to not wash, and to await the arrival of the police.

Assigned Officer's Responsibility at the Scene

Determine the location and condition of the victim.

Determine if a crime has been committed. If a sexual assault has not occurred, it is possible an assault of another nature has occurred.

Instruct the victim to refrain from washing or changing clothes prior to medical treatment.

If immediate medical attention is required, call paramedics.

Obtain updated information from the victim on the suspect, description, location, and direction of flight.

Briefly capsulate with the victim the events that occurred and where these events occurred.

Notify the Shift Supervisor of the circumstances.

Shift Supervisor Responsibilities

Assign officers to ensure the crime scene is protected and notify the Detective Sergeant.

If a suspect has been apprehended:

The suspect should initially be examined for any trauma that may have resulted from confrontation with the victim. As appropriate, the location of this physical trauma should be noted and photographed.

The clothing of the suspect should be removed and preserved as evidence.

Record any spontaneous statements or voluntary information from the suspect.

If a suspect is not in custody:

Attempt to ascertain a positive identification of the suspect.

Determine a place of residence.

Determine what vehicles the suspect owns/drives.

Investigator Responsibilities

In the preliminary investigation, the following information should be gathered to substantiate the allegation of sexual assault:

Re-interview the victim and all witnesses.

Identify all persons with possible knowledge of the incident.

Ensure the crime scene is documented (photos/video).

Transport the victim to hospital for examination.

Victim Interview

Determine the victim's activities prior to the time of the offense and any relationship with the suspect.

Obtain the victim's account of the offense, from the time the suspect was first observed until the suspect left the scene.

Obtain and note any distinctive statements made by the suspect.

Determine and document any oddities or unusual MOs/trademarks demonstrated by the suspect.

Note and document the victim's condition. This should include a statement as to the victim's mental state, the evidence of torn or disheveled clothing, etc.

Obtain a complete description of the suspect.

Evidence:

All evidence in support of the allegation of sexual assault should be gathered and preserved including:

Photographs of victim, all injuries and crime scene;

Findings in a sexual assault medical examination;

Articles of clothing from the victim and the suspected offender;

Biological body fluids;

Bedding and/or other material used.

Suspect interview/interrogation:

The suspect should be interviewed/interrogated using the following criteria as a guide:

Advise suspect of his/her constitutional rights and the nature of the investigation when appropriate.

Consider, evaluate, and investigate all new information and alternative explanations provided by the suspect.

Corroborate information already obtained through investigation.

Obtain incriminating statements including admissions and confessions. Audio/Video tape is best.

Victim Notification of Investigative Procedures:

If appropriate, the victim should be advised of the steps they will encounter during the preliminary investigation, to minimally include the following:

In-depth interviews (specific/personal questions).

Extensive medical examination protocol;

Follow-up investigation procedures (interviews: identify suspects);

Judicial process (courtroom testimony/procedures).

The victim should also be advised of the services available for support and accompaniment during the investigation and prosecution of the case. (See Appendix A for a list of available support services.)

Officer Considerations

Officers will:

Respect the fact that not all victims want to make a police report, talk to an officer, or go through the evidence collection process.

Provide assistance without telling the victim what to do. It is important for victims to begin to gain control and their self-esteem.

Reassure victims that it is not their fault.

Try to make the process as comfortable as possible and allow victims to call someone for support if they wish.

Let victims explain in their own words what happened. Inconsistencies may be the result of trauma, not necessarily fabrication.

Attempt to determine if the suspect took something. Perpetrators often take an item as a memento.

Documentation:

The preliminary investigative report should contain the necessary documentation including:
Statements of victim, witnesses, and accused;
Observations; i.e., victim's physical/emotional condition, etc.;
Physical evidence noted and secured;
Actions taken by the investigating officer and others.

The assigned patrol officer shall complete the crime and/or arrest report and all appropriate supplementary reports.

Reporting Requirements

The final review and case summary completed by the assigned investigator should include:
Disposition of the victim;
Evidence identified and collected;
Statements (oral and written);
Disposition of the suspect;
Victim/Witness referrals provided;
Coordination and consultation with other involved agencies;
Need for confidentiality of case information and Victim identification.
Report of the case progress to appropriate parties to the offense.

APPENDIX B

VICTIM SERVICES ORGANIZATIONS/ CRISIS SERVICES – 24 HOUR HOTLINES

- Rape, Abuse and Incest National Network's (RAINN) National Sexual Assault Hotline
    - Call 800.656.HOPE (4673) to be connected with a trained staff member from a sexual assault service provider in your area.
- Rape, Abuse and Incest National Network's (RAINN) National Sexual Assault Online Hotline
    - Visit online.rainn.org to chat one-on-one with a trained RAINN support specialist, any time 24/7.
- National Sexual Violence Resource Center
- PreventConnect
- Violence Against Women
    - Call the OWH HELPLINE: 1-800-994-9662

SCHOOL RESOURCE OFFICER

PURPOSE

The purpose of this directive is to establish the proper guidelines to be followed by Lander Police Officers assigned as School Resource Officers ("SRO") in any of the schools within the Fremont County school district.

POLICY

Lander Police Department ("Department") personnel shall strictly adhere to this General Order in order to maintain safety and order in the school environment to which they are assigned as an SRO.

The Police Department and School District will maintain a Memorandum of Understanding that outlines the SRO's responsibilities and interactions with staff and students. Members of the Lander Police Department, its officers, and particularly the Lander Police Department SRO, will seek every opportunity for positive, non-law enforcement interactions with the schools, their staff and students and the community as a whole.

DEFINITIONS

School Resource Officer (SRO): A school-based police officer who serves as a counselor and educator. The SRO interfaces closely with administrators, parents, and teachers to achieve and meet the needs of the position.

School Employee: "School employee" means (A) a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by a local or regional board of education, or working in a public elementary, middle, or high school; or (B) any other individual who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in a public elementary, middle or high school, pursuant to a contract with the local or regional board of education.

PROCEDURE

Selection and Assignment of the School Resource Officer

The Chief of Police shall make the final decision on who to assign as a School Resource Officer (SRO), if one is assigned. In making that decision, the Chief will only consider officers who have demonstrated the ability, interest, and skills necessary to work with youth, school staff, and the public. The Chief shall consult with the school superintendent and principal prior to making a final selection in order to determine any specific concerns of the school district.

Qualifications and Training

Qualifications for appointment:

Minimum of three years of service as an LPD police officer

"Satisfactory" or higher rating on the most recent performance evaluation

No disciplinary actions for a minimum of one year prior to being considered

Effective teaching, writing, and organizational skills

Effective conflict resolution skills

Knowledge of juvenile laws and juvenile court procedures

Training:

The officer will satisfactorily complete an approved course of instruction for School Resource Officers

The officer will complete an approved course of training for D.A.R.E., if they are assigned this responsibility

The officer must be familiar with the school district's current safe school climate plan

The officer shall complete annual training in school violence prevention, conflict resolution and prevention of bullying.

General Duties and Responsibilities

The primary function of the SRO is to enhance the safety and security of the learning environment for students, staff, and the school community. In addition, the SRO is expected to provide law-related education to the students, act as both a counselor and mentor, and provide guidance on ethical issues in a classroom setting. The presence of a sworn officer on the campus of Fremont County schools also provides a unique opportunity to develop and maintain a continuing relationship between the SRO and the students, their parents, and the staff. In addition, the SRO should be involved in a variety of functions and duties that include, but are not limited to the following:

Provide classroom D.A.R.E instruction, if certified.

Serve as a classroom instructor or resource for law and safety education using approved materials.

Explain the role of law enforcement in society.

Strengthen safety measures and prevent delinquent behavior on school campuses through heightened police visibility.

Act as a resource for teachers, parents, students, and staff.

Appear before PTA/PTO and other groups associated with the school and speak on a variety of topics.

Document activities on and off school grounds and provide the school district and police department with periodic reports.

Assist all local law enforcement and state agencies conducting formal police interview, interrogations, and arrest of students on school property.

Maintain familiarity with all Fremont County agencies that offer assistance to dependency and delinquency prone youths and their families. Referrals should be made when necessary in accordance with school, department, and state policies and regulations.

Develop plans and strategies to prevent or reduce dangerous situations.

Coordinate law enforcement actions on Fremont County school grounds with the principal.

Act as a resource with respect to delinquency prevention by providing crime prevention presentations on a range of subjects including:
Drugs and the law
Alcohol
Driving
Sexual Assault
Family Violence
Personal Safety

Internet and Social Media Safety

Avoid acting as a disciplinarian to students. Disciplining students should continue as a school responsibility and only when the officer and/or principal believes an incident is a criminal violation should the SRO take law enforcement action.

To perform all other duties as may be prescribed by the Chief of Police or designee.

Supervision

The Captain will ensure that open lines of communication are in place between the school and the police department. The Captain will be responsible for conducting a minimum of weekly meetings with the SRO to evaluate the current needs of the SRO and the school. The Investigations Captain will meet with the school principal at least once each semester to secure feedback from the school regarding any issues involving the SRO or the SRO program, both positive and negative. The Captain is responsible for completing the performance evaluation(s) of any officer assigned as an SRO.

Program Review

A review of the School Resource Officer program in each school will be conducted annually by the Captain to determine the continued effectiveness of the program and to make recommendations to the Chief of Police. The program review will include a restatement of the basis for the initial implementation of the SRO program and a justification for its continuation. The review will take place between the end of the school year and the beginning of the next.

CRIME PREVENTION

PURPOSE

The purpose of this policy is to establish a written directive that describes the Lander Police Department's policies and procedures related to crime prevention functions and activities.

POLICY

It is the policy of the Lander Police Department ("Department") to be committed to the crime prevention function, and the principle that these activities integrate the ideals found in various community crime prevention strategies for building community relationships. The prevention and suppression of crime are responsibilities shared by the community and law enforcement. Because educated and informed citizens are the vanguard against criminal activity, crime prevention activities are one of the means for police departments to strengthen community partnerships when formulating community policing strategies.

PROCEDURE

Crime Prevention Function

The Department is committed to the development, implementation, and perpetuation of comprehensive, pro-active programs and procedures, which anticipate, recognize, and initiate actions to remove or reduce crime risks. Preventing crime demands an integrated, coordinate department response. Therefore, all supervisors, officers, and civilian employees are responsible for assisting in the achievement of the Department's crime prevention goals.

Crime prevention duties consist of speaking to various groups on crime prevention methods, distributing crime prevention literature, staffing information booths, alerting victims on how best to avoid future victimization, developing crime prevention materials for use by the media, developing or maintaining liaison with neighborhood groups. Beyond this, the Department is committed to developing partnerships and resources within the community to build problem-solving coalitions, to instill a sense of mutual responsibility for enhancing public safety, and to increase the community's capacity to resolve issues related to crime and the fear of crime.

The Department's crime prevention activities are developed based on data reflective of community input and indicative of the types of crime problems that pose the greatest concern and threat to the community. It is also based upon where criminal activity is most prevalent geographically. Crime prevention programs and initiatives are evaluated periodically to determine whether they have been effective in achieving stated goals.

Personnel

The Department does not have a full-time staff dedicated to a full-time assignment as a crime prevention officer and/or unit. The Captain is assigned the primary functional responsibility for all crime prevention activities through the Department, including the planning, coordinating, implementing, and reporting of crime prevention activities.

Although the Department may designate crime prevention practitioners, who will act as liaisons between the Department and the citizens of the community it serves, it should be understood that all members and components of the Department are responsible for enhancing the quality of life of the City's constituency; implementing the tenets of the Department's crime prevention, Community-Policing, and Problem-Solving strategies; and for achieving Department crime prevention goals.

Community Support and Liaison

Department members will establish and maintain liaisons with formal community organizations and other community groups through Crime Watch, civic groups homeowners associations, and business organizations. The Department may designate crime prevention practitioners to actively participate in crime prevention associations, maintain a liaison with the citizens of the community. Crime prevention practitioners will be actively involved in the following:

Developing community involvement policies for the Department

Publicizing agency objectives, problems, and successes

Improving agency practices related to police-community relations

Specific Targets of Crime Prevention Programs and Activities

In addition to Crime Prevention programs and activities of a general basis, programs and activities shall also be created to accomplish the following:

Crime Prevention Activities by Crime Type and Geographic Area

The Department promotes and provides prevention programs for all its citizens, proprietors, and more specifically in areas targeted for such activity. The Captain or designee will obtain crime data, offense patterns, trends, and other quality of life issues, by type and area, in the City on a monthly basis from police reports and the community. According to this analysis, specific crime prevention programs and activities will be developed that will target the identified crime types and areas, with emphasis on the most serious offenses.

Programs to Address Perceptions/Misperceptions or Concerns of Crime

General

The Department shall develop, implement, and promote programs and presentations that are designed to address the community's perceptions/misperceptions or concerns of crime. These programs should include information on the fear of crime versus the reality of crime; dispelling rumors versus the facts relating to crime; and discussions about criminals and crime prevention methods that have been proven to be successful.

Crime Prevention Programs

The Department will implement whatever crime prevention programs it or its constituents deem necessary to reduce victimization and/or lead to the recovery of stolen property. Crime prevention programs will include, but not be limited to, security surveys, educational presentations, and the dissemination of information and crime prevention tips.

Citizen Observers:

The Citizen Observer Program is a ride-a-long program that allows adult citizens to accompany on-duty patrol officers during regular shifts. Only the Department may grant the privilege of riding as an observer. Persons with police records or with claims or litigation pending against the City may be refused the privilege. Citizens desiring to observe shall be referred to a Patrol Supervisor to make the arrangements. Any person may be denied permission to ride or may be removed from a ride-along if that person's presence may be detrimental or hazardous. Any person requesting to observe shall complete and sign a Waiver of Liability Form, which shall be maintained by Dispatch and Records Unit. The forms are available in the Department computer system. A request shall be sent to the Shift Supervisor, who will perform a records check, approve the request, and assign an officer.

Police Department Facility Tours And Speakers Program:

Upon request of a local community group, business, school, citizen, etc., the Chief of Police or his designee will conduct tours of the police department facilities. Upon request of a local community group, business, school, citizen, etc., to the Chief of Police, an employee may make a public presentation or speak on a crime-related topic, including, but not limited to:
Crime prevention for the elderly or disabled
Shoplifting
Vandalism
Robbery
Babysitting
Personal safety
Residential or business security
Any other programs authorized by the Chief of Police

Community Input Process

The Lander Police Department maintains a collaborative community involvement process that accomplishes the following:

Identifies current community concerns;

Identifies potential problems that have a bearing on law enforcement activities within the City of Lander;

Develops recommended actions addressing the concerns and problems identified;

Provides a statement of process for addressing the concerns and problems identified; and

Provides a quarterly report to the Chief of Police of the community concerns and problems identified as well as the actions taken and progress made towards addressing such concerns and problems.

Evaluation of Crime Prevention Programs

The Captain will compile recommended actions and include documented progress reports. Annually, the Captain, or designee, will evaluate the effectiveness of crime prevention programs and forward a written report of his/her findings to the Chief of Police.

Citizen Survey

The Department will coordinate citizen surveys every two years. The surveys will include questions concerning:

Overall agency performance;

Overall competency of agency employees;

Citizens' perceptions of agency staff attitudes and behaviors;

Community concern over safety and security within the service area; and

Citizen recommendations and suggestions for improvement.

Survey results will be compiled with a written summary and forwarded to the Chief of Police.

Organizing Crime Prevention Groups

The Department recognizes that crime prevention groups, neighborhood associations, and community storefronts can form the nucleus for many Neighborhood and Business Watch Programs that are part of a comprehensive crime prevention effort. As such, the Supervisors, and designees,

will make every effort to organize, maintain and encourage the development of new groups within each neighborhood, shopping area, business area, or upon the request of any citizen or business owner.

A Neighborhood Watch Area should consist of neighbors from a designated area and may function/operate as follows:

The placement of special signs area designating the area as a Neighborhood Watch area

The group will function under the leadership of a citizen, designated as Neighborhood Watch Coordinator, or “Captain,” who will act, with guidance of an area police officer, trained in Community-Policing/Problem-Solving skills.

The overall goal of the group is to reduce neighborhood crime in cooperation with the department, specifically area police officers and their Supervisors, who will coordinate these efforts and work with representatives of interested groups in arranging meetings and distributing watch publications/literature.

INTERVIEWS AND INTERROGATIONS

PURPOSE

The purpose of this order is to establish Lander Police Department procedures for the interview of suspects in criminal investigations.

POLICY

Members of the Lander Police Department ("Department") will assure that all suspects are afforded their due process and other constitutional rights during any investigation. Officers will also follow those guidelines issued by the court that may afford additional protections to suspects, over and above constitutional mandates, including the recording of in-custody statements, when practical.

DEFINITIONS

Custody: When a person is placed under formal arrest, or there is a restraint of the person's freedom of movement of the degree associated with a formal arrest and a reasonable person, in view of all the circumstances, would have believed that they were not free to leave.

Interrogation: Questioning initiated by a law enforcement officer or any words on the part of a law enforcement official, other than those normally attendant to arrest and custody, that such official should know are reasonably likely to elicit an incriminating response from the person.

Custodial Interrogation: Any interrogation of a person while such person is in custody.

Electronic recording: An audiovisual recording made by use of an electronic or digital audiovisual device.

Suspect: A person who has either been charged with a crime or a person for whom there is a reasonable basis to believe that they may in the future be charged with a crime. Witnesses, victims, and other persons who provide information to a law enforcement officer are not considered suspects unless and until there develops a reasonable basis to change their status.

Place of Detention: A police station, state police barracks, prison, jail, house of correction, or a department of youth services secure facility where persons may be held in detention in relation to a criminal charge.

Field Interview: are those situations where an officer speaks with a person who is not in custody or there is limited custody such as a Terry Stop situation.

PROCEDURE

Miranda Warnings

Officers shall give Miranda warnings as soon as practical whenever a person is placed in custody or deprived of their freedom in a significant manner and is subject to interview. The officer administering the warning will assess the suspect's ability to understand the rights and that the suspect has freely and knowingly waived such rights.

Whenever practical the officer will attempt to have the suspect complete a written waiver of rights form.

Whenever an officer has any doubt as to the applicability of the Miranda warnings in any particular case, it is advisable that these warnings be given to the suspect to avoid any subsequent legal barrier to the admissibility of any statements obtained.

If, at any time, a suspect requests to be read their rights or to be informed of their rights, these requests shall be granted.

Officers should read the suspect the warnings from a Miranda Card or have the suspect read, initial and sign a rights form (See General Order 6.17a: Miranda Waiver of Rights Form). The warnings must clearly inform the suspect that:

They have the right to remain silent.

If they speak to an officer, anything that they say can be used against them in a court of law.

They have the right to consult with an attorney before being questioned and the attorney can be with them while the police are questioning them.

If they cannot afford an attorney, one will be appointed for them and they may have them with them before answering any questions.

They can refuse to answer questions, or they may stop answering questions at any time they so desire

They understand each of these rights that have been explained to them.

Having these rights in mind, they wish to speak with the police.

Following the advisement the officer will ask “Do you understand your rights?” and “Do you wish to waive your rights?”

Documenting Statements

The circumstances surrounding the conduct of interviews and recording of statements shall be fully documented in the interviewer’s police report. The report should include:

Location, date, time of day and duration of interview;

Identities of officers or others present;

Miranda warnings given, suspect responses and waivers provided, if any; and

The nature and duration of the interrogation process to include breaks in questioning and providing the suspect food, drink, use of the restroom, or for other purposes.

The suspect shall be asked to read, sign and date all written statements.

The interviewing officer(s) shall sign and date all written statements.

Recording Statements

Whenever feasible in cases involving felony cases, the interviewing officer will utilize these recording procedures when the officer conducts a custodial interview or an interview of a suspect at a place of detention. Patrol officers should seek the assistance of the Detective Sergeant when recording a statement.

The Lander Police Department will maintain audio and video equipment for the purpose of recording statements.

To the extent it is practical, the law enforcement officer should electronically record the entire interview of a suspect. Under normal circumstances only two (2) officers should conduct the interview. To assist in the creation of the record, officers should do the following:

Start the recording device;

Inform the suspect that they are being recorded;

State the date, time, location and names of persons present. If a video recording device is used which imprints the time on the tape or disk, verify that the correct time is displayed;

State the full name of the suspect; and

Execute appropriate departmental forms including but not limited to Miranda warning and waiver.

If the officer must suspend the recording for any reason, the officer should record the reasons for stopping (i.e., taking a break or a malfunction), the time the recording device is turned off, the time it is turned back on, and what transpired while the recording device was turned off.

If the officer uses or refers to documents or other items during the interview, the officer should describe those documents or items on the record and mark them with a unique number (similar to an exhibit number at trial) and the officer's initials. If the officer is unable to write on the actual document or item, the officer may write on a bag, envelope or case in which the document or item is placed or on a piece of tape attached to the document or item.

Officers will conclude the recording by stating the date and the time the interview is completed.

If a suspect refuses to make a recorded statement, the officer should record the refusal, document it in the report, and follow the following procedures:

If the suspect refuses to be recorded before the recording device is turned on, the law enforcement officer should, if it is practical, turn on the recording device to record the refusal;

The officer should identify himself and the suspect, state the date, time and location, inform the suspect of any applicable rights (such as Miranda), and inform the suspect that there are potential benefits to recording the interview, including the fact that a recording will create a clear and complete record of what was said to the suspect, and what the suspect said during the interview;

The officer should then ask the suspect on the record if he is willing to make an electronically recorded statement;

The officer should advise the suspect that if at any time they change their mind and decides that they do want the interview to be recorded, they should let the officer know and the officer will turn on the recording device;

If the suspect still refuses, the officer should turn off the device and proceed with the interview.

If the suspect objects to having their refusal electronically recorded, the officer may proceed without recording the refusal or the interview. The officer should advise the suspects of the benefits of recording and proceed with the interview.

If, during the course of a recorded interview, a suspect decides that they will no longer answer questions unless the recording device is turned off, the officer should again advise the suspect of the benefits of recording the interview. If the suspect still refuses, the officer should turn off the recording device and proceed with the interview.

If the recording device malfunctions, the law enforcement officer conducting the interview must make a decision whether to continue the interview and the officer must document what occurred.

If the recording device can be restarted, the officer should state on the record that the device malfunctioned, how long the device was not working, and whether or not the suspect made any statements that were not recorded;

If the recording device cannot be restarted, the officer should include in his interview or case report the fact that the device malfunctioned and whether or not the suspect made any statements that were not recorded;

If the recording device cannot be restarted, the officer should ask the suspect whether they wish to continue the interview without a recording device, or whether they wish to suspend the interview until an operable recording device is available;

If the suspect consents to continuing the interview without a recording device, that consent and the interview should be documented in some manner, such as in a signed written statement by the suspect or in the officer's interview or case report.

If there is no recording device available or the recording device is inoperable, the officer should defer the interview until an operable recording device can be obtained. If it is impractical to defer the interview, and the suspect consents to continuing the interview without a recording device, that consent and the interview should be documented in some manner, such as in a signed written statement by the suspect or in the officer's interview or case report.

The officer who conducted the interview must take steps to preserve the original recording. The storage medium should be removed from the recording device, clearly labeled, and appropriately stored. If the interview is recorded digitally, the officer should preserve at least one whole copy which must be clearly labeled and appropriately stored.

To the extent it is practical, statements from multiple suspects should not be recorded on the same tape or disk.

As soon as it is practical, the Investigator should create at least one exact copy of the original recording. The copy should be clearly labeled as a copy and appropriately stored.

Once the copy has been made, the copy, and not the original, should be used to make additional copies. Additionally, copies, and not the original, should be used to prepare a written transcript, to comply with discovery obligations, and for all other purposes.

All electronically recorded interviews shall be preserved as criminal evidence. The original storage device shall be labeled as such and any copies labeled as such. Each original and copy shall be authenticated by the interviewing officer with the following information:

a. Date and time of recording;
b. Location of the interview;
c. Name of person interrogated;
d. Name of person(s) conducting the interview; and
e. Case number.

The original copies of all forms (notice of rights, consent to record, etc.) will be forwarded to Records. The original recording will be secured as evidence.

Any electronic recording of any statement made by a person at a custodial interrogation that is made by any law enforcement agency, as described above, shall be confidential and not subject to disclosure under the Freedom of Information Act, and the information shall not be transmitted to any person except as needed to comply with state law.

Presence of Attorney

If a suspect requests to consult an attorney, the suspect must not be questioned further by police until the suspect has had an opportunity to consult an attorney. However, if the suspect initiates statements or conversation, the police may respond to those statements or conversation.

Although a suspect has voluntarily waived their right to remain silent, the suspect may still invoke this right by refusing to answer any further questions or by requesting the services of an attorney, and at this point the police questioning must cease.

If the police are advised that there has been a timely request by an attorney to provide the suspect with legal assistance, the police must inform the suspect that the attorney wishes to be present during questioning. However, once so informed, the suspect may waive their right to have the attorney present. The reporting officer will document the time and nature of the advisement in their police report.

A suspect may answer some questions and refuse to answer others. The officer is not required to discontinue questioning unless the suspect indicates that he wishes to remain totally silent, to stop the questioning or to consult with a lawyer.

Once a suspect has been arraigned, the suspect has the right to counsel, for any questioning related to the crimes for which the suspect has been arraigned. This right is not dependent upon the issue of custody and the suspect shall not be questioned in the absence of counsel unless the suspect specifically waives this right.

Field Interviews

Field interviews involve situations where the suspect is not in custody. Examples include informal discussions on the street or during a traffic stop.

Field interviews do not typically trigger Miranda warnings, however, actions such as handcuffing, placement in the rear of the cruiser, etc. may trigger a custodial event.

Officers should continue to document field interviews through the CAD/RMS Field Interview system to support future investigations. This includes situations where an officer may observe suspicious behavior but no specific interview takes place

PERSONNEL SELECTION

PURPOSE

To establish a written directive, which describes the Lander Police Department's procedures related to the professional and legal requirements, as well as the administrative practices and procedures, of the selection process.

POLICY

It is Lander Police Department policy that all elements of the selection process shall meet any applicable professional and legally accepted administrative practices and procedures, including all Wyoming Peace Officer Standards and Training Commission (POST) requirements, thus resulting in a more efficient, effective, and fair hiring process. This process allows the Chief of Police to appoint those individuals who best possess the necessary job knowledge, skills and ability (KSA). The Chief of Police is responsible for overseeing the selection process.

To ensure effectiveness and legality, the testing and selection process shall be reviewed annually and, if necessary, updated to ensure that the selection process is effective in selecting the best-qualified candidates in a fair and equitable manner.

It is Lander Police Department policy that practices and procedures shall be established, which govern the administration of the selection process, including background investigations; polygraph, medical, and psychological examinations; and probationary period for entry-level police officers.

DEFINITIONS

Selection Process: The combined effect of components and procedures to screen applicants leading to the final employment decision as a permanent sworn officer of the Lander Police Department.

PROCEDURE

Elements and Activities of the Selection Process for Sworn Officers

The Chief of Police is the appointing authority for all sworn members of the Department, and is responsible for ensuring that appointments of sworn officers are made according to merit and fitness. The Chief of Police is charged with the responsibility of ensuring the integrity of the selection process. The Chief of Police, or designee, is responsible for managing those components of the selection process that the Department administers or schedules. The Chief of Police's designee for overseeing the selection process is designated as the Captain.

Lateral Entry of Sworn Officers

Certified police officers that apply for entry-level positions must successfully complete all phases of the selection process, like any other candidate, to be considered for appointment to the Department.

Elements of the Selection Process

The selection process of the Lander Police Department consists of the following pre-conditional and post-conditional components. At a minimum, these include:

Pre-Conditional Job Offer Components

Written examination

Physical agility test

Oral Board examination

Candidates passing these phases of the selection process shall be placed on a hiring list and are eligible to be called for a final interview with the Chief of Police. Candidates that receive a conditional job offer by the Chief of Police will be allowed to continue further in the selection process.

Post-Conditional Job Offer Components

Background investigations

Psychological examination

Medical examination, including drug screening

POST Physical agility entrance test

Graduation / Certification from the Wyoming Law Enforcement Academy (WLEA), or an equivalent academy

Probationary Period Components

All candidates appointed shall serve a probationary period commencing with the date of hire and ending one year after graduation from the Wyoming Law Enforcement Academy. Certified officers, when hired, shall serve a trial period of one year from the date of hire. The remaining components of the selection process during this period include:

Field Training and Evaluation Program

Solo Assignment

Annual and/or Periodic Review and Evaluation of Selection Process

As a general policy, to ensure effectiveness and legality, the testing and selection process shall be reviewed annually and, if necessary, updated. The evaluation should ensure that the selection process is effective in selecting the best-qualified candidates in a fair and equitable manner. The City's Director of Human Resources and the Captain shall perform this review and evaluation and the report forwarded to the Chief of Police.

Elements of the Selection Process are Job-Related

All elements of the job selection process, including testing products and services provided by any outside organization, shall use only those rating criteria or minimum qualifications that are job related. When outside commercial resources are used for certain components of the process, vendors will be responsible for providing documentation that their test(s) have validity, utility, and minimum adverse impact.

The professional and legal requirements shall be based on the following definitions:

Validity: Proof through statistical data that a given component of the selection process is job-related either by predicting a candidate's job performance or by detecting important aspects of the work behavior related to the position for which they are applying. The validity of the selection process as a whole, or individual components thereof, is determined in one or more of the following ways:

Criterion-related validation: Criteria are identified, which reflects successful performance on the job, and test scores are then correlated with the performance ratings for the predetermined criteria. A high correlation demonstrates that the test is a useful predictor of the candidate's job performance.

Construct validation: Involves the identification of the characteristics or traits believed to be important to successful job performance. A test is then given which should measure the degree to which the candidate possesses the required characteristics.

Content validity: A component of the selection process is justified by showing that it measures a significant part of the job.

Utility: An assessment of the practical value of an element of the selection process based upon considerations of validity, selection ratio, the number of candidates to be selected, and the nature of the job.

Adverse Impact: A substantially different rate of selection (known as the 4/5's, or 20% rule), which works to the disadvantage of members of a race, sex, or ethnic group.

Elements of the Selection Process Administered in Uniform Manner

All elements of the selection process are administered, scored, evaluated, and interpreted in a uniform and fair manner.

Operational elements of the selection process such as time elements, oral instructions, practice problems, answer sheets, and scoring formulas must be carried out identically for all candidates.

All other elements such as background investigations, psychological, and medical examinations, and oral interviews will also be carried out in a uniform manner.

All elements of the selection process shall conform to all Federal and State legal requirements, including the American with Disabilities Act (ADA).

Application Process

The Captain shall screen all applications received for qualifying standards. All applicants shall be reviewed to ensure that all minimum standards and qualifications for the position are met.

The Employment application is given a review with an initial NCIC/SPBI inquiry check. (Felony Applicants are advised they are ineligible under POST regulations.)

The Captain shall be responsible for maintaining a current record of each applicant's status in the selection process.

The Captain shall notify all applicants in writing of all elements involved in the selection process at the time of formal application. Notification shall include a timetable of the selection schedule, and a list of areas, which may be used during the polygraph examination.

Applicants will receive a copy of POST physical standards for entry/graduation.

Completed packets comprising the eligibility list shall remain in control of the Office of Chief of Police when being used for additional testing and/or consideration. All other applications are to be forwarded to the Office of the Human Resources Director for retention.

Candidates Informed in Writing of Various Issues in the Selection Process

The Department will maintain contact with applicants for sworn positions from initial application to final employment decision. At the time of their formal application, candidates for sworn positions will be informed as part of the police officer application package of:

All elements of the selection process, as described in Section IV.A.

The expected duration of the selection process, which generally lasts 3-6 months for the pre-conditional job offer components, and the eligibility list, which generally lasts a minimum of one year from its final determination.

The Department's policy on reapplication, which allows candidates who are disqualified from a selection process to reapply in the future.

Candidates Ineligible for Appointment are Informed in Writing

All candidates for sworn positions determined to be ineligible for appointment should be informed in writing, by either the City's Human Resources Department or the Police Department depending on the component that determined the candidate's ineligibility, of the specific reasons for disqualification within thirty (30) days that such determination is made. Prompt notification in writing is not only an essential element of an efficient administrative organization, but also is fundamental to a fair and effective selection process. Reasons for ineligibility under this section may include, but are not limited to, the following:

Failure to meet the required minimum qualifications to apply

Failure to pass any component of the selection process, including disqualification as a result of the background investigation.

The expiration of the eligibility list.

Disposition of Records of Candidates Ineligible for Appointment

All records of all candidates shall be forwarded to and maintained by the City's Human Resources Department for a minimum of three years, or longer, if required by State Law (see the Wyoming State Archives, Local Government Records Retention Schedules). Candidate information, records, and test scores shall be destroyed in accordance with established policy and law. These files include:

Candidates who were not hired, disqualified from the process, or deemed ineligible, for appointed to probationary status

Candidates hired by the City of Lander and given probationary appointments

These files can only be accessed with the approval of the Chief of Police, and in accordance with all federal and state requirements pertaining to the privacy and security of candidates' records and data, including the Wyoming Public Records Act.

Security and Access of Selection Process Materials

Selection materials maintained by the City's Human Resources Department or the Police Department, will be maintained in a secure locked area twenty-four (24) hours a day when not in use. This applies to all used and unused testing materials, forms, exams, and other documents. These materials are not to be left unattended when removed from such secured areas.

Access to selection materials is to be limited to the City's Director of Human Resources, the Chief of Police, and/or other persons specifically authorized by each of them for materials kept at their respective locations. Only those persons with a "right to know" will be granted access to these materials on a case-by-case basis.

All selection materials shall be disposed of in a manner that prevents disclosure of the information and in accordance with all destruction requirements of the Wyoming Public Records Act.

Physical Agility/Fitness Examinations

A physical agility/fitness examination will be conducted of each applicant for a sworn position, using tasks, which are job related, useful and nondiscriminatory, based on standards as directed by POST. All candidates must submit a waiver before participating in the process.

It is the intent of the testing to verify the likelihood that the applicant can fulfill the physical requirements of the job.

The Captain shall schedule the tests and evaluate the results of the physical agility/fitness examination.

Written Tests

Applicants who pass the physical agility/fitness examination will be invited to take the written test to be conducted by and scored by an outside source, with results mailed to the office of the Chief of Police.

The Captain shall be responsible for scheduling the tests.

Written tests and any element of the selection process, which is administered by the private sector, such as polygraph examinations, psychological testing, and medical examinations, shall meet the requirements of validity, utility and minimum adverse impact.

All circumstances relevant to the evaluation of validity, utility, and adverse impact shall be considered in determining when one or more elements of the selection process may be outdated.

Oral Interview

The top applicants who pass the written test will be the subject of an oral interview.

The Captain will schedule the oral interviews.

All oral interviews shall be conducted uniformly with a set of pre-written questions. These questions shall be reviewed for modification, elimination or addition annually by the Captain and the Chief of Police.

- The same oral interview questions shall be asked of each applicant.
- The same rating scale shall be used in judging each applicant.
- The results of the oral interview shall be recorded and submitted to file with the application.

The top applicants that pass the initial Oral Interview go on to a Command Oral Board.

The Command Oral Board will be composed of members of the agency selected by the Office of the Chief of Police.

Notification – Conditional Job Offer

The top candidate(s) are then interviewed by the Chief where a Conditional Offer of Probationary Employment may be extended.

Notification will be by telephone, followed by a letter, tendering the applicant a conditional job offer.

Applicants shall be advised the conditional job offer is contingent upon their successful completion of a polygraph examination, psychological examination, medical examination and a background investigation, if applicable.

The Captain will schedule polygraph examinations, medical and psychological examinations.

Additional information relative to the applicant's starting date may be conveyed to him/her at this time.

Background Investigation on Each Candidate Prior to Employment

General Considerations

A thorough background investigation of each candidate will be conducted prior to appointment to probationary status. The function of the background investigation is to assist in the determination of each candidate's suitability for employment as an Lander Police Department officer.

The background investigation should occur after the candidate has completed a Personal History Statement. Background investigations are to be done in person, except in those instances approved by the Chief of Police, where telephone or mail inquiries are more appropriate. Upon completion, the background investigation report shall be completed in the prescribed format, and forwarded to the Chief of Police for review.

The employment background investigations for non-sworn, civilian employee candidates of the will be conducted in a manner as directed and prescribed by the Chief of Police. Background investigations for civilian personnel will vary based on state regulations such as whether the position will have access to the WCJIN / NCIC system, etc.

The background investigation for sworn positions shall include, but not be limited to, the following:

Verification of the candidate’s qualifying credentials, including minimum age and educational requirements, citizenship, and driver's license

Verification of the candidate’s educational achievements, past and present employment, and military service

A review of each candidate’s criminal history report and traffic record

Verification and interviews with past and present employers, neighbors, school officials, and at least three personal references

A review of relevant national or state decertification resources, if available

Findings of the investigator may be used in conjunction with results of other phases of the process to determine whether a candidate should be given further consideration. At times, the findings of the investigator may be used in and of itself as a reason for disqualification of a candidate from the process. The investigator shall be furnished with the application and other information pertaining to each candidate.

The following occurrences or incidents in a candidate's background may result in disqualification from the selection process, to the extent permitted by the American with Disabilities Act and other Federal and State Statutes:

Misdemeanor or felony conviction, including conviction for a controlled substance violation

Illegal use of controlled substances and alcohol abuse

Poor work record

Poor driving record

Bankruptcy and/or numerous debts which are not being regularly paid, to the extent that it indicates the candidate’s lack of integrity and potential irresponsibility

Other related and/or similar occurrences or incidents that would be unacceptable or undesirable in a police officer given the power, authority, and responsibilities incumbent to the position

Background Investigator Training

In order to better ensure the confidentiality of the inquiry and enhance the overall quality of investigative techniques, only sworn personnel the Chief of Police designates are to conduct background investigations after receiving appropriate training. Generally, the background investigation function for police candidates is the responsibility of the Captain or his designee. The Chief of Police will be responsible for the training of background investigators. Instructors should

have completed formal training and/or extensive experience in conducting background investigations.

The training of background investigators shall be documented, and may consist of formal and/or informal training, including in-service and on-the-job training by the instructor.

Background Investigation Reports Records Retention Policy

All completed background investigation reports of candidates shall be retained as follows, in conformance with the Wyoming Public Records Act.

The City's Human Resources Department will be forwarded any such records on candidates not hired by the Police Department or disqualified from further consideration, for a minimum of three years, or longer, if required by state law. These records shall be retained, secured, and destroyed in accordance to established policy and law.

The Office of the Chief of Police, or designee, shall be forwarded any such records on candidates placed on the hiring list, but not yet appointed to probationary status, for the duration of the list, when they shall then be forwarded to the City's Human Resources Department.

The City's Human Resources Department will be forwarded any such records on candidates hired by the Department, to be filed in the employee's personnel file. These records shall be retained, secured, and destroyed in accordance with established policy and law.

Use of Polygraph Examination in Background Investigations

General Considerations

POST admission requirements include the administration of a polygraph examination for all police officer candidates, as a condition of employment. Prior to the examination, examiners shall brief candidates on the polygraph process, including a list of areas from which questions will be drawn.

Qualification Requirements of Polygraph Examiners

The Department shall only utilize certified examiners of other law enforcement agencies and/or private vendors, who are trained and qualified to administer and evaluate the results of polygraph examinations used in the selection process.

Medical and Psychological Examinations/Evaluations on Each Candidate Prior to Employment

Medical Examinations

Prior to appointment to probationary status each candidate must successfully pass a medical examination conducted by a licensed physician.

The intent of the medical examination is to certify that the candidate is physically and medically fit to perform the essential functions of the duties as a police officer. Procedures used during the medical examination are to be valid, useful and non-discriminatory.

A licensed physician selected by the City of Lander shall conduct medical examinations.

Medical examinations shall be conducted at the Department's expense.

Medical examination reports will be under the control of the Human Resources Director and will be stored in a secure file according to State Archive Retention schedules. Medical records will not be maintained in an employee's personnel file.

Results of all medical examinations for all applicants shall be filed separately in the secured personnel files and securely maintained and destroyed based on State Archive Retention schedules.

Psychological Evaluations

Prior to appointment to probationary status each candidate must successfully pass a psychological examination, conducted by licensed psychologists and/or psychiatrist with experience in dealing with law enforcement officers and candidates for law enforcement positions.

The intent of the psychological examination is to determine a candidate's emotional and psychological stability as it relates to his/her ability to function as a police officer. Procedures used during the psychological examination are to be valid, useful and non-discriminatory.

A licensed Psychologist selected by the Department and approved by POST shall conduct the examination.

Psychological examinations shall be conducted at the Department's expense and the results submitted to the Office of the Chief of Police.

Results of all psychological examinations shall be filed separately in secured files in the Chief's office and destroyed based upon standards set by the Wyoming State Archives, Local Government Records Retention Schedules.

Medical and Psychological Report Records Retention Policy

Pursuant to the American with Disabilities Act, the medical/psychological records of all candidates, whether appointed or not, are considered confidential records and shall be filed separately from other records and secured in a greater manner than other candidate information. Access to medical records is limited to individuals having a need to know and authorized by the Director of Human Resources. In addition, the Chief of Police has access to the results of the Police Psychological Examination. These records will be maintained, secured, and retained in accordance with the guidelines as established in Section F.3 of this General Order.

Final Authority

The Chief of Police shall have final authority in the selection of applicants.

The Chief of Police or designee shall be responsible to notify applicants eligible for appointment of such a decision.

Notification shall be in writing within thirty calendar days of such a decision.

All records regarding the recruiting effort shall be maintained in the Chief's office and destroyed based upon standards set by the State Archives Retention schedules

Trial Periods for Entry Level Sworn Officers

Following graduation from the Wyoming Police Training Academy, all appointed candidates shall serve a trial period as stipulated in the Lander Police Department and City of Lander policy for police officers and/or the City Charter, prior to the candidate attaining permanent status. The trial period for Lander Police Department officers shall be one year.

Application by Former Employees

Sworn personnel and civilians of the Police Department who separate in good standing may be re-employed provided the following criteria is met:

Obtain written approval by the Chief of Police

Complete any examination requirements as determined by the Chief of Police.

Meet statutory requirements.

PERSONNEL PROMOTION

PURPOSE

The purpose of this General Order is to establish written guidelines for the promotional process for sworn officers of the Lander Police Department.

POLICY

It is Lander Police Department policy that the promotional process for sworn personnel shall meet all professional, legal, and administrative requirements, including job-relatedness (validity), usefulness (utility), and fair and non-discriminatory procedures (minimum adverse impact.) Unless specifically stated otherwise, the standards in this General Order apply only to sworn personnel.

The promotional process is of vital interest and concern, as promotion brings about recognition, personal satisfaction, and added responsibilities. A standardized system is essential to both the Department and the individual. It is Department policy to promote persons without regard to race, creed, sex, age or national origin.

PROCEDURE

Agency Role in Promotional Process

Pursuant to the Lander City Ordinances, Human Resources Policies and Procedures enacted by the City legislature, the City of Lander, through the Human Resources Department, has the authority and responsibility to administer the promotional process for sworn officers of the police department. This process will result in the establishment of a promotional eligibility list for specific ranks.

Role of the Chief of Police

The Chief of Police will administer the Department's role in the promotional process. The City Ordinance vests the Chief of Police with the authority and responsibility for the selection and appointment of all officers and employees of the Department, including promotions. Other responsibilities include:

To serve as advisor to the City on promotional matters, as required.

To participate in the evaluation of candidates as outlined in the promotional process.

To provide input in the development of the promotional testing and measurement instruments that will be used to determine the knowledge, skills, and abilities of the promotional candidates.

To review and validate all eligibility prerequisites of candidates participating in all promotional processes.

Review and Evaluation

The entire promotional process should be evaluated in terms of effectiveness relative to selecting the best and most qualified candidates for promotion in a fair and equitable manner. In evaluating the validity, utility, and adverse impact of the process, all factors should be considered in determining when one or more components of the promotional process may need review and revision by the City through changes in policy and procedures.

In order to select the best and most qualified candidates for promotion in a fair and equitable manner, the City, represented by the Director of Human Resources, shall review, and revise as necessary,

any/all elements of the promotional process. Given the relative infrequency in which the promotional process is required, the review will be conducted in anticipation of an upcoming promotional process and must be completed and approved by the Human Resources Director prior to the promotional announcement of any anticipated process.

Authority/Responsibility for Administering Promotional Process

The Chief of Police is vested with the authority and responsibility of administering the promotional process. The Chief of Police is vested with the authority and responsibility for overseeing the Department's role in the promotion process, as required. This role may include performing appropriate liaison activities with the City and vendors of promotional testing materials.

Procedures for Promotional Process

The Chief of Police, through the administrative rulemaking authority of the City, approves the elements of the promotional process for each rank and/or position. The City determines the selection process for the position of Chief of Police. The promotional process for all other ranks, may include the following components, depending on the rank:

a. A written examination

b. An oral examination

c. The awarding of points from the Chief of Police

Eligible candidates must provide written notification of their intent to take the promotional examination in accordance with the City's procedures. All candidates may request to receive written notification of their score, and their placement on the promotional list when applicable, following the completion of all phases of the examination. The City's Human Resources Department shall retain results of each phase of the promotional process in written form. A copy shall be forwarded to the Chief of Police.

Administering Written Tests

The Chief of Police provides guidelines governing the administering of written tests in the promotional process. Examinations shall consist of one or more of the following tests, as determined by the Chief of Police, and shall conform to the following provisions:

Written tests of aptitude, achievement, and knowledge of the work. The test may include an objective type examination designed to test the applicant's familiarity with information and material which could be reasonably expected in position, standard intelligence tests, standard aptitude tests, or a dissertation on one or more subjects dealing with problems encountered in the classification.

All examinations shall comply with current Federal, State, and local laws.

Use of Assessment Centers

An assessment center is a comprehensive, standardized program in which participants are systematically observed over one or multiple days and evaluated for promotional purposes. If an assessment center is used as part of a particular promotional process, the agency must meet the following minimum criteria in order to be selected:

Measures dimensions, attributes, characteristics, qualities, skills, abilities, or knowledge specified in a written job analysis.

Uses multiple assessors who are thoroughly trained prior to participating in a center.

Uses multiple assessment techniques designed to provide documented information that is used in evaluating the dimensions, attributes, or qualities previously determined.

Provides participants, upon request, with written rationale and information concerning the dimensions, ratings, and recommendations of the center.

Use of Oral Interviews

When utilized, oral interviews (also known as “oral boards”) are conducted prior to promotion as part of the promotional process. Once promoted, candidates will serve a probationary period. This review shall consist of a panel of trained professionals within the field of law enforcement. The process is designed to evaluate job skills, knowledge, and abilities related to the duties of the position sought.

Providing Procedures for Review and Appeal of the Results

The Director of Human Resources provides guidelines governing the review of the results of each promotional element by candidates. Candidates may also be eligible to appeal elements of the promotional process through Department policy, as part of the grievance process. In addition, employees may be eligible to appeal promotional processes through provisions established by Federal, State, and/or local laws.

Reapplication Procedures

Upon the expiration of a particular promotional list, candidates may apply and participate in the next promotional process.

Determining Promotional Eligibility of Lateral Entries

Lander Police Department policy does not allow for the lateral entry of personnel for the rank of Captain or below, except in unusual circumstances, such as when there is no internal candidate that successfully qualifies for the available position. Lateral entries, regardless of their former rank and status, are hired as Probationary Police Officers, and must fulfill all promotional prerequisites as provided for in the Department policy, to become eligible to participate in the promotional process. The City determines eligibility for the position of Chief of Police.

Security of Promotional Materials

The Chief of Police or his designee has the responsibility for the security of promotional materials. Only the Director of Human Resources, Chief of Police or designee, shall have accessibility to these materials.

Job Related and Nondiscriminatory Procedures

All procedures used in the promotional process must be designed to be job-related, useful, and non-discriminatory. The process should ensure that candidates are evaluated on traits or characteristics that are a significant part of the job being sought. All phases of the process must be designed so that they address:

Validity: Proof through statistical data that a given component of the selection process is job related either by predicting a candidate’s job performance or by detecting important aspects of the work behavior related to the position.

Utility: Proof of the usefulness that a given component of the selection process can be used as a predictor of job success.

Adverse Impact: Proof that a given component is not discriminatory towards a member of a particular protected class, age, race or ethnic background, as measured by the “80% rule.”

Promotional Process Announcement

The Lander Police Department has the authority to establish and announce potential promotional test dates. A written promotional announcement, not less than thirty (30) days prior to the examination, shall be posted in conspicuous locations within the Department. The written announcement, and follow-up announcements, shall contain the following, at a minimum:

A description of the position and/or job classification for which the vacancy exists, which may include the adopted job description for that position.

A description of eligibility requirements.

A schedule of dates, times, and locations of all elements of the process including the opening and closing dates for eligible candidates to register for the promotional, or that a schedule will follow as soon as the number of candidates is determined.

A description of the resource, source material, or reading list from which the examination questions are prepared, if applicable.

A description of the process to be used in selecting personnel for the vacancy.

This promotional announcement shall be as detailed as possible. The announcement will be issued to all eligible personnel by being posted in a prominent location in the Police Building.

Development and Use of Promotional Eligibility Lists

The Lander Police Department establishes criteria and procedures for the development and use of eligibility lists for sworn positions, which include the following, at a minimum:

The numerical weight, if any, assigned to each eligibility requirement

The system of ranking eligible candidates on the lists

Time-in-grade and/or time-in-rank eligibility requirements, if any

The duration of the lists

The method for selecting names from the lists

Promotional Trail Period

Trial Period – Corporal, Sergeant, or Captain

Newly promoted employees shall serve a one-year trial period.

Trial Period – Chief

The Chief of Police shall serve a Trial Period of one (1) year following their date of appointment, or as provided by the provision of the City Charter, or by agreement with the Mayor of Lander.

PERSONNEL FAMILY MEDICAL LEAVE ACT (FMLA)

PURPOSE

To establish a written directive, which provides a uniform procedure for requesting and reporting the Lander Police Department personnel utilizing the provisions of the Family Medical Leave Act ("FMLA.")

POLICY

The Family Medical Leave Act of 1993 entitles eligible members up to 12 weeks of paid or unpaid family/medical leave (in a 12 month period beginning with the date an employee starts a period of FMLA leave) for specified family and medical reasons. The FMLA does not diminish any contractual rights or reduce existing leave of absence benefits exceeding the 12 week mandated leave. Therefore, except as expanded by the FMLA, all existing department leave policies remain in effect.

The City of Lander Human Resources Department will review all written requests for a member's own medical purposes or written requests for family purposes and determine whether the leave being sought qualifies as FMLA leave. The Chief of Police will make the final determination of FMLA approval. If the leave is determined to qualify under FMLA, the leave cannot be denied under any circumstances.

Any absence designated as FMLA leave may not be considered for the purposes of sick time counseling or disciplinary action. Additionally, such absences shall not be considered for the purposes of determining if one qualifies for a perfect attendance award.

DEFINITIONS

Child: A biological, adopted or foster child, stepchild, legal ward, or, in the alternative, a child of a person standing in loco parentis, who is (A) under eighteen years of age; or (B) eighteen years of age or older and incapable of self-care because of a mental or physical disability.

Health care provider: (A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; (B) a podiatrist, dentist, psychologist, optometrist or chiropractor authorized to practice by the state in which such person practices and performs within the scope of the authorized practice; (C) an advanced practice registered nurse, nurse practitioner, nurse midwife or clinical social worker authorized to practice by the state in which such person practices and performs within the scope of the authorized practice; (D) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; (E) any health care provider from whom an employer or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; (F) a health care provider as defined in subparagraphs (A) to (E), inclusive, of this subdivision who practices in a country other than the United States, who is licensed to practice in accordance with the laws and regulations of that country; or (G) such other health care provider as the Labor Commissioner determines, performing within the scope of the authorized practice.

Parent: A biological parent, foster parent, adoptive parent, stepparent, or legal guardian of an eligible employee or an eligible employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a son or daughter.

Serious health condition: An illness, injury, impairment, or physical or mental condition that involves (A) inpatient care in a hospital, hospice, nursing home or residential medical care facility; or (B) continuing treatment, including outpatient treatment, by a health care provider.

PROCEDURE

Introduction

Family Medical Leave under this directive may be taken for one or more of the following reasons:

Upon the birth of a son or daughter of the employee;

Upon the placement of a son or daughter with the employee for adoption or foster care;

In order to care for the spouse, or a son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition;

Because of a serious health condition of the employee; or

In order to serve as an organ or bone marrow donor.

Notice

If the need for family/medical leave is foreseeable, a member must give the Department at least thirty (30) days prior written notice. If this is not possible, the member must at least give notice to their immediate supervisor as soon as practicable (within one to two days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delay of leave.

Additionally, if a member is planning medical treatment, the member must consult with the Department first regarding the dates of such treatment. The required department forms to be utilized are available on the department's Intranet.

If the need for family/medical leave is not foreseeable, the member must give notice as soon as practicable by contacting their immediate supervisor. The member must explain the reasons for the requested leave in order for the supervisor to determine if the leave qualifies under the FMLA.

In many instances, members will not refer to FMLA per se. It is the responsibility of the supervisor to obtain the pertinent information to determine whether an absence is an FMLA qualifying event.

Department personnel must give notice to their immediate supervisor as soon as practicable (generally, within two business days) if the dates of leave change, i.e., leave beginning earlier or later than anticipated, or are extended or were unknown initially. The notice shall be in writing.

Medical Leave

The first twelve (12) weeks of an absence for maternity will count towards the member's annual FMLA allotment. A twelve-week maternity leave may be extended in conjunction with an approved FMLA request. The member can request an extended maternity leave by forwarding an Inter-Office Memorandum through channels to the Chief of Police. A copy of the Inter-Office Memorandum should be forwarded to the City's Human Resources Department. The dates of the approved FMLA leave shall be included on the Inter-Office Memorandum.

Family Care

Department personnel are entitled to up to twelve weeks FMLA for the care of a family member classified as a covered relative in a twelve-month time period. Pursuant to City of Lander policies, Department personnel have an unlimited use of family sick leave, as the employee's sick bank allows, to care for an immediate family member. Thereafter, at the member's option, other non- sick accumulated time (i.e., compensatory, vacation, furlough, etc.) may be used during all or part of the remaining twelve-week leave for the care of a family member classified as a covered relative. In the alternative, a member may elect to be carried absent no pay during the leave period.

Medical Certification

If a member is requesting leave because of their or a covered relation's, serious health condition, the member and the relevant health care provider must supply appropriate medical certification. Medical certification forms are available from the City of Lander Human Resources Department, who will notify the Lander Police Department.

When requesting leave, the Department will notify the Department member of the requirement for medical certification and when it is due. If a Department member provides at least thirty (30) calendar days' notice of medical leave, the member shall also provide the medical certification before the leave begins. Failure to provide requested medical certification in a timely manner might result in denial of leave until it is provided.

The Department, at its expense, may require an examination by a second health care provider designated by the department, if it reasonably doubts the medical certification initially provided. If the second health care provider's opinion conflicts with the original medical certification, the department, at its expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion.

The Department may require subsequent recertification. Failure to provide requested certification within fifteen (15) calendar days, except in extraordinary circumstances, may result in delay of further leave until it is provided.

If it is not practical under particular circumstances to provide the requested certification no later than the fifteen (15) calendar days after the date requested, the member must provide the medical certification within a reasonable period of time under the circumstances involved, but no later than thirty (30) calendar days after the initial request. The failure to provide medical certification as requested will result in the member being carried as absent without leave. An absence without leave for a period of five consecutive days shall be deemed a resignation.

Benefits

During an approved medical/family leave, the Department will maintain personnel health care benefits as if the member continued to be actively employed. If the paid leave is substituted for unpaid family/medical leave, the department will deduct the member's portion of health care premiums as a regular payroll deduction. If the leave is unpaid, the member must pay their portion of health premiums through the City of Lander. To facilitate this process, the member must submit a "Request for Continuation of Health Care Coverage/Deduction Authority" to the City of Lander Human Resources Department.

A member may elect not to have their health care benefits continued while on unpaid FMLA leave. Such election must be made on the form "Request for Continuation of Health Care Coverage/Deduction Authority" and submitted to the City of Lander Human Resources Department.

Intermittent Scheduled Leave

Leave taken due to a serious health condition may be taken intermittently, i.e., reducing the usual number of hours of work per workweek or workday, if medically necessary. If leave taken is paid, the number of hours taken will be deducted from the member's appropriate banks (i.e., compensatory, furlough, sick, etc.). If leave taken is unpaid, the department will reduce the member's pay based on the amount of time actually worked.

While a member is on intermittent or reduced schedule leave, the department may temporarily transfer them to an available alternative position that better accommodates the member's recurring leave and which has equal pay and benefits.

Additionally, the requested intermittent schedule shall contain the specific days and/or hours of leave medically necessary. An intermittent schedule shall be renewed every six months.

Posting Notice

A notice describing the provisions of the Family Medical Leave Act must be posted in a conspicuous location within the Department. The form can be accessed via the Department of Labor's website at http://www.dol.gov/whd/regs/compliance/posters/fmla.htm

Department Designated FMLA Leave

When a Department member notifies a supervisor of the need to utilize leave benefits for him or herself, or a family member that appears would be for an FMLA purpose, i.e., a member is hospitalized, has a serious health condition, or a covered relative has serious health problems, the responsibility lies with that supervisor to notify the member that the leave will be preliminarily designated as FMLA qualifying leave and designate it as such.

If the member does not provide sufficient information for the supervisor to determine whether the reason for leave qualifies, the supervisor shall make further inquiry to ascertain the information. If it is determined that the absence qualifies as an FMLA absence, the City of Lander Human Resources Department will provide a Request for FMLA form, Medical Certification form, and other required documents to the member. Additionally, the supervisor shall ensure that the Chief of Police is notified by telephone no later than the following business day and is provided written documentation concerning the member's preliminary status (i.e., fax, department mail, email, hand delivered). Written notice shall be provided to the Department member and the member's command once it has been determined that the leave qualifies under the FMLA.

Return to Work

When a member returns to work from an FMLA approved absence for their own serious health condition, the department requires a Fitness for Duty Certification from the member's physician. The necessary paperwork is available at the Human Resources Department. Members will obtain the paperwork, complete it, and return it to the Chief of Police.

When a probationary member is on FMLA leave for more than thirty (30) calendar days, the Chief of Police will determine whether the member's probationary period should be extended to cover the member's period of absence from the department.

Failure to Return

If a Department member fails to return to work after a period of five consecutive days after the expiration of an approved FMLA leave, the absence shall be deemed a resignation. FMLA regulations provide that if a member does not return to work after an unpaid FMLA absence during which the City maintained health care benefits, the City can take steps to recover the costs of the premiums paid by the City for such benefits. Exceptions are when the failure to return to work is due to a continuing serious illness of the member, the immediate family, or for special circumstances beyond the control of the member which prevent them from returning to work. In such cases a request to the Chief of Police for a medical leave of absence shall be completed and forwarded through channels. No recovery of insurance premiums can be made for a paid absence.

Record Keeping

Any records and documents relating to medical certifications, re-certifications, or medical histories of members, or their family members, shall be maintained in separate files and treated as confidential medical records. FMLA related records and approved requests for sworn personnel shall be maintained by the Chief of Police. Notifications sent from the Human Resources Department to the Police Department will be kept in the Chief's office. Records relating to FMLA leave shall be retained for three years. All such records shall be available for inspection by representatives of the United States Department of Labor.

PERSONNEL MILITARY LEAVE

PURPOSE

The purpose of this directive is to provide guidelines concerning the rights and responsibilities of the Lander Police Department and its employees regarding an employee's service of duties in the Uniformed Services of the United States.

POLICY

The Lander Police Department is committed to supporting employees in the Uniformed Services. In accordance with federal and state law, it is the Department's policy that no employee or prospective employee will be subjected to any form of discrimination based on that person's membership in or obligation to perform services for any of the Uniformed Services. Specifically, no person shall be denied employment, reemployment, reinstatement, promotion, or any other benefit based on such membership. Any Lander Police Department employee needing information or Military Leave will coordinate such leave through the Chief of Police.

Employees who are members of the Uniformed Services, which includes members of the military Reserves and National Guard, are guaranteed certain civilian job protections under the "Uniformed Services Employment and Reemployment Rights Act" ("USERRA"). The "Uniformed Services" includes the Armed Forces, the Army National Guard, and the Air National Guard, when engaged in active duty for training, inactive duty for training, or full- time National Guard duty; the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency.

This policy provides an outline of rights and expectations. Additional details and information may be obtained by contacting your Human Resources Representative to discuss your specific situation.

DEFINITIONS

Short-Term Military Leave: Any military leave up to 30 days. The 30 days may involve consecutive days or may be fragmented (for example, monthly training exercises).

Extended Military Leave: Any military leave for any period over 30 days and up to 5 years.

Uniformed Services: Armed Forces include the Army, Navy, Air Force, Marines, Coast Guard, and Space Force. Reserve Components include federally recognized National Guard, Air National Guard of the United States, Officers' Reserve Corps, Regular Army Reserve, Air Force Reserve, Enlisted Reserve Corp, Naval Reserve, Marine Corps Reserve, and Coast Guard Reserve Armed Forces, the Army National Guard, and the Air National Guard, and any other category of persons designated by the President in time of war or national emergency.

DISCRIMINATION

A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application, for membership, performance of service, application for service, or obligation. Furthermore, no person will be subjected to retaliation because that person has exercised his or her rights under this directive.

PROCEDURE

Reporting Discrimination

If any employee believes that they have been subjected to discrimination in violation of this directive, the employee should immediately contact a Human Resources Representative for assistance.

Military Leave -- Notice to the Department

An employee who has received written or verbal military orders shall notify their direct supervisor and the Human Resources Department as soon as such orders have been received by employee. The Chief of Police or designee is responsible for coordinating all Military Leave requests with Human Resources.

No advance notice is required if such notice is precluded by military necessity or under circumstances in which the giving of such notice is otherwise impossible or unreasonable.

For military activations of more than 180 days the employee will attend an exit interview with the Chief of Police or designee. During the interview a process for communications during deployment will be established.

Department Property

Employees who will be absent for military leave for more than thirty (30) days will return all issued uniforms and equipment to the Captain no less than twenty-four (24) hours before the start of the military leave.

Scheduling

Requirements for Returning to Work:

Service of 1-30 days: The beginning of the first regularly scheduled work period on the first full day following completion of service and expiration of an 8-hour rest period following safe transportation home.

Service 31-180 day: Application for reinstatement must be submitted no later than 14 days after completion of military duty.

Service of 181 or more days: Application for reinstatement must be submitted no later than 90 days after completion of military duty.

Drill Scheduling Conflicts: In the event that an employee's drill creates an undue hardship on a division's staffing, it is within the supervisor's rights to request the employee request drill be rescheduled or the supervisor reserves the right to contact the employee's military chain of command to see if an agreed upon solution may be worked out. If the military commander determines that the military duty cannot be rescheduled or canceled, the employer is required to permit the employee to perform his or her military duty.

BENEFITS DURING MILITARY LEAVE

Insurance

City of Lander employees are eligible to continue the benefits listed below during your leave of absence. Employees are responsible for either the employee portion of the premiums for each benefit, or the employee and the City's portion of the premiums. Employees will be billed on a monthly basis for any coverage they elect to continue while they are out on leave. The employee will provide a billing address to the personnel department. Employees will also complete a Protected Health

Information (PHI) authorization form designating those individuals who the employee may talk to about any billing or benefits issues during the absence.

If an employee chooses to terminate or change coverage, upon the employee's return from leave of absence, the employee is eligible to enroll into the benefits with no pre-existing conditions or waiting periods. Employees will notify the personnel department of any termination or change of coverage.

Retirement Plan

Upon re-employment, the employee will be credited for purposes of vesting with the time spent in the Uniformed Services. Upon re-employment, the employee may elect to make contributions that the employee would have paid had the employee not entered the Uniformed Services. Employees must contact City of Lander Human Resources in order to properly complete this process.

Vacation

The employee may, at their option, use any or all accrued vacation leave during short term or extended military leave.

Payroll

A regular employee may be granted up to two (2) weeks of Military Training Leave for required annual training as a member of the U.S. military forces. While on Military Training Leave, the employee shall be paid for one-half of their scheduled workdays during the approved leave period. The remaining scheduled workdays during this period, at the employee's option, will be charged to accrued vacation leave, or be taken as leave of absence without pay.

Unused Military Leave: Although military training typically occurs for two weeks in a specific calendar year, there are instances when military training leave is not used in one calendar year, but scheduled for twice in the next calendar year because of differences between the calendar year and the military fiscal year. When this situation occurs, the employee may request that the unused portion of military training leave be applied to the next year's leave, not to exceed ten days of paid military leave in a two year period. Employees are required to make such requests directly to the City of Lander Personnel Department.

ELIGIBILITY FOR EMPLOYMENT RESTORATION

A member of the uniformed services shall be required to meet the following criteria to be eligible for full reemployment restoration with the Department:

The employee must be in compliance with the notification requirement in section V.B.1 above.

The employee's cumulative length of absence, and of all previous absences from a position of employment with the City by reason of their military service, generally cannot exceed five (5) years. Any employee who believes that their cumulative length of absence will exceed five (5) years shall contact Human Resources to determine if there is statutory exception to this general requirement. The five year total excludes certain activity such as inactive duty training (drills) and annual training.

The employee must have, at the time of discharge from active duty, satisfactorily completed their service obligations and the release/discharge must be "honorable," "general," or "under honorable conditions."

The employee must report to, or submit an application for reemployment to, the City in accordance with the following guidelines.

Uniform Service less than 31 days. The employee must report to their direct supervisor within eight (8) hours after the beginning of the first full regularly scheduled work period following the completion

of the period of service. In the event it is impossible or unreasonable, through no fault of the employee, to report before the expiration of the eight hour period, then the employee must report as soon as possible.

Uniform service of 31 to 180 days: The employee must submit an application for reemployment with the City not later than fourteen (14) days after the completion of the period of service unless submitting the application is impossible or unreasonable in which case the employee may submit the application the first full calendar day when the submission of the application becomes possible.

Uniform service for more than 180 days: The employee must submit the application for reemployment with the City not later than ninety (90) days after the completion of the period of service.

An employee who fails to report pursuant to the above requirements will be treated as absent without leave and subject to the Lander Police Department's disciplinary process.

Employees returning from a leave of absence of more than sixty (60) days will undergo the following reindoctrinating process:

A thorough review of applicable laws, regulations, and operating procedures, particularly those initiated during the employee's leave of absence, and familiarization with operations of their division.

Recertification and requalification with equipment and instruments necessary in the performance of regular duties, e.g., firearms, impact weapons, chemical agents, first aid, breath testing equipment, etc. If certification is not expired, the employee must still demonstrate to a qualified instructor or supervisor the ability to properly use equipment.

RETURN FROM DUTY

Employees who were deployed in a designated combat area or where hostile action occurred will be subject to post-deployment psychological evaluation and physical examination by designated Department physicians. This process is an early intervention technique designed to identify officers who may be suffering from "combat stress." Results of examinations are kept confidential and any further treatment will be coordinated through the military.

Supervisors should be cognizant to the fact that "combat stress" may occur in military personnel returning from active duty in a combat zone and should be observant for any of the following indicators:

- Anger
- Irritability
- Difficulty concentrating
- Loss of confidence
- Sadness
- Isolation
- Fear

Early intervention is key to effectively reducing "combat stress" reactions and the onset of Post-Traumatic Stress Disorder.

EMPLOYEE REINSTATEMENT RIGHTS

A person returning from uniformed service shall be promptly re-employed in a position of employment in accordance with the following order of priority:

Uniformed Service less than 91 days

The employee will be employed in the position which they would have been employed with the Lander Police Department had not his/her employment been interrupted by uniformed service; or

If the employee is not qualified to perform the position described immediately above after reasonable efforts are made to qualify them, then the employee will be employed in the position of employment in which they were employed on the date of commencement of the service.

Uniformed Service more than 90 days

The employee will be employed in the position of employment in which they would have been employed with the Lander Police Department had not their employment been interrupted by uniformed service or a position of like seniority, status, and pay, the duties of which the employee is qualified to perform; or

If the employee is not qualified to perform the duties referred to immediately above after reasonable efforts are made to qualify them, in the position of employment in which they were employed on the date of the commencement of service, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.

In the event the employee is not qualified to be employed as set forth in 1 and 2 above and, after reasonable efforts are taken by the City, the employee will be employed to a position of equivalent pay and benefits.

ADDITIONAL INFORMATION & RESOURCES

Additional information may be obtained from the United States Department of Veterans' Affairs by calling (800) 827-1000 or through their web site at www.va.gov. The booklet “Federal Benefits for Veterans and Dependents” is available on the web site or from the Veterans' Affairs office nearest you.

Please note that the information provided in this directive is intended only to provide a summary of some of the benefits available to employees on military leave in an easy-to-understand format. It is not intended to provide full descriptions of all applicable laws, benefits plan or programs, terms of eligibility, or plan restrictions.

Additional information can also be found from the United States Department of Labor, Veterans’ Employment and Training Service website. Specifically available is information regarding the Uniformed Services Employment Reemployment Rights Act (USERRA).

PERSONNEL LINE OF DUTY DEATHS

PURPOSE

The purpose of this General Order is to establish Lander Police Department procedures that will ensure the proper support and emotional care for an officer's family following a line of duty death.

POLICY

It is the policy of the Lander Police Department to provide liaison assistance to the immediate survivors of any officer who dies in the line of duty. This assistance will be provided whether the death was felonious or accidental while the officer was performing a police-related function, either on or off duty, and while the officer was an active member of the Department. The Chief of Police may institute certain parts of this order for cases of an officer's natural death. The Department will also provide a clarification and comprehensive study of survivor benefits as well as other tangible and intangible emotional support during this traumatic period of readjustment for the surviving family. Funeral arrangements of the deceased officer are to be decided by the family, with their wishes taking precedence over the Department's.

DISCUSSION

Coordination of events following the line-of-duty death of a police officer is an extremely important and complex responsibility. Professionalism and compassion must be exhibited at all times as an obligation to the officer's survivors and to the law enforcement community. In order to provide the best possible services and support for the officer's family, specific tasks may be assigned to selected members of the Department. Their titles are:

- Notification Officer
- Hospital Liaison Officer
- Family Liaison Officer
- Department Liaison Officer
- Benefits Coordinator

An explanation of each of these responsibilities is contained in this General Order. An officer may be called upon to perform more than one role.

PROCEDURE

Notification

It shall be the responsibility of the Chief of Police to properly notify the next of kin of an officer who has suffered severe injuries or died. The Chief of Police shall personally make the notification and act as the NOTIFICATION OFFICER.

The Department MUST NEVER release the name of the deceased officer before the immediate family is notified.

If there is knowledge of a medical problem with an immediate survivor, medical personnel should be available at the residence to coincide with the death notification.

Notification MUST ALWAYS be made in person and never alone. The Chief of Police or a representative, police chaplain, close friend, or another police survivor could appropriately accompany the NOTIFICATION OFFICER. However, if the aforementioned persons are not readily accessible, notification should not be delayed until these people can gather. If there is an opportunity

to get to the hospital prior to the death of the officer, the Notification Officer shall NOT wait for the delegation to gather. The family should learn of the death from the Department FIRST and not from the press or other sources.

Officers shall NEVER make a death notification on the doorstep. Ask to be admitted to the house. Officer should inform family members slowly and clearly of the information that you have. If specifics of the incident are known, the NOTIFICATION OFFICER should relay as much information as possible to the family. Officers should be sure to use the officer's name during the notification.

If the officer has died, relay that information. Never give the family a false sense of hope. Use words such as "died" and "dead" rather than "gone away" or "passed away."

If the family requests to visit the hospital, they should be transported by police vehicle. It is highly recommended that the family NOT drive themselves to the hospital. If the family insists on driving, an officer should accompany them in the family car.

If young children are at home, the NOTIFICATION OFFICER should help arrange for babysitting needs. This may involve co-workers, spouses, transportation of children to a relative's home, or a similar arrangement.

Prior to departing for the hospital, the NOTIFICATION OFFICER should notify the hospital staff and the HOSPITAL LIAISON (by telephone if possible) that a member(s) of the family is en route.

The deceased or severely injured officer's parents should also be afforded the courtesy of a personal notification if possible.

If immediate survivors live outside the Lander City area, the NOTIFICATION OFFICER will ensure that the Communications Division sends a teletype message to the appropriate jurisdiction requesting a PERSONAL notification. The NOTIFICATION OFFICER shall call the other jurisdiction by telephone in addition to the teletype message. Arrangements should be made to permit telephone contact between the survivors and the NOTIFICATION OFFICER upon the survivors being informed of the officer's death.

The Chief of Police should respond to the residence or the hospital to meet with the family, as quickly as possible.

In the event of an on-duty death, the external monitoring of police frequencies may be extensive. Communications regarding notifications should be restricted to the telephone whenever possible. If the media has somehow obtained the officer's name, they should be advised to withhold the information, pending notification of next of kin.

Assistance for Affected Officers

Officers who were on the scene or who arrived moments after an officer was critically injured or killed should be relieved as soon as feasible and preferably after they have been interviewed regarding the circumstances of the incident.

Police witnesses, other officers, and the officer's family members who may have been emotionally affected by the serious injury or death of another officer will attend a Critical Incident Stress Debriefing held by a trained mental health professional.

Assisting the Family at the Hospital

The first supervisor, other than the Chief or his representative, to arrive at the hospital becomes the HOSPITAL LIAISON. The HOSPITAL LIAISON is responsible for coordinating the activities of

hospital personnel, the officer's family, police officers, the press and others. These responsibilities include:

Arrange with hospital personnel to provide an appropriate waiting facility for the family, the Chief of Police, the NOTIFICATION OFFICER, and only those others requested by the immediate survivors.

Arrange a separate area for fellow police officers and friends to assemble.

Ensure that medical personnel relay pertinent information regarding an officer's condition to the family on a timely basis and before such information is released to others.

Notify the appropriate hospital personnel that all medical bills relating to the injured or deceased officer be directed to the City of Lander, Department of Human Resources. The family should not receive any of these bills at their residence. This may require the HOSPITAL LIAISON to re-contact the hospital during normal business hours to ensure that proper billing takes place. Ensure that the family is updated regarding the incident and the officer's condition upon their arrival at the hospital.

Arrange transportation for the family back to their residence.

If it is possible for the family to visit the injured officer before death, they should be afforded that opportunity. A police official should "prepare" the family for what they might see in the emergency room and should accompany the family into the room for the visit if the family requests it. Medical personnel should advise the family of visitation policies and, in the event of death, explain why an autopsy is necessary.

The NOTIFICATION OFFICER(S) should remain at the hospital while the family is present.

Officers should not be overly protective of the family. This includes the sharing of specific information on how the officer met his/her demise, as well as allowing the family time with the deceased officer.

Support of the Family During the Wake and Funeral

The Chief of Police, or a designee, will meet with the officer's family at their home to determine their wishes regarding departmental participation in the preparation of the funeral or services. All possible assistance will be rendered.

With the approval of the family, the Chief will assign a FAMILY LIAISON Officer. The Chief will also designate a DEPARTMENT LIAISON Officer and a BENEFITS COORDINATOR.

Family Liaison Officer

The selection of a FAMILY LIAISON Officer is a critical assignment. An attempt should be made to assign someone who enjoyed a close relationship with the officer and his family.

This is not a decision-making position but a role of "facilitator" between the family and the Lander Police Department.

Responsibilities of the FAMILY LIAISON Officer:

Ensure that the needs of the family come before the wishes of the Department.

Assist the family with funeral arrangements and make them aware of what the Department can offer if they decide to have a police funeral. If they choose the latter, brief the family on funeral procedure (i.e., 21-gun salute, presenting the flag, playing of taps).

Apprise the family of information concerning the death and the continuing investigation.

Provide as much assistance as possible, including overseeing travel and lodging arrangements for out-of-City family members, arranging for food for the family, meeting childcare and transportation needs, etc.

Be constantly available to the family.

Determine what public safety, church, fraternal and labor organizations will provide in terms of financial assistance for out-of-City family travel, food for funeral attendees following the burial, etc.

Notify Concerns of Police Survivors (C.O.P.S.), Members are available to provide emotional support to surviving families.

Notify The 100 Club.

Carry a cell phone at all times and provide the number to the family.

Department Liaison Officer

This position is normally assigned to a Supervisor because of the need to effectively coordinate resources throughout the Department.

DEPARTMENT LIAISON OFFICER Responsibilities:

Work closely with the FAMILY LIAISON Officer to ensure that the needs of the family are fulfilled.

Handle the news media throughout the ordeal. If the family decides to accept an interview, an officer should attend to "screen" questions presented to the family so as not to jeopardize subsequent legal proceedings.

Meet with the following persons to coordinate funeral activities and establish an itinerary:

1) Chief of Police and Mayor;

2) Funeral Director;

3) Family priest or minister;

4) Cemetery Director; and

5) Honor Guard.

Direct the funeral activities of the Department and visiting police departments according to the wishes of the family.

Issue a teletype message to include the following:

Name of deceased;

Date and time of death;

Circumstances surrounding the death;

Funeral arrangements (state if service will be private or a police funeral);

Uniform to be worn;

Expressions of sympathy in lieu of flowers; and

Contact person and phone number for visiting departments to indicate their desire to attend and to obtain further information.

Obtain an American flag and Departmental flags. If the family wishes a flag presentation by the Chief of Police.

If the family desires a burial in uniform, select an officer to obtain a uniform and all accouterments (except weapons) and deliver them to the funeral home.

Assign members for usher duty at the church.

Arrange for the delivery of the officer's personal belongings to the family.

Brief the Chief of Police and staff concerning all funeral arrangements.

Ensure that the surviving parents are afforded recognition and that proper placement is arranged for them during the funeral and procession.

Arrange for a stand-by doctor for the family, if necessary.

Coordinate traffic management, with other jurisdictions if necessary, during the viewing, funeral and procession. Arrange for a tow truck to be available along the procession route.

Assign an officer to remain at the family home during the viewing and funeral.

Maintain a roster of all departments sending personnel to the funeral, including:

Name and address of responding agency;

Name of the Chief of Police;

Number of officers responding;

Number of officers attending the reception after the funeral; and

Number of vehicles.

Assist and coordinate with available non-profit organizations in making the necessary accommodations (food, lodging, etc.).

Acknowledge visiting and assisting departments

Arrange for the Patrol Division to conduct routine residence checks of the survivor's home for 6-8 weeks following the funeral. This service is necessary since large amounts of money may pass through the residence and the survivors will be spending much time away from the home dealing with legal matters.

Benefits Coordinator

The BENEFITS COORDINATOR will gather information on ALL benefits/funeral payments available to the family. The BENEFITS COORDINATOR has the Department's full support to fulfill this responsibility to the survivors and is completely responsible for filing the appropriate benefit paperwork and following through with the family to ensure that these benefits are being received.

The BENEFITS COORDINATOR is responsible for:

Filing Worker's Compensation claims and related paperwork.

Contacting the appropriate City of Lander Offices without delay to ensure that the beneficiary receives death and retirement benefits, the officer's remaining paychecks and payment for remaining vacation and compensatory time.

Gathering information on all benefit/funeral payments that are available to the family.

Setting up any special trust funds or educational funds.

Notifying police organizations such as 100 Club, Silver Shield Association, etc., of the death and to ensure that any and all entitlements are paid to the beneficiary(s). These agencies may also offer legal and financial counseling to the family at no cost.

Preparing a printout of the various benefits/funeral payments that are due to the family, listing named beneficiaries, contacts at various benefits offices, and when they can expect to receive payment.

Meeting with the surviving family a few days after the funeral to discuss the benefits they will receive. A copy of the prepared printout and any other related paperwork should be given to the family at this time.

If there are surviving children from a former marriage, the guardian of those children should also receive a printout of what benefits the child(ren) may be receiving.

Attention should be given to the revocation of health benefits. The majority of health benefit providers allow a 30-day grace period before canceling or imposing monthly payments upon survivors.

Meeting again with the family in about six (6) months to make sure that they are receiving benefits.

Continued Support for the Family

Lander Police Department members must remain sensitive to the needs of the survivors long after the officer's death. There is no timetable to a survivor's grief process. More than half of the surviving spouses can be expected to develop a post-traumatic stress reaction to the tragedy.

Survivors should continue to feel they are a part of the "police family". They should be invited to Police activities to ensure continued contact.

Department members are encouraged to keep in touch with the family. Close friends, co-workers and officials should arrange with the family to visit the home from time to time so long as the family expresses a desire to have these contacts continue.

The Chief of Police should observe the officer's death date with a short note to the family and/or flowers on the grave.

Holidays may be especially difficult for the family, particularly if small children are involved. Increased contact with the survivors and additional support is important at these times.

The FAMILY LIAISON acts as a long-term liaison with the surviving family who ensures that close contact is maintained between the Department and the survivors and that their needs are met for as long as they feel the need for support.

If no court proceedings surround the circumstances of the officer's death, the FAMILY LIAISON will relay all details of the incident to the family at the earliest opportunity.

If criminal violations surround the death, the FAMILY LIAISON will:

Inform the family of all new developments prior to press release;

Keep the family apprised of legal and parole proceedings;

Introduce the family to victim assistance specialists of the court;

Encourage the family to attend the trial, and accompany them whenever possible; and

Arrange for investigators to meet with the family at the earliest opportunity following the trial to answer all their questions.

Funeral Protocol

All members will maintain an excellent personal appearance. Uniforms and equipment must be in outstanding condition.

Uniforms

Class A uniform (long sleeve, tie, hat)

Members of the Honor Guard and pallbearers will wear white gloves.

A black sash will be worn across the badge.

Funeral Services

The Office of the Chief may:

Contact the Wyoming Highway Patrol, the Fremont County Sheriff's Office or other regional agencies for assistance with funeral arrangements, if so desired by the family.

Request from The Mayor that the United States and State flags be flown at half-staff at municipal government buildings from the time of death through the day following the funeral.

Prepare condolence cards for issuance to all members of the immediate family and, as appropriate, in accordance with the family's wishes, direct the establishment of a memorial fund in the name of the deceased employee.

Members who attend the funeral services will report to a predesignated assembly point away from the place of services for inspection and briefing.

Upon entering the building, members will remove their uniform hats, place them under their left arm, hat brim forward, and move in an orderly manner to the place reserved for them.

Members will remain standing until all members are in their places and the command, "BE SEATED," is given.

Members will sit with their hats upright in their laps, maintaining a military bearing throughout the service.

At the end of the service, members, upon receiving the command, "OFFICERS RISE", will rise in unison and place their hats under their left arm preparatory to filing past the casket. They will hold their hats in this position until they have passed the casket and arrived outside.

Upon leaving the building, members will replace their hats and assemble in formation at right angles to the hearse.

Two ranks will be formed facing each other, leaving an aisle through which pallbearers and the casket may pass.

Members will be formed by height. They will normally be dressed at extended intervals but may be dressed at close intervals if space is limited.

While waiting in formation, members will stand at parade rest.

When the casket comes into view, the formation will be called to attention. The next command will be "PRESENT ARMS". All members salute and hold this salute until the casket is placed in the hearse. At this time, the command, "ORDER" ,"ARMS," will be given and members will return their hands to their sides.

After the doors of the hearse are closed, the command “FIRST RANK (passenger side of hearse), RIGHT FACE” and “SECOND RANK, (driver’s side of hearse) LEFT FACE”, is given so that the two columns are facing the hearse.

The Commander will then dismiss the formation with the command, “OFFICERS DISMISSED”. The members will break ranks and leave in a quiet and orderly manner.

Members will then take their assigned places in the motorcade and proceed to the cemetery.

Gravesite Services

Members will report to the places that have been reserved for them immediately upon arrival at the gravesite. Officers will stand in formation at parade rest.

Just prior to the 21-gun salute and taps, officers will be brought to attention. The command “PRESENT ARMS” will be given. When the 21-gun salute and taps have concluded, the command “ORDER ARMS” will be given. Members will remain at attention until the officer in charge issues the command “OFFICERS DISMISSED”.

Honors Accorded

Any Lander Police Department officer, who dies in the line of duty, will be accorded full honors, if requested by the survivors. This will include the casket watch during viewing, honor guard, pallbearers, firing squad, taps, military flag fold and presentation and motor escort. A bagpiper will also be made available if requested.

The Captain is responsible for coordinating and directing the activities of the Honor Guard, casket watch, pallbearers, firing squad, bugler, bagpiper and flag presentation.

Casket Watch

The casket watch is usually comprised of officers from the Honor Guard. However, volunteers may stand watch at the discretion of the Captain. Officers who are assigned to the casket watch must present an excellent uniform appearance and conform to all current grooming regulations.

The dress uniform, including hat, blouse and white gloves, will be worn for the casket watch. The watch will be divided into shifts with two officers standing thirty minutes at a time.

If the family wishes, an informal watch can take place after the viewing has been concluded for the day.

The casket watch moves in slow cadence. This includes marching, movements and saluting. The official will post the watch and the officers will position themselves at or near the head and feet of the deceased officer.

Honor Guard

Members of the Honor Guard will assemble at a location near the service (church, funeral home, or cemetery) for inspection by the Chief of Police, or designee

Commands will be executed by the Honor Guard Commander.

Pallbearers

If pallbearers are requested by the family, they will be selected by the Chief of Police, or designee

Pallbearers will be under the direction of the Honor Guard commander. They will report to the funeral home as directed for instructions and seating arrangements.

Department Honors for Employees Killed in the Line of Duty

The Department will:

Dedicate a plaque in honor of the deceased employee to be mounted in a place of honor.

Award the Department Medal of Valor, posthumously to the employee and present the same to the immediate family at a proper ceremony.

Retire the deceased employee's badge number.

Ensure that the appropriate department chaplain will arrange an annual memorial service to honor employees who have given their lives in service to the department.

Notify the Wyoming Police Memorial Committee of the for inclusion on the police memorial.

PERSONNEL EXTRA DUTY ASSIGNMENTS AND OFF-DUTY EMPLOYMENT

PURPOSE

This General Order provides Lander Police Department personnel guidelines concerning department and private duty overtime assignments.

POLICY

It is the policy of the Lander Police Department ("Department") to provide guidelines to members regarding department and private duty police assignments and to establish procedures to maintain accountability for the welfare of the Department, its employees, and the public.

DEFINITION

Employment: The provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer charity work.

Secondary Employment/Extra Duty Assignment: Activities outside of normal work schedules performed by members of the Department in which the member engages in approved police activities performed by contract, and where payment is made by an approved third-party employer to the member, and where the approved secondary employment activities are managed through the Chief of Police.

Secondary Employment/Outside Employment: Employment that is not of a law enforcement nature in which vested police powers are not a condition of employment requiring no real or implied law enforcement service to the off-duty employer.

PROCEDURE – Extra Duty Assignments

General Procedures

Lander Police Department personnel may not work more than sixteen (16) hours of regular duty, department and/or private duty overtime or any combination thereof within any 24-hour period except in the event of emergency conditions. All Lander Police Department personnel must have a minimum of a consecutive eight-hour rest period between scheduled assignments.

The Department must approve all secondary employment/extra duty assignments. The Chief of Police or designee may refuse any work request that may bring disrepute on the agency or involves duties that would not be appropriate for agency personnel.

Members of the department working a private duty assignment are considered on duty. Therefore, members shall be bound by all department rules and directives and will be paid through the City of Lander payroll.

All Department and private duty work that is scheduled in advance shall go through the Chief of Police or his/her designee.

Any modification of department or private duty work assignments (including changes in hours, number of officers, duties, etc.) must be authorized by a supervisor.

The supervisor authorizing these changes shall notify the Chief of Police in writing.

Sign-Up Procedures

Extra-duty employment must be scheduled in a manner that does not conflict or interfere with the member's regular assigned hours.

Officers shall submit a written request for off-duty employment to the Chief of Police for approval, prior to engaging in such employment.

Completing the off-duty employment approval form shall make all requests for approval of off-duty employment. The original form and two copies shall be submitted. The original will be returned to the submitting officer, a copy will be placed in the chief's office file and a copy will be placed in the employee's personnel file.

Permission for a member to engage in outside employment may be revoked where it is determined pursuant to departmental procedure that such outside employment is not in the best interest of the department.

A member engaged in any off-duty employment is subject to call-out in case of an emergency, and may be expected to leave his off-duty or extra-duty employment in such situations.

PROCEDURES – Outside Employment

General Considerations

To maintain the integrity of the Department and its employees, the Department prohibits its employees from participating in Outside Employment having a potential for conflicts of interest, the appearance of conflicts of interest, or that which would tend to lower the dignity of the profession. Therefore, employees are prohibited from:

Performing tasks other than those of a law enforcement nature while in police uniform.

Participating in professional sporting events where there is a substantial risk of serious injury, without prior written approval of the employee's supervisor.

Repossessing or towing vehicles, acting as a process server or bill collector, or in any other employment in which police authority might tend to be used to collect money, merchandise, etc., for private purposes of a civil nature.

Employment which requires access to police information (files, records, or services) as a condition for employment; except where specific approval for such use has been authorized by the commander having control over such information.

Employment which results in other qualified persons being deprived of "rightful" employment and which results in a justified complaint. The Department will be the sole judge in these matters.

Employment which assists in the case preparation for the defense in any criminal action or proceeding.

Employment directly for or on behalf of establishments that sell or dispense intoxicating beverages. The Chief of Police, or designee, may grant an exception to this prohibition if the employer is a business association that has received specific authorization from the Department to hire off-duty officers. Under no circumstances will authorization be granted for a direct employer/employee relationship between nightclubs and officers. The Chief of Police may grant an exception to this prohibition under the following conditions:

The employer's main activity is not the sale or consumption of alcohol (athletic events, hotel operation, etc.); or

The employer is the State of Wyoming and the state-operated facility where the work is to be performed allows the sale but not the on-premises consumption of alcoholic beverages.

Owning, operating, managing, or having a financial interest in: a business providing security services where the employee utilizes his/her color of office, position of employment, or access to Department

information, files, records, or services for private or business gain; and/or a private investigation business.

Performing police functions in uniform for a private employer beyond the jurisdiction of the corporate limits of the City, without prior written approval of the outside police agency having jurisdiction.

Employment directly for, or on behalf of, an establishment that is licensed for or provides adult entertainment.

Employment involving any form of gambling, including, but not limited to, cards, bingo, raffles, “Reno Nights”, etc.

Any other employment activity not herein defined where there is a law enforcement obligation for close police scrutiny, or that would tend to lower the dignity of the police profession or creates conflicts of interest or the appearance thereof.

Approval Required

Any employee seeking Outside Employment as defined above will provide the Chief of Police with a memo outlining the following information:

Name, address and contact information of the employer;

Expected hours of work;

Type of work to be completed; and

The anticipated length of employment

All requests must be submitted and approved, in writing, by the Chief of Police prior to engaging in such employment.

The memo will be attached to the “Off-duty employment approval” form. The original form and two copies shall be submitted. The original will be returned to the submitting officer, a copy will be placed in the Chief’s office file and a copy will be placed in the employee’s personnel file

The Chief of Police may deny requests for outside employment that would interfere with an employee’s ability to complete their responsibilities as an employee for the City of Lander or where the work conducted is in conflict with the values and objectives of the Lander Police Department.

If the Chief of Police approves a request for outside employment, such approval may be rescinded if it is determined that the employee’s outside employment activities are resulting in unsatisfactory work performance such as excessive tardiness or other misconduct.

Permission for a member to engage in outside employment may be revoked where it is determined pursuant to departmental procedure that such outside employment is not in the best interest of the department.

A member engaged in any off-duty employment is subject to call-out in case of an emergency, and may be expected to leave his off-duty or extra-duty employment in such situations.

Personnel Awards and Commendations

PURPOSE

The purpose of this policy is to establish a formal awards and commendation program to recognize and commend Lander Police Department officers who have performed in an outstanding manner.

POLICY

The Lander Police Department ("Department") recognizes the value of all its members. Outstanding performance by any individual or group within the department should be recognized. This policy is intended to give recognition to those officers whose efforts are above and beyond the duties or service normally expected. Award and specialty pins will be issued in recognition of acts of valor, for bravery, exceptional service, lifesaving acts or attempts, or superior achievements by officers or others, and the attainment of special skills or qualifications.

PROCEDURE

Recommendation for Awards

Any employee with personal knowledge of any act, achievement, or service, which may be cause for an award, shall notify his or her commander in writing of the circumstances, within thirty (30) days of the act or whenever the act became known.

A commander receiving notice of outstanding performance by any department employee or any other person shall submit a recommendation to the Awards Committee to grant an appropriate award, whenever an award appears suitable.

Favorable recommendations shall be submitted on a memorandum and shall include the appropriate supporting materials.

If the act occurred in another command, appropriate information shall be forwarded to that commander.

If thirty (30) days passes prior to completing an investigation of the circumstances, a written request may be submitted to the employee's commander for a 30-day extension.

Awards Committee

An Awards Committee, appointed by the Chief of Police and consisting of the Captain, two Sergeants, and a police officer, shall evaluate nominations and recommend to the Chief awards to be conferred

The Awards Committee will meet in April, but the Chief of Police or a designee may order a meeting of the board at any time.

The Awards Committee will review all applications received.

The Awards Committee shall either endorse an application, recommend a higher or a lower award, or no award.

A majority vote is required for any final decision.

If a member of the Board of Awards submits an application or becomes an award candidate, that member shall not vote

All recommendations will be forwarded to the Chief of Police.

Any decision of the Awards Committee may be appealed to the chairman, in writing, within thirty (30) days of notification by the submitting commander.

If any Commander submits a written appeal of an Awards Committee decision, an Awards Committee hearing shall be held within thirty (30) days.

If the hearing does not resolve the issue, the Awards Committee will forward the application to the Chief of Police or designee with recommendations from both the Awards Committee and the appealing commander.

The Chief of Police shall be the final arbiter of any dispute.

A copy of the award recommendation shall be directed to the submitting commander, who shall then notify the recipient of the recommendation.

The names of awards recipients shall be published in a personnel order, with a copy of the award and placed in each recipient's personnel file.

All personnel receiving awards shall have a notation reflecting same, placed in their respective personnel files.

Awards Presentation

Awards will normally be presented annually during a special awards ceremony. Attendance at this function is mandatory for all Supervisors.

Awards may be presented posthumously to the next of kin.

Authorized Awards

Department Medal of Honor: The Department Medal of Honor may be awarded to the member of the department who intelligently and in the line of police duty outstandingly distinguishes himself by the performance of an act of gallantry and intrepidity at imminent personal hazard of life with knowledge of the risk above and beyond the call of duty.

Class A Uniform: A silver medal inscribed with the word “HONOR” and suspended from a red ribbon.

Class B Uniform: Red service bar.

Combat Medal: The Department Combat Medal may be awarded for the intelligent performance of an act of heroism while engaged in personal combat with an armed adversary while facing imminent personal hazard of death or serious injury.

Class A Uniform: A _____

Class B Uniform: _____service bar.

Medal of Bravery: The Department Medal of Bravery may be awarded for an act of personal bravery intelligently performed involving personal risk of life or involving grave personal danger.

Class A Uniform: White, Blue, and Red service bar

Class B Uniform: White, Blue, and Red service bar

Meritorious Service: The Department Meritorious Service Award may be awarded for a highly unusual accomplishment under adverse conditions in which a degree of hazard to life to the nominee or where death or injury to a third party is prevented.

Class A Uniform: Green and White service bar

[insert image of service bar, if available]

Class B Uniform: Green and White service bar

[insert image of service bar, if available]

Life Saving: The Department Life Saving Award may be awarded for an act performed which through prompt and alert action, results in saving a life.

Class A Uniform: Red and White service bar

Class B Uniform: Read and White service bar

Exceptional Service: The Department Exceptional Service Award may be awarded for a highly creditable accomplishment bringing public acclaim to the officer, the department, or the police profession, or for submission of a device or method adopted by the department to increase efficiency in administrative or tactical procedures.

Class A Uniform: Red and White service bar

Class B Uniform: Read and White service bar

Letter of Commendation: An act or service of special value or interest and involving devotion to duty and an important accomplishment. Considerations: (1) Number and type of arrests; and/or (2) Successful completion of complex assignments or programs bringing credit to the Department.

Lander Police Citizen Award/Commendation: The Department Civilian Award/Commendation may be awarded to a civilian who has rendered assistance to a member of this department in an emergency or who has rendered outstanding assistance to the department as a whole.

PERSONNEL BENEFITS

PURPOSE

The purpose of this General Order is to acknowledge various benefits provided by personnel rules and this General Order.

POLICY

It shall be the policy of the Lander Police Department to provide support services to sworn personnel, which recognize the special nature and demands of the police function.

PROCEDURE

The Lander Police Department's salary program is covered within the respective employee's City of Lander Employee Handbook and includes provisions for:

Entry level salary;

Salary differential within ranks;

Salary differential between ranks;

Salary levels for employees with special skills if applicable;

~~Use of compensatory time~~;

Overtime policy; and

~~Salary augmentation such as education pay or bonus for hazardous duty~~

Premium pay associated with grant shift

Holiday premium pay

Sick Leave

Holiday and Vacation Leave

Unpaid leave and other administrative leave.

Family Medical Leave

Short-Term Military Leave

Disability and death programs.

Employee educational benefits, if any.

Retirement

The City of Lander provides retirement benefits through the State of Wyoming Retirement. Department employees who meet the retirement plan requirements may opt to retire in conformance with the City's retirement program.

Overtime and Compensatory Time

Provisions concerning overtime and compensatory time are covered within the employees' City Employee Handbook.

In those cases where an employee wishes to attend an event that is work- related but attendance is not required, or the activity involves a specialized regional unit, the employee's supervisor may determine whether the activity will be compensated through a schedule change, compensatory time or overtime.

Liability Protection

Employees are indemnified by the City of Lander for actions committed within the scope of their employment that are not malicious, willful or wanton.

Employees have a duty to cooperate with the City and its agents in the defense of any claims for which they are indemnified.

Employee Assistance Program

The City maintains an Employee Assistance Program (EAP) through the Human Resources Department. This benefit is available to all employees and their family members.

PERSONNEL EARLY WARNING SYSTEM

PURPOSE

The purpose of this general order is to establish guidelines and procedures related to the Lander Police Department's Personnel Early Warning System.

POLICY

It is Lander Police Department ("Department") policy to promote overall wellness among the employees of the Lander Police Department. Employees are the most important resource of the department. Supervisors will make an effort to identify employees who may have concerns that negatively impact their ability to effectively do their job and will make every effort to help resolve these concerns.

PROCEDURE

Supervisor Responsibilities

First line supervisors will be alert to the extent possible, for potential problems that may negatively affect an employee's level of performance. Supervisors will use indicators to determine whether there is a pattern of activity that may indicate the existence of a problem. When Supervisors become aware of a potential Early Warning problem, either through their own observations or through reports of other officers, the supervisor may attempt to address the situation in an informal manner or bring the issue to the chain of command.

Early Warning Indicators

Allegations of Misconduct: the number of allegations; the number of substantiated complaints; the profile of the complainant; the number of off-duty events; and a pattern of allegations.

Number of Use of Force Incidents (including K9 bites): the number of allegations; the types of force used; the comparison year to year.

Preventable Motor Vehicle Accidents (the highest area of police liability): the seriousness of the accident; the type of violation or activity that lead to the accident, i.e., backing up in a parking lot or the result of a pursuit.

Civil Litigation: the number and types of lawsuits; the findings from the suits; the adverse effects of media attention, if any.

Notices of Intent to Sue: the number and types of intent to sue notices; the findings from the suits; the adverse effects of media attention, if any.

Abuse of Sick Leave (a big red flag): the number of sick days; the type of illness (specific or vague); the remaining number of sick days; the days of the week, i.e., always Monday, always Friday.

Habitual Tardiness: the number of tardy days; the typical reasons given (excuses); the number of times verbally (informally) warned.

On-Going Poor Performance (retired on-duty): the exact nature of the performance problem; the relative severity of the problem; articulable attitude issues.

Inability to Work with Co-Workers: the number of complaints; the nature of the inability, i.e., mouthy or openly hostile. (This may be a fitness-for-duty issue. If the officer cannot work with other officers, can they work with citizens?)

Unusual Behavior: Officer takes unnecessary risks that endanger self or co-workers; inappropriate language or conduct (that may lead to harassment or hostile workplace discrimination issues); out-of-character behavior; excessive overtime or extra duty or off-duty job (profound need for more money, opening the door for bribery or other criminal conduct).

Injured Time: the number and type of injuries; the type of events leading to those injuries; the severity of the injuries (minor, major); on-duty or off-duty events (where an off-duty injury may become an on-duty expense).

Discretionary Arrests: the number and type of arrests (looking for a high number of "contempt of cop" arrests); the number of resisting arrests.

Incidents of Workplace Violence (in the locker room, in the office, on the street): the number and type or severity, i.e., push versus punch. (This kind of physical violence may also be noted under Unusual Behavior or Inability to Work with Others.)

Being the Subject of a Criminal Investigation (either misdemeanor or felony): the nature of the investigation; whether suspended with pay (misdemeanor) or without pay (felony). (in either case, remove from field operations.)

Garnishment of Wages (same money concern as Unusual Behavior, above, but more critical): review the assignment and re-assign if assigned to property room or undercover operations.

Being the Subject of a Restraining Order: the nature of the court order (this may affect the ability of the officer to carry a firearm.)

Prisoner Problems, Reports of Complaints from Prisoners, including Prisoner Transport issues: the number and type of complaints. (Investigate these even if they seem very hard to believe.)

Traffic and Pedestrian Stop Data (including inappropriate patterns and/or complaints): the demographic of the data, i.e., teen girls, etc. (Look for a pattern that fits the complaint profile

Other Factors: Supervisors know the officers under their command. If the supervisor notices other unusual or peculiar behavior, mood changes or attitude changes, these may be signs that intervention may be necessary.

<u>Documentation</u>

Whenever a supervisor observes a behavior that they believe requires intervention efforts, they shall forward a report in writing to the Captain or the Chief of Police. The report shall include:

Details of the behavior or pattern of behaviors that raise the concern

Any witnesses or other information pertinent to the behavior

The Captain upon receiving a report requesting intervention action shall evaluate the information and notify the Chief of Police. Special attention should be paid to any officer who has more than two trigger events in any one category (above) or three trigger events overall during an evaluation period. All information regarding the early Warning System shall be maintained by the Chief of Police.

The Chief of Police shall review all relevant information and shall determine the appropriate measures to address the particular concerns which are affecting the employee's performance. These measures may include but not be limited to:

Referral to Employee Assistance Program

Training/Counseling sessions with designated department personnel

Recommending medical and or psychological evaluation/testing

Recommending negative discipline

In addition to the above procedures, twice per year the Investigations Captain or other supervisor designated by the Chief of Police shall review reports and other departmental documentation, such as:

Citizen Complaints

Disciplinary Actions

Use of Force Incidents

Internal Affairs Investigations

Traffic Accidents

Worker's Compensation Claims

Sick time usage

Supervisor Observation Reports

Other relevant documentation

This information may be used for evaluating employees who may require intervention under this section.

Existing tracking software may be used to facilitate this process.

Evaluation

The Chief of Police or designee shall conduct an evaluation of the Personnel Early Warning System process no less than once annually. Particular emphasis will be placed on the effectiveness of the reporting system and the ability of first line supervisors to access the data necessary to assist them. Alternative resolutions will be identified, if found. The predictive ability of the Personnel Early Warning System will be analyzed to see if help is provided before an officer or civilian employee reaches crisis. The effectiveness of resolution options will be evaluated.

Training

All supervisors shall receive training on this policy as well as other issues associated with the Early Warning System.

Supervisors may also receive training related to employee counseling and employee performance evaluation.

TRAINING - ADMINISTRATION

PURPOSE

The purpose of this general order is to establish a written directive that describes the Lander Police Department's procedures related to the administration of training for the Department.

POLICY

It is the policy of the Lander Police Department ("Department") that the administration of our training program be governed by the following principles, guidelines, and procedures. While all Supervisors are responsible for the training and performance of their subordinates, the primary responsibility for administering the Department's training function rests with the Training Officer, which includes the assessment, development, coordination, accountability, and delivery of our training programs. The specific administrative activities of the training function include, but are not limited to the following:

Plan, develop, implement, and evaluate training programs

Post and update the training schedule as necessary

Make available training brochures and academy training information

Serve as a liaison with the law enforcement training academy

Maintain training records

Ensure that the required training programs are attended

Select instructors for in-service training

In establishing our training program, we recognize that:

- Well-trained officers are generally better prepared to act decisively and correctly in a broad spectrum of situations.
- Training results in greater productivity and effectiveness.
- Training fosters cooperation and unity of purpose. Moreover, police departments are now being held legally accountable for the actions of their personnel and for failing to provide initial or remedial training.

In order to ensure that the needs of the agency are adequately addressed, the following minimum training goals are established:

Provide job-related training to all sworn and non-sworn personnel

Train employees to be better prepared to act decisively and correctly in a wide variety of circumstances

Provide training for specialization, promotional opportunity, and general safety of employees

Provide training to meet the mandates of law; and provide training necessary to meet the Department's mission

PROCEDURE

Training Officer

Specific Duties of the Training Officer Include:

Identification of the Lander Police Department's training needs

Development of the Lander Police Department's training plans and specific programs

Identification of and coordination with both private and public training resources

Liaison with other law enforcement and criminal justice agencies in training matters of mutual benefit

Scheduling of personnel assigned to attend specified training

Maintenance of training records to include applying for and tracking certifications, updating of instructional outlines, evaluation of courses and instructors, and preparation of related reports and correspondence

Review and recommendations concerning training equipment and facilities

Maintenance of training video/reference libraries

The Lander Police Department Training Officer assists in developing and evaluating training needs and serves as a focal point for input from those representing the Department components.

The Training Officer acts as an advisor to the training function, and assists in establishing training goals and objectives, which serve to improve Department operations. Training matters may be addressed at monthly staff meetings and the Training Officer shall be responsible for contributing input to training decisions and shall be responsible for assisting in the development and implementation of training programs conducted and/or hosted by the Department.

The Training Officer and the Chief of Police shall meet quarterly to discuss training issues. They can also discuss training issues, as required, at monthly Supervisory Staff Meetings, and at other meetings specially called for this purpose. At a minimum, the Training Officer shall have the following responsibilities:

To assist in identifying, developing, and evaluating training needs of the Department, based on Wyoming Peace Officer Standards and Training Council (POST) requirements and departmental goals and objectives.

To focus on problems, ideas, strengths, and weaknesses that relate to the training function.

To formulate training needs

To schedule training in advance in order to avoid scheduling conflicts and reduce overtime costs

To take into account all use of force incidents, commendations and awards, counseling, reprimands, and disciplinary action, personnel issues, report writing concerns, equipment needs, and accreditation standards, as appropriate and warranted

To review the training program for the current year, and make recommendations to the Chief of Police for improvement

Review of Department Training

The Training Officer will conduct an annual review and evaluation of the Department's training program, to ensure that it compliments operational and personnel needs, legal requirements, and Department policies. This process will include:

A summary evaluation of the Training Program for sworn and civilian employees, in terms of its strengths and weaknesses

Overall evaluation of in-house training as documented by course critiques

Overall evaluation of training attended outside of the department as documented by feedback reports

Review of attendance and the training received

The identification of problems associated with physical facilities, materials, or scheduling

Updates required by new laws, court decisions, and department directives

Consultations with Supervisors

Feedback of employees, using in-house surveys and/or training critiques

Developmental Resources for Training

In developing training sessions and programs, the Training Officer will be consider the following as a resource in determining and prioritizing training needs:

Inspection reports and other Staff reports

Discussions and meetings with supervisors and Department personnel

Field observations

Training evaluation reports and Training Officer input

Recommendations of the Chief of Police

Citizen complaint investigations and reports

Consultation with prosecutors and judges

Personnel performance evaluations

Any other pertinent resource

Public and Private Resources for Department Training Program

The Lander Police Department encourages the development of training programs using the resources of both public and private sectors of this community and the region. Resources include the Wyoming Police Training Academy, The FBI National Academy, the Law Enforcement Television Network, and the International Association of Chiefs of Police. In the private sector, numerous sources of training are available on given topics and will be identified as needed.

Inter-Agency Training

Department personnel may be assigned to attend training sponsored by other criminal justice agencies or personnel from other agencies may be invited to attend training sessions sponsored by the Department when the training meets an identifiable training need and:

Increases operational or administrative effectiveness

Improves interagency cooperation

Promotes better understanding between criminal justice agencies

Training Facilities/Equipment

The Training Officer shall be responsible for training equipment and classroom use. The use of training equipment and reservations for classroom use may be obtained by contacting the Captain.

Training Curriculum – Job Task Analysis

In the development of training programs, employee job descriptions and performance evaluations will be used to ensure job relatedness of training as it relates to knowledge and skills necessary to perform various tasks.

Training Attendance Requirements

The Department shall require documentation of an employee's attendance at all prescribed training programs. The Training Officer shall confirm attendance policies of agencies/facilities to which employees are sent, to ensure that the employee must attend mandatory portions to receive credit/certification for attendance.

Departmental Internal Training schedules published by the Department will list mandatory as well as optional training courses.

Attendance rosters will be made on all in-house training sessions. All sworn personnel are required to participate in all mandatory training scheduled by the department. Where training is mandatory, exceptions will be allowed under the following circumstances:

Personnel with prior vacation approval

Reasonable excuses, such as illness, personal emergency, police business, court appearances, etc.

Unreasonable excuses will be brought to the attention of the appropriate Supervisor.

Officers and/or employees missing any training are to document the reasons any session or part of a session was missed. Such documentation shall be in the form of an Inter-Office Memo and forwarded through the chain of command. No person shall be excused from any training requirements, which are mandated by law or required by Department Rules or Regulations. Where training is mandatory by law, the Training Officer will make necessary arrangements for makeup training. If an absence occurs, arrangements for make-up training are to be coordinated by the Commander.

All training sessions attended are to be documented in the respective employee's written and automated personnel training files. Certificates will be issued to all employees completing in-house training courses, when warranted.

Training Costs Requests and Reimbursement

Requests For Training

Employees are required to make formal written requests for advanced training and career development courses of instruction. The employee should first discuss the issue with an immediate Supervisor. Such requests may be part of an employee's performance goals. In addition, the Chief of Police may take into consideration advanced training requests as a part of the annual budgetary process. Therefore, requests for external training considerations for the following year must be submitted in writing as part of the budget preparation process. Employees submitting such written requests will be given priority consideration in most circumstances.

As such, the Chief of Police or designee will approve or deny training requests subject to the following:

Availability of staffing, and the need to replace the employee

Availability of funds

Degree of need for the type of training in question

If the employee requesting the training is best suited for the special training

If the training is needed to correct deficiencies in the employee

Number of employees already trained in the specialty

Training Costs Reimbursement

All expenses for employees who are required to attend training schools, seminars, or other instructional or educational programs will be paid by the City of Lander.

The expenses for employees, who are not required to attend training schools, seminars, or other instructional or educational programs, but choose to do so as part of their own career development, will be paid for as determined by the Chief of Police, depending on the nature of the course.

The following may be considered necessary expenses for training purposes, but prior approval of the Chief of Police is required:

Registration fees: Tuition charges for the training school, seminar, or educational or other instructional programs.

Meals: Reimbursement at the current rate for daily meals as approved by the City.

Lodging: Hotel or motel charges when required, and normally will not include overstays on the night previous to the first day of the training if within reasonable driving distance.

Transportation: The Department shall furnish transportation for all required training. When an employee does not use a City-owned vehicle for training, reimbursement shall be at the current mileage rate as approved by the City.

Miscellaneous Items: Any other expenses directly related to the training, which has been approved by the Chief of Police, including all necessary books, tools and equipment required by the course of instruction.

Employees requesting reimbursement, or payment in advance, shall be required to submit receipts of all expenses along with all required Departmental forms.

Lesson Plans

Introduction

The development of lesson plans for training programs of the Department ensures that the subject to be covered in training is addressed completely, accurately, and is properly sequenced with other training materials. Lesson plans establish the purpose of the instruction, set forth the performance objectives, relate the training to critical job tasks, and identify ethical consideration related to the topic. The Department requires the development of lesson plans for all training courses conducted by the Department.

Responsibility for proper lesson plan development rests ultimately with the Instructor, with assistance from the Training Officer. All training programs will have specific performance objectives. Lesson plans will include the following:

Guidelines and Format for Lesson Plan Development

All lesson plans developed for Departmental training programs will be completed in the proper format approved by the Chief of Police.

Training Performance Objectives

Performance objectives will be established for each training program and will:

Focus on the elements of task analysis (job-related) for which formal training is needed

Provide clear statements of what is to be learned

Provide a basis for evaluating the participants

Provide a basis for evaluating the effectiveness of the training program

Performance objectives are to acquaint the training participants with the information they are required to know, the skills that must be demonstrated, and the circumstances under which the skills will be used. Use of such objectives enables instructors to relate training directly to the job performance, which will be expected.

Content of Training and the Instructional Technique

Lesson plans will include:

List of references and resources used in the development of the program

Teaching techniques

Conferences and lectures (debate, discussion groups, panels, and seminars)

Field experiences (field trips, interviews, operational experiences, and operational observations)

Problem investigations (committee inquiry)

Simulations (case study, games, and role-play)

Relationships to job tasks

Responsibilities of the participants for the material taught

Plans for evaluation of the participants

A list of resources required to deliver the program

Lesson Plan Approval

All lesson plans are to be submitted to the Training Officer ten (10) working days prior to the start of any class. The Training Officer is responsible for approving lesson plans and shall ensure that the plans are prepared consistent with Department policy or lesson plan development, existing state requirements, and other Department policy and procedure. Responsibility for proper lesson plan development rests with the respective instructor.

Identification of Any Tests Used in Training Process

Generally, tests will be developed to measure participant's knowledge of and ability to use job-related skills based on performance objectives developed for each training course. Tests may be:

Written (multiple choice, true-false, essay, fill-in-the blank, etc.)

Practical or performance exercises, which are based on the participant's ability to successfully demonstrate that minimum proficiency has been acquired to successfully complete the task

In the event a test is given in a training class, the following guidelines shall apply:

All test questions shall be presented with the course lesson plan, and review by the Training Officer or designee prior to the class.

Test questions shall be based on the performance objectives presented in class and shall reflect the knowledge needed to be effective in job related skills.

A score of 80% or higher is considered passing.

Remedial Training

Remedial training is personalized training that is designed to correct a specific deficiency in an employee. The need for remedial training is usually identified by one of the following methods:

Testing or other evaluation during training

Supervisory evaluation during job performance

During routine line or staff inspections

Remedial training for recruits in the Field Training and Evaluation Program will be conducted according to guidelines established in the program. When a supervisor recognizes a need for remedial training for any member, such need shall be documented in the form of an Inter-Office Memo and forwarded through the chain of command to the Chief of Police. Such documentation is to contain a recommendation for training to correct the deficiency and note any corrective action already taken.

The Chief of Police shall consult with the employee's Supervisor(s) and make the determination if the remedial training is warranted, and if so, decide if it should be conducted in-house, or by an outside provider capable of providing the training.

Upon completion of remedial training the member's performance in the deficient area will be continually evaluated by observation of the member's supervisor for a period of at least six months. Non-participation in, failure to pass remedial training, or continued non-satisfactory performance after remedial training has been conducted, may result in disciplinary action.

Remedial training will usually be conducted within 30 days of the noted deficiency unless the appropriate resources cannot be identified and scheduled within that time frame.

All remedial training will be documented and retained in the employee's training file.

Updating Employee Training Records

Upon completion of any training, the Captain shall update the employee's training records, which includes:

Name of attendee

The date(s) of the training

Course title and/or description

Instructor(s)' name, when known

Copies of any certificates received

Attendance (hours of instruction)

Test scores (if tested)

Any other pertinent information as determined by the Chief of Police

Department Training Records

The Department maintains records of each training class it conducts, to include, at a minimum:

Date, location, and duration

Course content (lesson plans) and names of instructors

Names of agency attendees

Performance of individual attendees as measured by tests, if administered

Employee training records shall include the following information:

Employee full name

Date of birth

Social security number

Date of hire

Wyoming Police Officer certification number

All such departmental training records will be stored and secured in the office of the Training Officer after they have been compiled and entered into the ACADIS system. However, training records are essentially administrative records maintained by the Department for reference purposes and, as such, are available to employees and the public, to the extent permitted by state laws governing public records, upon approval of the Chief of Police. The training records will be maintained for a period of time as required by the Wyoming Public Records laws.

An evaluation should be completed on all in-house training conducted by the Lander Police Department. The evaluation form will be structured in the format approved by the Chief of Police and must address:

Content of course

Instructional methods and delivery

Usefulness and value of the program

The training facility and other pertinent issues

CAREER DEVELOPMENT

PURPOSE

The purpose of this general order is to establish a written directive that describes the Lander Police Department's procedures related to the Career Development Program for all employees.

POLICY

It is Lander Police Department ("Department") policy to provide a structured career development program that offers all employees training opportunities for individual growth and professional development. It shall be designed for the development and improvement of employee skills, knowledge, and abilities, and to improve the overall level of individual job satisfaction, by providing equal access to training and enhancement opportunities.

DEFINITIONS

Career Counseling: The relationship process between Supervisors and employees that is designed to facilitate the employee's career choices, comprehension of career goals, and achievement of career goals.

Career Development Activities: An organized and supervised set of duties or functions designed to stimulate learning, such as counseling, training, and job rotation.

PROCEDURE

Career Development Program and Training

Introduction

Department employees are the organization's primary resource and must be developed for the organization to continually be effective. In this regard, the Department's Career Development Program shall be designed to accomplish the following:

Provide and build expertise for highly specialized and technical positions.

Through transfers, spread expertise throughout the entire Department.

Promote career growth based on individual employee talents and desires (interests).

Develops employees who are versatile and possess well-rounded talents.

Prepare employees for supervisory (management) positions (if desired) through a variety of experiences and diversified training.

While the management of the Department's Career Development Program is the responsibility of the Chief of Police, the various Program activities and components should be developed with input from a variety of sources, including the Training Officer, Supervisory Staff, employees, the City's Personnel Department, and the various labor organizations.

The Career Development Program shall be reviewed on an annual basis and revised as necessary to reflect the needs of the employees and Departmental goals and objectives. A written evaluation of the Program will be made annually under the direction of the Training Officer and submitted through the chain of command to the Chief of Police, this report will include:

The number of employees who received career counseling during the previous period.

The number of personnel whose career goals tend toward management, supervision, investigative assignments, or specialized assignments.

An assessment of the in-service training required by personnel in order to assist them in meeting career goals.

Career Development Goals and Objectives

The goal of the Career Development program is to provide all personnel with the opportunity to become proficient in their duties and enhance the employee's potential for lateral and upward mobility. The Department will employ the following objectives to meet the goals of the Career Development program:

An annual skills, knowledge, and abilities (SKA) assessment, and development of an enhancement program will be conducted for all employees

Supervisors will at least annually meet and discuss career goals with subordinates.

In-service, proficiency, advanced, and remedial training will be made available to all employees

All employees will receive a minimum of four (4) hours of training in current and varied topics annually, in addition to regularly scheduled training.

The Career Development Program shall not discriminate against any employee based upon race, color, religion, gender, sexual orientation, national origin, age, marital status, or ethnic heritage.

Career Counseling Training

The Chief of Police will provide career counseling training and orientation to all Supervisors. Career counseling, which will normally occur in conjunction with annual evaluations, serves to link identified employee career needs, desires and individual skills (SKAs) with available resources. Career counseling training should provide for:

General counseling techniques

Techniques for assessing skills, knowledge, and abilities (SKA)

Training opportunities of the Department

Educational opportunities and incentive programs

Record-keeping techniques

Availability of outside resources

Career Counseling Process

Supervisors providing career counseling will use a checklist to assess the effectiveness of the career counseling process and measure an employee’s level of performance in the program. Career counseling will normally take place in conjunction with the annual evaluation of the employee. Officers assigned to the Patrol Division will receive their career counseling within thirty (30) days of the shift change.

Career counseling is not mandatory and employees who do not wish to participate shall inform their supervisor at the time of their performance review. Supervisors shall record this fact at the time of the interview. Employees who change their mind will be allowed to participate at that time.

The checklist will contain the following elements:

A self-analysis of skills, knowledge, and abilities;

Supervisory analysis and evaluation; and

A timetable for performing key activities relative to the officer's career path.

The checklist will be attached to the evaluation form and become a part of every employee's Department training file. A copy will also be maintained with the employee's Supervisor.

Employee Career Paths

The Career Development Program will be comprised of three career paths in which an employee may participate: The Chief of Police and the employee's supervisor shall be responsible for monitoring employees' progress relative to their career path.

Proficiency	This path is designed to provide training and experience to establish proficiency in an officer's current duties
Specialization	This path is directed toward a specific job function on which an officer wishes to focus and further develop expertise
Promotional	For the officer who desires to acquire the skills, knowledge, and abilities required for enhancing their opportunities for upward mobility

SKA Inventories

The employees' immediate supervisors will maintain inventories of the skills, knowledge, and abilities (SKA) of every employee. The inventory will include the employee's:

Training courses completed

Work experience, special assignments, and other special skills

Educational background

Foreign language experience

Professional affiliations

Areas of special interest

The inventory will be recorded on the Career Counseling SKA checklist, and will be updated annually as a part of the evaluation process. The inventory for officers assigned to the Patrol Division will be updated following shift change and attached to their most recent evaluation.

The Chief of Police will maintain on file all career specialties and the skills, knowledge, and abilities for each specialty. SKA's may be determined by the job description, job task analysis, and the knowledge required to perform specific duties or responsibilities.

Job Related Training for Newly Promoted Employees

Introduction

The Department shall provide job related training to newly promoted employees. Such training should be commensurate with their new duties and should take place either prior to promotion or within the first year following promotion. Promotional training will include, but will not be limited to:

Basic supervision, problem-solving, and decision making

Organizational behavior

Performance evaluation and career counseling

Citizen Complaint Process

Fiscal management

Strategic planning

COMSTAT, crime analysis, and the management information system

Advanced Training

Advanced management training will be made available to the appropriate level of supervision or management to impart higher levels of training to participants who possess exceptional leadership abilities, and may include attending a national training institution, such as Northwestern University, the Southern Police Institute, or the FBI National Academy.

In addition to those newly promoted employees, the Department shall identify those positions where employees, by virtue of a reassignment, should receive training on their new duties either prior to such reassignment, or as soon as practical. Specialty training will be provided to enhance the employee's job knowledge and potential for upward mobility within the Department.

Education Incentives

The Lander Police Department is committed to higher education and encourages its employees to achieve post-secondary educational goals. Lander Police Department believes that university-level course work provides opportunities for employees to improve problem-solving and communication skills; to acquire confidence in newly emerging technology; and to enhance their overall knowledge base.

Succession Planning

The Lander Police Department seeks to attract and retain the highest quality officers. To that end, the Lander Police Department has developed a succession plan to identify future leaders within the department and providing those individuals with education, training, mentoring and support to prepare them for future vacancies when they occur.

Succession Planning involves various activities to locate and develop future leaders within the department. Components of the Succession Plan may include:

Personnel Evaluations: As part of the Personnel Evaluation process, evaluators are to discuss the future aspirations of the evaluated employee. The evaluator shall document such information in the narrative portion of their annual evaluations which are then submitted to through the chain of command to the Chief of Police.

Meetings with the Chief: The Chief of Police will meet with officers, both formally and informally, to discuss career development and training opportunities.

Training: Officers are encouraged to request training courses as they find through various resources. The Training Officer should keep records of requested training. This information can be shared with the Chief of Police to assist the Chief with career planning activities. Training records are maintained by the Training Officer including lists of courses attended.

Officer-in-Charge positions: The Chief Police may designate officers who can operate as an Officer-in-Charge to assist in filling positions where a Corporal is unavailable either long-term or short-term basis. The Chief of Police will solicit for interested officers and use this information and these positions as career training for the involved officers.

“Acting” positions: In the case of a long-term absence, the Chief may designate an officer as “acting” in the position of another.

Command Level Meetings: Formal and informal meetings among the Command Staff discussing personnel, training, career development and succession planning activities.

The purpose of these activities is to ensure that pertinent information in terms of institutional knowledge and organizational performance is passed on from leader to leader to eliminate gaps in the future. Additionally, these activities provide guidance and experience for officers interested in advancing into leadership positions within the Lander Police Department. Not participating in these activities does not prevent an officer from advancement.

Overall, the Chief of Police shall use all of this information to assist the decision-making process in terms of advanced training and other career development activities.

PORTABLE RADIOS

PURPOSE

The purpose of this general order is to establish a written directive that describes the Lander Police Department's procedures and guidelines regarding the use of portable radios.

POLICY

The policy of the Lander Police Department is to issue to each sworn member a department-owned portable radio and associated equipment for their use. Upon issuance of the portable radio and associated equipment, each officer shall sign a form acknowledging receipt of the same. At time of separation from the service, officers shall return the radio and associated equipment in working order, to the Patrol Captain.

PROCEDURE

Use of Portables

Officers shall only use their assigned portable radio and associated equipment. No officer shall loan or utilize another officer's radio except in an emergency. Officers shall ensure that their portable radio is not utilized by any unauthorized personnel.

Officers, whether on duty, off duty or on private duty assignments shall utilize their proper departmental call sign and use accepted communications signal codes and procedures.

Since officers are not fully equipped when off-duty, absent an emergency, they shall not call in license plates or other routine matters. If, however, a crime in progress or a motor vehicle accident is observed, the officer may call the information in and observe, or intervene only to a level safe for the officer.

Officers shall be personally responsible for the care and use of the radio.

Lost or Stolen Equipment

Any officer who loses or has a radio stolen shall immediately notify the on-duty supervisor, who shall take a written statement from the officer detailing the circumstances behind the loss.

The supervisor shall conduct an initial inquiry into the circumstances and forward his findings to the Captain. In the case of a Detective, the report shall be forwarded to the Detective Sergeant.

The Communications Center shall initiate a lost or stolen property file on WCJIN/NCIC.

Repair of Radios

Should an officer's radio need repair, they shall turn it in to their Shift Supervisor with a repair form stating the problem.

If the damage appears to have been caused by intentional abuse or negligence, the Shift Supervisor shall make a report of it and forward it to the proper chain of command.

The Shift Supervisor shall issue to the officer a spare radio for that shift only. Upon completion of the shift, the officer shall return the spare radio to the Supervisor who shall inspect same and return it to the charger. Under no circumstances shall a spare radio be locked away or taken home.

Responsibility for Loss or Damage

Should any officer lose or damage their issued radio and that loss or damage be found to have been caused by negligence, disciplinary action as outlined in the rules and regulations shall be enforced.

Operating and Charging Instructions

Each officer shall be issued an instruction manual for the portable radio and shall familiarize themselves with all the proper procedures.

RECORDS MANAGEMENT

PURPOSE

The purpose of this general order is to establish a written directive that describes the Lander Police Department's guidelines and procedures related to records management.

POLICY

The Lander Police Department will maintain an accurate, complete, and efficient central records keeping system designed to record, file, retrieve, and disseminate information in an efficient and timely manner. The Lander Police Department shall release or disseminate information from Department records in accordance with state and federal law enacted to safeguard the rights of individuals named within these records.

DEFINITIONS

Records: Records include the Master Case Files, Criminal History Files, and the paperless computerized records management system.

Reports: Reports as defined in this order are defined as any report submitted either as an initial or supplemental report including, but not limited to case reports, motor vehicle accidents reports, State of Wyoming report forms, motor vehicle citations and warnings, and any other forms or reports developed and authorized by the Chief of Police or designee.

CAD/RMS: Paperless computer aided dispatch and records management system.

Records Management Software: Computer software for Records Management and Computer Aided Dispatch

Case/Incident Number: A number assigned by the computer identifying a particular call for service or reported criminal or motor vehicle incident, on a chronological basis, at the time the information or call for service is received.

Criminal History Identification Number: A number assigned by the Records Management Software or by Records Department personnel to persons who have been arrested and/or charged with violations of state law or municipal ordinance. This number is assigned to only one person and is used to identify that person indefinitely.

PROCEDURE

Records Responsibility and Function

The Chief of Police is the official keeper of the records and as such is accountable for the collection, dissemination, and retention of all records. The Chief of Police is the System Administrator for purposes of the Lander Police Department computer systems and responsible for overseeing the Computer Security provisions listed in Section P of this general order.

It will be the responsibility of the Records Clerk(s) at the direction of the Chief of Police to cause an annual audit and evaluation of the record keeping requirements of Lander Police Department.

It will be the responsibility of Records Department personnel to maintain the records of this Department in accordance with this directive and applicable state and federal statutes.

As part of their record maintenance function, records personnel will:

Maintain reports and records;

Distribute copies to authorized persons or agencies;

Enter appropriate information into the department's computer system;

Maintain arrest records and related documents.

Maintain master name indexes

Personnel will code reports in the Records Management Software as necessary to comply with Uniform Crime Reporting/NIBRS purposes.

Records Administration

Access to records will be restricted to records personnel and department administration positions as required.

The door to the Records Department and all the files shall be secured at all times when the Record Unit is closed for business.

Only the Records Clerks will file reports.

When the Records Department is open, officers will have a Records Clerk obtain original or copies of forms or reports.

Police personnel needing documents from records should ideally submit a request in writing. Officers may also request documentation from records in person. Records personnel should furnish the copies of the reports to the requesting officer as soon as practical.

Only sworn personnel or Records Department personnel may review original reports.

Full case reports may be viewed through the CAD/RMS Computer system by personnel on a twenty-four (24) hour basis. Copies of case reports and Personnel narratives may be generated from the Records Management System. Supervisors have 24-hour access to the Records Department to review reports after hours.

Copies of reports may be viewed, duplicated or otherwise obtained for investigative purposes, preparation for court or other hearings, and for follow up investigations.

When original documents from case reports are removed from records, they will be signed out on the case sign out log by the officer requesting the documentation.

Records Personnel shall place a colored file marker in the filing cabinet at the location of the removed case to indicate removal. The file marker is to be removed upon return of the original case.

Release of Information

Dissemination of information contained in written reports, criminal histories, and the computerized files to outside agencies and persons will be made through Records Department personnel and in a manner consistent with applicable State and Federal statutes.

Requests for criminal history information will be supplied pursuant to the Wyoming Public Records Act.

Release of records to the media and the public will meet Wyoming Public Records Act guidelines and related state statutes. These records will be released by the Chief of Police or designate.

The release of arrest information will generally be via the media release. If news media requires further information, they should be notified to contact the Public Information Officer for further information.

Mail requests for copies of cases may be honored if prepayment is made, a self-addressed stamped envelope is included, and it meets the criteria for release to the public and has the records request form completed.

Copies of open cases without a court ordered disposition will not be released to the public by records personnel.

Copies of reports may be released by records staff only. In an emergency, Command Personnel may release reports.

Report Distribution

Reports are reviewed and approved by a supervisor and then submitted to the Records Department. Records Department personnel will retain and/or distribute the reports as follows:

Incident Reports:

All reports will be retained in the computer system. Arrest reports will be printed out and transmitted to court. The Records Department will be responsible for the distribution of all other reports to the appropriate persons and agencies.

Crash Reports:

Persons inquiring about obtaining copies of crash reports will be directed to the Wyoming Department of Transportation, who handles such requests.

Records Storage

All original police reports regarding calls for police service and criminal investigations will be kept on file in the vault of the Records Division. The Records Clerk shall have the authority to designate the manner in which records are filed within the vault.

Most records generated by the Lander Police Department such as Case Incident Reports, Criminal Arrest Reports and other official reports are maintained in the records vault. Some records of an unusually confidential nature or containing information which renders them more appropriately stored in another area are maintained outside the records vault. Examples of other records/reports, both official and unofficial, which are maintained in other areas of the Lander Police Department include, but are not limited to:

Training: records of training classes given and attended

CID: intelligence files; active case files or sensitive cases

Administrative: financial and accounting records, personnel files, employee injury files

Chief of Police: personnel files, internal complaints and investigations

Only department personnel with a need to possess original records are authorized to access these files. In general, officers needing copies of reports can obtain a copy through the RMS system or request a copy through the Records Clerk. Reports contained within the RMS system can be obtained 24 hours a day.

Records Retention

Records of the Department will be maintained in accordance with State Statutes governing the retention of records. Refer to the Wyoming State Archives, Local Government Retention Schedules for Police Records.

No records or documents of any kind will be destroyed without the written permission of the Wyoming State Archives.

It will be the responsibility of the Records Clerk(s) or designee to ensure that records remain neat and papers, reports, books, and logs are maintained, kept current and properly filed.

The Chief of Police through the Records Clerk(s) shall ensure that records destruction is carried out in conformance with Wyoming laws and regulations.

Any records to be destroyed that are considered confidential will be shredded or destroyed in some way to ensure continued confidentiality.

Expungement of Records

Upon receipt of a court order outlining the exact offense record that is to be erased or upon receipt of a list of juveniles whose records are to be erased, all copies of identification and arrest reports will be stamped “EXPUNGED” and removed from the Records Bureaus files. No information or record will be acknowledged or released if it is stamped “EXPUNGED”.

Master Name Index File

A computerized master list of names and addresses are maintained by the Department. These names and addresses are taken from reports and dispatch entries.

Criminal History Files

The criminal history files of this Department are records maintained in the master name index stored in the Records Management System as well as printouts from WCJIN/NCIC.

Access to and dissemination of state and federal criminal history records shall be in accordance with applicable state and federal statutes.

Access is based on computer security levels.

The Lander Police Department assigns a specific identification number to individuals who are entered into the Department's Record Management System. The number assigned is the person is computer-generated and remains with the person once assigned.

All information on the individual will be referenced to this number.

There will be no duplications. Duplicated names will be checked and corrected by records personnel in the master-name index.

The criminal history files include the following:

Fingerprint card

Criminal history transcripts ("rap sheets")

Booking Sheet

Photograph

Name and aliases, if known

Date of birth

Last known address

Physical description

Outstanding physical characteristics (marks, scars, tattoos, etc.)

Henry fingerprint classification (if printed)

Social security number

Place of birth

Known associates

Listing of dates of arrest, case numbers, charges, arresting officer and disposition

All agency personnel will follow the procedures in this Section to assure that any records related to a person's arrest history are properly disclosed and are secured from accidental release.

Master Case File

The CAD/RMS system will issue a unique number for each case incident report generated by the Department.

Original paper copies of all incident reports and motor vehicle accident reports will be maintained by the Records Department personnel.

Most reports generated by Department personnel are maintained in the master case file located in the Records Department office.

Older cases are kept in a storage area.

Some records, usually of either a confidential nature or containing such information that renders them more appropriately stored in a specific unit or bureau, are maintained outside of the Records Department office. These records may include:

Personnel Records: Office of the Chief of Police;

Training Records: Training Officer;

Intelligence and Special Investigations: Detectives;

Internal Affairs Investigations: Office of the Chief of Police;

Informant and Confidential Intelligence Files: Detectives;

Juvenile Records: Records Clerk;

All matters dealing with other services assigned to the Support Services Bureau will be maintained by the Chief of Police or designee.

Index Files

The Lander Police Department's Records Management System will maintain index files to include.

Service calls and crimes by type.

Service calls and crimes by location.

Stolen, found, recovered, and evidentiary property file.

Traffic Records

The record management system contains the locations of all traffic collisions and citations to provide a ready reference for collision/enforcement.

The Lander Police Department will maintain traffic records containing:

Traffic accident date - reports, investigations, and locations.

Traffic enforcement date - citations, arrests, dispositions, and locations.

Roadway hazard reports.

Traffic accident and enforcement analysis reports.

National Incident Based Reporting System (NIBRS)

The Department records and submits NIBRS information on appropriate electronic media to the State of Wyoming, Department of Criminal Investigations, UCR Unit on a monthly basis.

Traffic Citation Records

Infractions Citations, Misdemeanor Summonses and Parking Ticket Books are stored in the storage/supply closet and replenished by the Records Clerk as necessary.

Whenever an infractions citation is issued for a motor vehicle violation, the Police Department copy is forwarded to records for retention. Records personnel will conduct the accounting function to assure they account for all citations.

Whenever a misdemeanor summons is issued, the Department copy of that document is entered into the master case file jacket with the original copy of the corresponding incident report.

The Department copy of misdemeanor summonses issued for speeding are stored in a separate, secure file cabinet.

Issuing Forms to Officers

Summonses and Infractions - All officers shall sign the receipt for each book. The receipt shall be submitted to the Records Department who shall retain the receipt in a file. The Shift Supervisor will ensure that the Officer completes the receipt portion of the summons book, and that the receipt is forwarded to the Records Bureau.

Parking Tickets - Parking tickets are issued by the Shift Supervisor(s).

Cross Referencing:

When infractions citations and/ or misdemeanor summonses are issued, the issuing officer will enter the incident/call number on the citation for cross referencing.

Juvenile Records

The following are procedures for the collection, retention and dissemination of Department records pertaining to juveniles.

Separation of Adult and Juvenile Arrest and Identification Records

Fingerprint cards, photographs, and all other forms of identification and arrest reports pertaining to juveniles shall be kept separate from adult identification records secured in the Records Clerk’s file cabinet.

Access to Records

All records of cases on juvenile matters shall be kept confidential and marked in the CAD/RMS system as a “Juvenile Record”.

During the period of time that the juvenile arrestee's photograph, fingerprints, and the records of the arrest are retained at this Department, they shall be used only for identification purposes in official criminal investigations.

Department personnel and other law enforcement personnel outside this Department are permitted access to juvenile identification and arrest records on a need-to-know basis only; including prosecutors, adult probation, Department of Children and Families, school and court officials.

If a copy of the records leaves the Department, it must be stamped by the Records Department personnel with a "CONFIDENTIAL" and "NO SECONDARY DISSEMINATION" warning.

When any other report that contains juvenile names is sent to an outside agency; with the exception of law enforcement agencies, prosecutors, adult probation, school and court officials, the Records Department personnel must blacken-out the names of the juveniles before release.

If any member of the Department receives a request by a victim of a crime for the identification of the juvenile responsible, the victim shall be told that the information shall be provided to the extent possible based upon the Wyoming Juvenile Laws, specifically the Victims of Delinquent Acts, WY Stat. §14-6-501, et. seq.

All juvenile records will be retained and destroyed in accordance with the applicable Wyoming State Archives Local Government Retention Schedule.

Computer Security and Confidentiality

The Chief of Police or designee will work with in-house, City of Lander IT, or a designated vendor to assure the security and maintenance of the Lander Police Department computer systems.

No computer hardware, data disks, or system software shall be moved, modified, added or introduced to the system without the permission of the System Administrator. Under no circumstances shall any software not licensed to the Lander Police Department or City of Lander be installed in any computer without the approval of the System Administrator.

All information obtained through any law enforcement agency, WCJON or NCIC system shall be used for law enforcement purposes only. Under no circumstance shall Police Department systems be used for personal reasons or curiosity.

Disclosure of information transmitted or stored in agency computers is subject to the guidelines of the Wyoming Public Records Act and state and federal regulations. Illegal or inappropriate use of computer systems may expose the City of Lander to significant liability and negative publicity.

The System Administrator will assure that a system is in place to provide daily backups and storage of system data and provide a process for off- site storage of data to provide for a disaster recovery plan. On-site storage of daily backup tapes will be maintained in a secure cabinet or in the locked IT room. Off-site storage of backup at an off-site secure location determined by the IT Director and System Administrator.

The System Administrator will maintain a system for the issuance and modification of user names and passwords and conduct an annual audit of the computer system for verification of all system passwords, access codes or access violations and make a report to the Chief of Police.

Department staff are responsible for logging off the computer when they leave their workplace to assure system security and staff will use their own user name and password to log onto a computer.

PUBLIC RECORDS ACT

PURPOSE

The purpose of this general order is to establish a written directive that describes the Lander Police Department's guidelines and procedures related to the Wyoming Public Records Act, WY Stat. §§ 16-4-201 through 16-4-205.

POLICY

All officers will be familiar with and comply with all Federal and State statutes regarding release of information gathered by the Lander Police Department and this Order. Compliance is mandatory but if a question arises as to whether information may or may not be released, the inquiry should be referred to the Chief of Police or designee for research.

DEFINITIONS

Public records: When not otherwise specified includes any information in a physical form created, accepted, or obtained by the state or any agency, institution or political subdivision of the state in furtherance of its official function and transaction of public business which is not privileged or confidential by law. Without limiting the foregoing, the term "public records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by the state or any agency, institution or political subdivision of the state in furtherance of the transaction of public business of the state or agency, institution or political subdivision of the state, whether at a meeting or outside a meeting. (WY ST. § 16-4-201(a)(v))

PROCEDURE

Disclosure of Information

Generally, all public records shall be open for inspection by any person at reasonable times, during business hours of the Department (WY ST 16-4-201).

The Department may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

Records of investigations conducted by, or of intelligence information or security procedures of, any sheriff or police department, or any investigatory files compiled for any other law enforcement or prosecution purposes. (WY ST. § 16-4-203)

Release of Officer Information

No member of the Lander Police Department shall release the home address or phone number of any other Department member, sworn or non-sworn.

Officers are not required to supply home addresses or phone numbers as a matter of public record but must supply this information to the Office of the Chief of Police.

Release of Information from WCJIN, NCIC, DCI

Information contained in the files of the Wyoming Department of Criminal Investigation relative to the commission of crime by any person shall be considered privileged and shall not be disclosed for any personal purpose or in any civil court proceedings except upon a written order of the court. This includes information obtained from NCIC, WCJIN and any other computerized system that supplies similar information.

All information contained in the files of the Wyoming Department of Criminal Investigations relative to criminal records and personal history of persons convicted of crimes shall be available at all times to all peace officers engaged in the detection of crime, to all prosecuting officials and probation officers for the purpose of furthering the ends of public justice and to the State Bar Examining Committee.

You may not obtain a criminal history check for a private agency or individual.

It is the policy of the WCJIN system (all NCIC inquiries are channeled through WCJIN) that all information obtained via WCJIN be used for criminal justice/law enforcement purposes only. Under no circumstances will WCJIN be used for personal reasons or curiosity.

Release of information obtained from any source must meet the Wyoming Public Records Act.

Employees who are in doubt whether or not information may be released should make an inquiry to the Chief of Police or designee.

PARKING ENFORCEMENT

PURPOSE

The purpose of this general order is to establish a written directive that describes the Lander Police Department's guidelines related to the issuance and processing of parking tickets.

POLICY

Shift Supervisors will be charged with the issuance of parking ticket books, and the recording of the same in the logbook provided. A Shift Supervisor will only issue said parking ticket book after having been satisfied that the tickets issued by the person requesting a new book have been accounted for.

PROCEDURE

Issuance of Parking Tickets

The completed parking ticket will be left on the vehicle parked in violation. The white copy of the parking ticket will be left for the Shift Supervisor. The information on the parking ticket shall be entered into a computer record daily by the Records Clerk. The Records Clerk is authorized to have the registration information run for each ticket issued. The ticket's registration information shall also be entered by the Records Clerk into the in-house computer record.

The white copy will be kept by the Records Clerk after processing.

In those instances of overdue fines for parking tickets issued, the Records Clerk shall compile a list of outstanding fines that are up to (6) six months past due. The Records Clerk shall make, where possible and time permitting, at least one attempt to collect, via notification letter, for such past due fine during the six (6) month period noted.

If attempts fail to collect those past due fines that are owed, (6) six months past due, a list will be compiled of those outstanding fines still owed the municipality.

A collection agency authorized by the Mayor's office, Board, Council or agency so empowered to enter into executive agreements may be utilized.

The list shall be submitted to the Municipal Court Clerk after the available corresponding identification material has been provided by Communications personnel, utilizing an WCJIN check of the registration numbers noted on the ticket.

Processing of Received Fines

The Records Clerk will be responsible for processing the fines received, and the completion of the "Report of Collection to Treasurer and Bookkeeper." Each time such a collection report is made out, the Chief of Police or designee will double check the amount collected against the collection report and, after being satisfied with the amount, will seal and initial the envelope containing the funds.

After delivery of the collection report with funds to the Finance Office, all written records of the issuance of a ticket will remain with the Records Clerk. The Records Clerk may retain the pink copy of the ticket for their records. After the collection report and funds are accounted for and processed by the Finance Office, the Records Clerk shall review the copy of the Report of Collection sent back to the Lander Police Department as part of our records. Any discrepancy or inaccuracy shall be immediately brought to the attention of the Chief of Police. If the report is accurate, all redundant record material may be disposed of, with the Report of Collection acting as the new and final record. This record shall be kept according to the Department's record retention policy.