

# Town of Afton

Employee Handbook

**January 2014 Edition**



### Letter from the Mayor

This handbook was developed to describe some of the guidelines, programs, and benefits for employees. All employees should familiarize themselves with the contents of the employee handbook as soon as possible, and feel free to ask questions.

We believe that each employee contributes directly to the Town of Afton's success, and we hope you will take pride in being a member of our team.

Sincerely,

Loni Hillyard  
Mayor

## **Handbook Statement**

This handbook is not all inclusive, but is intended to provide employees with a summary of some of the Town's guidelines and expectations. You should read, understand, and comply with all provisions within this handbook. No employee handbook can anticipate every circumstance. Any questions should be addressed to the Town Administrator.

This edition of the employee handbook replaces all previously issued editions and revisions. This is not a contract of employment. Any language used in this handbook or the Town's Administrative Policy and Procedures and any verbal statements made by individuals with management functions are not intended to constitute a contract of employment either expressed or implied, nor are they a guarantee of employment for a specific duration.

The Mayor and Town Council reserves the right to modify, revise, supplement, clarify or rescind any policy within this employee handbook at any time at its discretion when deemed appropriate by the Town Administrator.

**Employment with the Town of Afton is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the Town of Afton may terminate the employment relationship at will at any time, with or without cause, with or without advance notice for any reason or no reason at all.**

## Table of Contents

Letter from the Mayor Page 2

Handbook Statement Page 3

### Section 1 : Purpose and Scope

---

1.1 : Introduction Page 7

1.2 : Revisions and Interpretations Page 7

1.3 : Administration Page 7

### Section 2 : General Policies and Procedures

---

2.1 : Nature of Employment Page 8

2.2 : Equal Employment Opportunity Page 8

2.3 : Conflicts of Interest Page 9

2.4 : Outside Employment Page 9

2.5 : Political Activities Page 9

2.6 : Drug Testing Page 10

2.7 : Substance Abuse Page 11

2.8 : Employee Records Page 11

2.9 : Employment Verification Page 11

### Section 3 : Responsibilities and Conduct

---

3.1 : General Code of Conduct Page 12

3.2 : Harassment Page 12-14

3.3 : Anti-Violence Policy Page 14

3.4 : Reporting and Investigation Procedure Page 14-15

### Section 4 : Classification

---

4.1 : Employee Classification Page 16

4.2 : Employee Categories Page 16

4.3 : CDL Requirement Page 17

## **Section 5 : Compensation**

---

5.1 : Pay Ranges	Page 18
5.2 : Promotions and Demotions	Page 18-19
5.2a Promotions	
5.2b Demotions	
5.3 : Paydays	Page 19
5.4 : Administrative Pay Corrections	Page 19
5.5 : Work Schedules	Page 19
5.6 : Overtime	Page 19-20
5.6a Non-Exempt Employee	
5.6b Exempt Employee	

## **Section 6 : Benefits**

---

6.1 : Introduction	Page 21
6.2 : Vacation Leave	Page 21
6.3 : Paid Holidays	Page 22
6.4 : Sick Leave Benefits	Page 23
6.5 : Voluntary Sick Leave Donation	Page 24
6.6 : Bereavement Leave	Page 24
6.7 : Jury and Witness Duty	Page 25
6.8 : Administrative Leave	Page 25
6.8a Temporary Leave	
6.9 : Health Insurance Benefits	Page 25
6.10 : Retirement Benefits	Page 26
6.11 : Workers' Compensation	Page 26
6.12 : Family and Medical Leave Act (FMLA)	Page 27
6.13 : Benefits Continuation	Page 28

## **Section 7 : Recruitment and Hiring**

---

7.1 : Recruiting	Page 29
7.2 : Internal Postings	Page 29
7.3 : Hiring Manager	Page 29
7.4 : Nepotism (Hiring of Relatives)	Page 29-30
7.5 : Temporary Employees & Support Personnel	Page 30
7.6 : Trial Service Period	Page 30
7.7 : Immigration Law Compliance	Page 31

**Section 8 : Operation**

---

8.1 : Work Week	Page 32
8.2 : Attendance	Page 32
8.3 : Time Clock	Page 33
8.4 : Cell Phone Policy	Page 34-35
8.5 : Return of Property	Page 35
8.6 : Meal and Break Periods	Page 36
8.7 : Security Inspections	Page 36-37

**Section 9 : Safety**

---

9.1 : Introduction	Page 38
9.2 : Safety Training	Page 38
9.3 : Injury While On Duty	Page 39
9.4 : Temporary Disability	Page 39

**Section 10 : Development**

---

10.1 : Introduction	Page 40
10.2 : Performance Management Program (PMP)	Page 40
10.3 : Performance Pay Increases	Page 41
10.4 : Training	Page 41

**Section 11 : Discipline**

---

11.1 : Introduction	Page 42
11.2 : Discipline	Page 42-43

**Section 12 : Police Department**

---

12.1 : Introduction	Page 43
12.2 : Powers	Page 43
12.3 : Constitutional Requirements	Page 43

## Section 1 : Purpose and Scope

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### **1.1 Introduction**

This handbook serves as a general guide to the Town's current employment practices. The handbook should also serve to give employees a better understanding on how the Town operates and what is expected of the individual employee. The policies within this handbook should serve to give general information about what the Town provides to its employees in terms of compensation and benefits.

Policies set forth in this handbook are not intended to create an employment contract, nor are they to be construed to constitute contractual obligations of any kind between the Town of Afton and its employees.

### **1.2 Revisions and Interpretations**

The Provisions of the handbook have been developed at the direction of the Mayor and Town Council. With the exception of the at-will status of employment with the Town, any and all policies within this handbook may be amended or rescinded at any time by the Mayor and Town Council.

The Town Administrator will be charged with interpreting these policies.

### **1.3 Administration**

The administration of these policies shall be the responsibility of the Town Administrator or his/her designee.

## Section 2 : General Policies and Procedures

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### 2.1 Nature of Employment

Employment with the Town of Afton is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the Town may terminate the employment relationship at will at any time, with or without notice or cause, as long as there is no violation of applicable federal or state labor laws.

### 2.2 Equal Employment Opportunity

The Town of Afton is dedicated to the principles of equal employment opportunity. The Town employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of job-related qualifications and competence. These policies and all employment practices are applied without regard to any individual's sex, race, color, religion, national origin, age, disability, genetic information, military service status or any other characteristic protected by federal and state labor laws.

The Town prohibits applicants or employees from providing any genetic information to any Town staff in accordance with the Genetic Information Nondiscrimination Act of 2008 (GINA). The law prohibits employers from requesting genetic information of employees or their family members.

The Town of Afton will make reasonable accommodations for qualified individuals with known disabilities. Applicants for employment and existing employees who wish to request an accommodation of a physical or mental impairment should contact the Town Administrator for reasonable accommodations.

Any employee or applicant for employment who believes he or she has been subjected to discrimination on the basis of one of the characteristics described above, or has been improperly denied a reasonable accommodation required under federal and state labor laws, shall immediately report the circumstances in the manner described under **Policy 3.4**. All reports shall be investigated promptly and as confidentially as possible consistent with the need to conduct a thorough investigation. Appropriate corrective action will be taken for violations of this policy.

The Town explicitly prohibits retaliation against an employee for making a good faith report of a suspected violation of this policy or for participating in the investigation of such a report.

## **2.3 Conflicts of Interest**

The Town of Afton is committed to preserving the public's trust. The operation of the Town by its employees is conducted without bias and with the highest ethical standards.

It is the Town of Afton's policy that employees and others acting on behalf of the Town must be free from conflicts of interest that could adversely influence their judgment and objectivity while working for the Town.

All employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. The purpose of this policy is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

The Town Administrator shall be notified of all conflicts of interest whether perceived or real through the **Conflict of Interest Form**. The Mayor and Town Council shall be notified immediately if the Town Administrator determines a conflict of interest exists. Perceived conflicts of interest shall be reported to the Mayor and Town Council at the next regularly scheduled Town Council meeting for further review.

Should an employee fail to report a perceived or real conflict of interest, he/she shall be subject to discipline, up to and including termination of employment.

## **2.4 Outside Employment**

Employees may hold outside jobs as long as they meet the performance standards of their job with the Town of Afton. All employees will be evaluated by the same performance standards and will be subject to the Town's scheduling demands, regardless of any existing outside work requirements.

If the Town of Afton determines that an employee's outside work interferes with their performance or the ability to meet the requirements of the Town, then the employee may be asked to terminate the outside employment if he/she wishes to remain employed by the Town.

## **2.5 Political Activities**

Use of the public's money, the public's time (your paid work hours), or other Town of Afton resources (facilities, computers, equipment, and materials) to support or oppose a political campaign or ballot measure is strictly prohibited.

## 2.6 Drug Testing

### ***Pre-Employment Screening***

All applicants who are selected to fill a safety-sensitive position shall be subject to a drug screen before beginning employment. For the purposes of this policy, “safety sensitive” positions include any position requiring the use of a Town vehicle in their respective positions.

### ***Reasonable Belief Screening***

The Town shall conduct drug and alcohol screening when a supervisor or manager has a reasonable belief that an employee is under the influence of illegal drugs or alcohol. For the purpose of this policy, “reasonable belief” means a belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee is unable to satisfactorily perform his/her job duties due to drug or alcohol impairment. Such inability to perform may include, but not be limited to, decreases in the quality or quantity of the employee’s productivity, judgment, reasoning, concentration and marked changes in behavior. Accidents, deviations from safe working practices, slurred speech, the odor of alcohol, problems with physical balance or other erratic conduct indicative of impairment may be examples of “reasonable belief” situations.

### ***Post-Accident Screening***

The Town shall conduct drug and alcohol screening for any employee involved in an accident while performing his/her assigned job functions, **while operating Town property or equipment**, or if an accident requires seeking medical treatment.

### ***Random Screening***

The Town shall randomly test employees for drugs and alcohol to maintain a drug-free workplace.

### **Refusal to Cooperate**

Any employee who refuses to consent to drug or alcohol testing as required under this policy, tampers with a sample, or otherwise violates this policy may be placed on leave with or without pay until an appropriate corrective action is determined. Refusal to consent to being tested for illegal drugs or alcohol shall be considered grounds for termination of employment.

## **2.7 Substance Abuse**

The Town of Afton is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of illegal drugs while on the job poses a serious safety and health risk. To help ensure a safe working environment, job applicants and employees may be asked to submit to drug and alcohol testing to determine the illicit or illegal use of drugs and alcohol.

Employees who are concerned about their alcohol or drug use are encouraged to seek counseling, treatment, and rehabilitation. Although the decision to seek diagnosis and accept treatment is completely voluntary, the Town is fully committed to helping employees who voluntarily come forward to overcome substance abuse problems.

## **2.8 Employee Records**

The Town of Afton maintains personnel files on all employees. The file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals, salary increases, and other employment records.

Access to personnel files is restricted. Generally, only management personnel who have a legitimate reason to review information contained in the file may be allowed to do so. Employee files will be stored with the designated Human Resource Officer.

With advance notice, employees may review their own personnel files in the presence of the designated Human Resource Officer.

## **2.9 Employment Verification**

To ensure that individuals who join the Town of Afton are well qualified and have a strong potential to be productive and successful, employment verification will take place prior to offering employment to any prospective applicant.

The designated Human Resource Officer will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

## Section 3 : Responsibilities and Conduct

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### Section 3.1 General Code of Conduct

All Town of Afton employees are expected to represent the Town to the public in a professional and helpful manner, understanding that each works for the residents of Afton. Employees shall maintain a clean and neat appearance appropriate to their work assignment, as determined by their position.

Employees are expected to be courteous towards the public and co-workers; comply with all Town policies, procedures, safety rules and safe work practices; comply with directions from supervisors; preserve and protect the Town's equipment, grounds, facilities and resources; and provide orderly and cost efficient services to its residents.

In order to function efficiently or to meet service demands, employees may be asked to perform related duties that are outside their regular assignments. The Town will make every effort to minimize such circumstances. To make the most efficient use of personnel, the Town also reserves the right to change work conditions and assigned duties.

At no time are Town resources available for private use.

### 3.2 Harassment

The Town of Afton is committed to providing a work environment that is free of discrimination and unlawful harassment. It is the Town's policy to foster and maintain a work environment that is free from unlawful harassment. Toward this end, the Town will not tolerate harassment of any employee based on the employee's sex, race, religion, age, national origin, genetics, disability, military service status or any other characteristic protected by law.

Employees who are the subject of conduct which may violate this policy and employees who observe conduct which may violate this policy shall report such conduct under the manner described in [Section 3.4](#).

All reports or observations of conduct that may violate this policy shall be investigated by the Town Administrator or other appropriate designees assigned by the Mayor. Confidentiality of the report and investigation will be maintained to the greatest degree possible consistent with the need to conduct a thorough and complete investigation.

1. Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, and which is motivated by an individual's gender, race, color,

national origin, religion, disability, military service status or other legally protected characteristic, whether or not the statements or conduct are overtly derogatory toward those protected characteristics. Prohibited behavior may include, but is not limited to the following:

Written form, electronic communications, and social media, such as cartoons, e-mail, text messaging, posters, drawings or photographs.

Verbal conduct such as epithets, derogatory comments, slurs or jokes, innuendos or insults.

Physical conduct such as unwanted physical contact, threatening behavior, assault, blocking an individual's movements or other negatively-perceived nonverbal conduct.

2. Sexual harassment is another form of discrimination and harassment which is based on the individual's gender. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and or other verbal or physical conduct of a sexual nature, when:

Submission to such conduct is made explicitly or implicitly a term or condition of employment.

Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment.

Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

3. All employees are expected to conduct themselves in a professional and businesslike manner at all times. Inappropriate sexual conduct that could lead to a claim of sexual harassment is expressly prohibited by this policy. Such conduct includes, but is not limited to, sexually implicit or explicit communications whether in:

Written forms such as cartoons, posters, calendars, notes, and letters.

Electronic means such as, the use of social media, e-mail, text messaging or other electronic communication methods.

Verbal forms such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates.

Physical gestures and other nonverbal behavior such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

The Harassment Policy applies to all employees, including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, members of the public, or any person who interferes with the working environment of Town employees.

It is important to recognize that the fact that someone did not intend to harass an individual is no defense to a report of harassment. Regardless of intent, it is the effect and characteristics of the conduct that determine whether the conduct constitutes harassment.

Employees who violate this policy shall be subject to discipline, up to and including termination of employment.

### **3.3 Anti-Violence Policy**

The Town of Afton believes employees should work in an environment without intimidation and threats of violence. Any violent action will not be tolerated. Such behaviors may include, but are not limited to, physical or verbal intimidation, threats of violence, violent conduct, vandalism, sabotage, and arson.

Employees shall immediately report any such occurrence to their supervisor or manager. The Town Administrator shall promptly investigate complaints. When an employee is found to have engaged in such conduct, the Town will take appropriate corrective action up to and including termination of employment.

Should there be an imminent threat to the safety and health of the employee or others, law enforcement shall be directly contacted by the employee.

### **3.4 Reporting and Investigation Procedure**

Each supervisor is responsible for creating and preserving an atmosphere free of discrimination, harassment, retaliation or threat of violence. Further, employees are responsible for respecting the rights of their co-workers and others, including the residents they serve. The following procedure outlines the steps to follow if an employee (or applicant for employment) believes he/she has experienced conduct which may violate the Harassment, Discrimination or Anti-Violence policies stated in this section.

Step 1: The employee (or applicant for employment) has the option to describe the behavior to the person responsible for the behavior and request that it be stopped. In the event such informal direct communication is either ineffective or the employee (or applicant for employment) is uncomfortable with such an approach, the employee (or applicant for employment) shall immediately discuss the situation with his/her supervisor or the Town Administrator. Should the complaint be in regards to the Town Administrator, the Mayor should be contacted.

Step 2: Reports received by any supervisor or any observation by a supervisor of conduct which may violate these policies, shall immediately be brought to the attention of the Town Administrator who will be responsible for coordinating the investigation of such reports.

Step 3: The Mayor, or another person designated by the Mayor, shall investigate all reports or observations of conduct which may violate the policies stated above. All such investigations shall be conducted as confidentially as possible recognizing the need to interview witnesses. The employee making the report and the accused employee shall maintain confidentiality of the reporting process. If an investigation shows the accused employee engaged in conduct which violates Town policy, appropriate disciplinary or corrective action shall be taken, up to and including termination of employment.

Step 4: The Town Administrator shall follow up with employees who make reports or participate in investigations under this procedure to ensure that no retaliatory conduct is occurring, and any reports of retaliatory conduct will be investigated and resolved according to this policy.

## Section 4 : Employee Classification

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### Section 4.1 Employee Classification

Each job title within the Town of Afton shall be classified by the Mayor and approved by the Town Council into one of the Town's classifications for salary purposes ([Section 5](#)).

### Section 4.2 Employee Categories

The Town Administrator has the responsibility for determining the exemption status for all employees of the Town of Afton. Each employee is designated as either nonexempt or exempt from federal and state wage and hour laws. Non-Exempt employees are entitled to overtime pay under the specific provisions of the Fair Labor Standards Act (FLSA). Exempt employees are excluded from specific provisions of federal and state wage and hour laws.

The leading factor in determining an exemption from federal and state wage and hour laws will be based on job duties the employee *actually performs on the job*, ultimately determining their exemption or non-exemption classification.

In addition to the above classification of nonexempt and exempt classification, each employee will belong to one other employment category:

Full Time Employee - Those employees who are not in a temporary status and who are regularly scheduled to work a full-time (40 hour) schedule. Full Time Employees are eligible for the Town's benefit package, subject to the terms, conditions, and limitations of each benefit program.

Part Time Employee - Those employees who are not assigned to a temporary status and who are regularly scheduled to work less than 30 hours per week. While Part Time Employees do receive all legally mandated benefits (such as workers compensation insurance), they are ineligible for the Town's other benefit programs.

Seasonal Employee - Those employees who are hired as interim replacements, or to temporarily supplement the workforce, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change in writing by the Town Administrator. While seasonal employees receive all legally mandated benefits (such as workers compensation insurance), they are ineligible for the Town's other benefit programs.

### **Section 4.3 CDL Requirement**

All department of Public Works full time employees shall hold prior to employment or shall obtain within thirty (30) days of employment and shall maintain at all times a commercial driver's license (CDL) and all endorsements necessary to operate all of the Town's equipment and vehicles except for employees classified as support personnel. This is a requirement for **initial and continued employment** by the Town of Afton in the Public Works Department.

## Section 5 : Compensation

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### 5.1 Pay Ranges

Each job classification shall be assigned to a particular salary or salary range within the **Town of Afton Compensation Plan**, which shall be approved annually by the Mayor and Town Council.

It is the Town's objective to compensate employees according to each employee's overall job performance, contribution, and responsibilities. Pay increases are not automatic and are contingent upon satisfactory performance and the Compensation Plan approved by the Mayor and Town Council.

The Town Administrator shall conduct periodic market surveys to evaluate the Town's Compensation Plan.

### 5.2 Promotions and Demotions

#### 5.2a Promotions

Changing an employee from one position to a position of greater responsibility, at a higher pay range based upon performance shall be defined as a promotion.

When an employee is promoted to a position at a higher pay range, his/her salary shall be determined at the discretion of the Department Head subject to the approval of the Mayor and the Town Council.

In the case of reclassifications, the Town Administrator shall facilitate the creation of a new position description and evaluate and classify the position pursuant to the Town's classification plan. Based upon the evaluation, the Town Administrator shall recommend to the Mayor an appropriate classification and pay range for the new position.

All promotions are subject to budgetary approval. Any employee promoted to a position in a higher classification and salary range shall receive a raise when placed on the new salary range provided that this increase would not result in the employee receiving compensation above the maximum salary on the new pay range and subject to the approval of the Mayor and Town Council.

When a vacancy or extended absence occurs, the Town of Afton may assign an employee to temporarily perform the duties of the vacant position. If the employee's "acting appointment" is at a higher classification than his/her regular position and extends

forty five (45) or more calendar days, the employee shall be compensated at the minimum wage on the range of pay for the higher classified position.

Promotions resulting from an employee acquiring a certification level and/or obtaining a specified level of experience shall be deemed a non-competitive promotion. Such promotions are not advertised as vacancies within the Town of Afton.

### **5.2b Demotions**

Changing an employee from one position to a position of less responsibility, at a lower pay range based upon performance or discipline shall be defined as a demotion.

When an employee is demoted, he/she shall be paid at the new position's range of pay at a rate recommended by the Mayor and approved by the Town Council based upon the employee's knowledge, skills, and abilities for the position.

### **5.3 Paydays**

The Town of Afton pays employees on a bi-weekly schedule every other Tuesday.

### **5.4 Administrative Pay Corrections**

The Town of Afton takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Town Clerk/Treasurer so that corrections can be made as quickly as possible.

### **5.5 Work Schedules**

Work schedules for employees vary throughout the Town organization. Department Heads will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

### **5.6 Overtime**

The Town of Afton believes in providing the highest level of public service possible to its residents in the most economical and efficient manner. It is recognized that at times, due to operational, staffing, or critical needs, certain work cannot be completed during the normal business hours of the Town. In such situations, the Town Administrator must approve in

advance any overtime before authorizing the accrual.

Should an emergency arise where overtime compensation is unavoidable, the Department Head(s) must notify the Town Administrator after the emergency has passed as to the reason for authorizing overtime.

The Town Administrator and Mayor (Mayor-Pro Tem) shall exercise independent discretion in the use of overtime, and in doing so, balance the business and safety needs within the fiscal constraints of the budget. The Mayor and Town Council shall be notified at the next regularly scheduled Town Council meeting for the justification of overtime.

**5.6a Non-Exempt Employees:**

All overtime eligible employees will be compensated at the rate of time and one-half (1.5) all hours worked over 40 hours in one workweek. Overtime compensation will take the form of either one and one-half (1.5) regular pay or compensatory time.

Compensatory time is accrued at one and one-half (1.5) off for each hour of overtime worked. Compensatory time must be taken during the pay period earned or paid out as overtime. Unused Compensatory time will be paid to employees upon termination of employment.

**The Town Administrator or Mayor (Mayor-Pro Tem) must approve overtime and compensatory time in advance in all non-emergency situations.**

**Employees who violate this policy shall be subject to discipline, up to and including termination of employment.**

**5.6b Exempt Employees:**

Exempt employees are ineligible for overtime or compensatory pay. It is the policy of the Town of Afton to attempt to accommodate employees' and employers' needs for flexible work schedules so long as it does not adversely impact upon the performance of the job and/or service to the public.

Eligible exempt employees will be able to carry over up to a maximum of 40 hours to be used as Flexible (Flex) time. Flex time will be accrued in straight hours (1:1) over and above the normal course of a business week. (Examples of Flex time: Travel to and from a work related training in another state, significant after hours meetings, etc.). Unused Flex time will not be paid to employees while they are employed or upon termination of employment.

## Section 6 : Benefits

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### 6.1 Introduction

The Town of Afton provides a competitive package of employee benefit programs for all full time employees ([Section 4.2](#)) that supports the Town's recruitment and retention objectives and is designed to meet the diverse and changing needs of all employees.

All eligible full time employees are provided the following benefit programs: Vacation Leave, Sick Leave, Bereavement Leave, Paid Holiday, Administrative Leave, Mileage Reimbursement, State of Wyoming Retirement, and Short-Term Disability.

All employees receive all legally mandated benefits such as workers compensation insurance.

Some benefit programs require contributions from the employee, but most are fully paid for by the Town of Afton.

### 6.2 Vacation Leave

Vacation time off with pay is available to full time employees. The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following figure.

#### Vacation Schedule

Service Years	Vacation Days Awarded
1 - 5 Years	1 Day (8 hours) per month
6 - 10 Years	1 ¼ Days (10 hours) per month
11 - 15 Years	1 ½ Days (12 hours) per month
16 Years And Above	2 Days (16 hours) per month

The service years is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn vacation time. Employees with eligible vacation time off accruals must request advance approval from their supervisors before taking paid time off. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

Employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the end of the benefit year, employees may carry unused time forward to the next benefit year. If the total amount of unused vacation time reaches a "cap" equal to two times the annual vacation amount, further vacation accrual will stop. When the employee uses paid vacation time and brings the available amount below the cap, vacation accrual will begin again.

Upon termination of employment, employees will be paid for their unused vacation days that had been earned through the last day of work.

### **6.3 Paid Holidays (Revised 5/20/2013)**

The following ten (10) days shall be holidays for which most regular full-time and regular part-time employees shall receive their regular compensation:

- New Year's Day - January 1st
- Martin Luther King Jr. Day - Third Monday in January
- Presidents' Day - Third Monday in February
- Memorial Day - Last Monday in May
- Independence Day - July 4th
- Labor Day - First Monday in September
- Veterans' Day - November 11th
- Thanksgiving - Fourth Thursday in November
- Day After Thanksgiving - Fourth Friday in November
- Christmas Day - December 25th

Holiday pay is eligible to all full-time employees immediately upon assignment to an eligible position. The rate of pay will be calculated based on the employee's straight time pay rate (as of the date of the holiday).

If an eligible **non-exempt** employee works on a recognized holiday, he or she will receive compensation for the hours worked on the holiday, but will not receive holiday pay.

## 6.4 Sick Leave Benefits

The Town of Afton provides sick leave benefits to all eligible employees for periods of temporary absence due to illness or injury.

Eligible employees will accrue sick leave benefits at the rate of 10 days per year. Sick leave benefits are calculated on the basis of a “benefit year,” the 12 month period that begins when the employee starts to earn sick leave benefits.

Eligible employees may use sick leave benefits for an absence due to their own illness or injury or that of their immediate family member. For the purposes of this policy, an immediate family member shall be defined as the following:

1. Spouse, and parents thereof;
2. Sons and daughters, and spouses thereof;
3. Parents;
4. Brothers and sisters, and spouses thereof;
5. Grandparents and grandchildren, and spouses thereof;
6. Domestic partner and parents thereof, including domestic partners of any individual in 1 through 5 of this definition.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor must also be contacted on each additional day of absence.

In instances of a serious medical condition of you or a member of your family, you may be eligible for an extended medical leave of absence under the Family and Medical Leave Act (FMLA) ([Section 6.12](#)).

The Town of Afton may require such evidence as deemed necessary to validate a sick related absence. Any employee fraudulently obtaining sick leave shall be subject to disciplinary action, which may include termination of employment.

Unused sick leave benefits will be allowed to accumulate up to a maximum of sixty days.

Sick leave is intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment.

## 6.5 Voluntary Sick Leave Donation

The Town of Afton provides its employees with a generous amount of paid time off; all employees are expected to manage their time off wisely, so it is available when needed.

There may, however, be occasions when an employee does not have enough accrued time off to cover an extended medical absence. Therefore, under limited circumstances, employees may supplement a co-worker's paid time off with donations from their own accrued sick leave.

Procedure:

1. The receiving employee must be a full-time employee with a serious medical condition and in all cases submit a physician's statement of diagnosis, prognosis and estimated duration of medical leave necessary; and exhausted all paid leave (sick, vacation, compensatory time or flex time) before requesting donated sick leave.
2. The donating employee must not donate more than 120 hours of sick leave in a calendar year; and may not reduce his or her sick leave balance below 23 hours with the donation.
3. Employees wishing to request or donate sick leave must submit a completed *Sick Leave Donation Request Form* to the Mayor for approval.

## 6.6 Bereavement Leave

When a full time employee of the Town of Afton finds it necessary to be absent from work due to the death of an immediate family member(s), the employee shall be entitled to the use of bereavement leave, with full pay, subject to the approval of the Mayor.

For the purposes of this policy, an immediate family member shall be defined as the following:

7. Spouse, and parents thereof;
8. Sons and daughters, and spouses thereof;
9. Parents;
10. Brothers and sisters, and spouses thereof;
11. Grandparents and grandchildren, and spouses thereof;
12. Domestic partner and parents thereof, including domestic partners of any individual in 1 through 5 of this definition.

## **6.7 Jury and Witness Duty**

The Town of Afton encourages employees to fulfill their civic responsibilities by serving jury duty when required.

An employee who serves on jury duty during his or her normal work hours shall be paid his or her regular straight-time compensation for such service. Time spent on jury duty during normal work hours shall count as hours worked toward a non-exempt employee's overtime threshold.

An employee who is subpoenaed to serve as a witness on behalf of the Town of Afton or the State of Wyoming in a criminal or civil proceeding during his or her normal work hours shall be paid regular straight-time compensation for such service. Time spent serving as a witness for the Town or State during normal work hours shall count as hours worked toward a non-exempt employee's overtime threshold.

An employee who is subpoenaed to serve as a witness on behalf of a private party other than the Town of Afton or State of Wyoming are free to use any available vacation leave to receive compensation for the period of this absence.

## **6.8 Administrative Leave**

Administrative leave is a general leave status, initiated by the Mayor of Afton. Under the sole discretion of the Mayor, administrative leave can be a paid or unpaid leave of absence.

The Mayor will consult with Town Council before placing an individual on leave to determine the appropriate type of leave and to coordinate the appropriate payroll processing information.

### **6.8a Temporary Leave**

Some departments lay staff members off on a temporary or seasonal basis in accordance with their staffing needs. Departments for which seasonal layoff is a recurring activity should share these policies with staff members during the employment process. Questions about temporary or seasonal layoffs should be directed to designated Human Resource Officer.

## **6.9 Health Insurance Benefits**

The Town of Afton provides group health insurance benefits for its employees. Regular full-time employees and their dependents shall be eligible to participate in the Town's health insurance program beginning on the first day of the month following the first thirty (30) days of employment.

The Town shall contribute toward the cost of the premiums in the amounts authorized by the Town Council and Mayor and the remainder of the premiums, if any, shall be paid by the

employee through payroll deduction.

For eligible employees who separate or are on an approved leave of absence from the Town, the Town will pay the employer's portion of the insurance premium for the month the employee is leaving, provided the employee is in a paid status for at least one working day of the month. In the case of Administrative Leave, if the employee is not on paid status, Family/Medical Leave or Workers' Compensation for at least one working day of the month, the employee will be responsible for paying the employer's and the employee's portions of the insurance premium if they desire coverage for that month.

## **6.10 Retirement Benefits**

Town of Afton full time employees are covered under the Wyoming State Retirement Program. Part-time employees may be covered by the Wyoming State Retirement Program at the discretion of the Mayor and Town Council. The Town of Afton currently makes monthly contributions to the Wyoming State Retirement Program for the employer contribution under the State defined contribution level. At the discretion of the Mayor and Town Council, the Town also pays for the employee contribution.

## **6.11 Workers' Compensation**

All employees are covered by the Wyoming State Workers' Compensation Program. This insurance covers employees in case of on-the-job related injuries or job-related illnesses. All job-related illnesses or accidents, no matter how small, shall be reported immediately to a Department Head and the Town Administrator. Employees unable to work during this time period due to injury or illness will be placed on Administrative Leave ([Section 6.8](#)).

If the employee is determined eligible for temporary disability, and their attending physician determines the employee is temporarily unable to perform the essential functions of their position, the Town will continue to pay the employee's regular salary for a maximum of sixty (60) calendar days pending the employee's release to return to work. The employee shall pay to the Town of Afton, any Workers' Compensation claim benefits they receive for the first sixty (60) days after an injury and within five (5) working days of its receipt, or as arranged by the Town Treasurer.

If an employee who is receiving Workers' Compensation benefits is determined by their physician to be unable to return to their regular position after sixty (60) calendar days from their injury, the employee shall choose one of the following methods of compensation:

- a. The employee may collect Workers' Compensation benefits, which are not subject to Federal Income Taxes; OR
- b. The employee may collect the Worker's Compensation benefits (not

subject to Federal Income Taxes) and the remaining portion of their regular wages utilizing the employee's accrued sick or annual leave (subject to Federal Income Taxes).

If the employee chooses to supplement their Workers' Compensation benefits with accrued sick or annual leave they shall complete the required paperwork to do so through the Town Clerk/Treasurer.

The appropriate amount of sick or annual leave will be used to keep the employee's NET check whole. Once the employee's sick or annual leave is exhausted, any remaining periods of leave will be unpaid.

The Town may require a fitness for duty examination, at its' expense, performed by a physician of the Town's choosing to determine when the employee is capable of returning to work and if they will be capable of performing the duties of the position.

An employee receiving Workers' Compensation benefits shall continue to accrue annual leave and sick leave for up to six (6) calendar months after their injury. The Town currently continues to pay for the employer's portion of health insurance premiums, provided that the employee continues to pay their share of premiums, if any. The employee must make arrangements with the Town Clerk/Treasurer for the payment of their premiums while on Workers' Compensation. After six (6) calendar months from the injury, medical coverage ceases unless employment has been extended.

## **6.12 Family and Medical Leave Act (FMLA)**

In compliance with the Family and Medical Leave Act of 1993, leave is available in accordance with the law to all Town of Afton employees with the exception of employees who work less than 1250 hours during a 12-month period of time and fail to work a total of twelve (12) months for the Town of Afton.

Eligible employees shall be entitled to a total of 12 workweeks of leave during any 12-month period of time for one of the following:

1. Because of the birth of child of the employee and in order to care for the child.
2. Because of the placement of the child with the employee for adoption for the foster care.
3. In order to care for the spouse, child, or parent of the employee, if such spouse, child, or parent has a serious health condition.
4. Because of a serious health condition that makes the employee unable to perform the

functions of the position of such employee.

5. For the birth, bonding or care of a domestic partner or same-sex domestic partner, as well as other children for whom an employee has the responsibility for day-to-day care or financial responsibility, even though the employee has no biological or legal relationship with the child (“in loco parentis”).

New amendments to the FMLA provide military family leave entitlements for eligible specified family members (spouse, son, daughter, parent, or next of kin):

1. Up to 12 weeks of leave for certain qualifying exigencies arising out of a covered military member’s active duty status, or notification of an impending call or order to active duty status, in support of a contingency operation, or
2. Up to 26 weeks of leave in a single 12-month period to care for a covered service member recovering from a serious injury or illness incurred in the line of duty on active duty. Eligible employees are entitled to a combined total of up to 26 weeks of all types of FMLA leave during the single 12-month period.

If an employee fails to return to work at the expiration of his/her approved leave of absence, the employee will be considered to have voluntarily resigned the day after completion of the leave of absence and be terminated effective on that date. If an employee is offered a job for which the employee is qualified and refuses it, or if the employee accepts other employment during the leave, the employee will be considered to have voluntarily terminated his/her employment. In the event that an employee does not return to work following FMLA leave, the Town may, in certain circumstances, recover from the employee the cost of any payments made to maintain the employee’s benefit coverage.

### **6.13 Benefits Continuation**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Town of Afton’s group health plan when a “qualifying event” would normally result in the loss of eligibility. Some common qualifying events are separation of employment with the Town, or being placed on unpaid administrative leave.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Town of Afton’s group coverage rates plus an additional administration fee.

## **Section 7 : Recruiting and Hiring**

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### **7.1 Recruiting**

It is the policy of the Town of Afton to recruit and select the most qualified persons for positions established within the Town. Recruitment and selection shall be conducted in a manner that will ensure open competition, provide equal employment opportunity, and prohibit discrimination or favoritism on the basis of sex, race, religion, age, national origin, genetics, disability, military service status or any other characteristic protected by law.

### **7.2 Internal Postings**

The Town encourages promotion from within the organization whenever possible. All openings shall be posted so that employees may become aware of opportunities and apply for positions in which they are interested and for which they are qualified.

Openings with the Town of Afton shall be announced to all employees through e-mail. A full job description shall be available at Town Hall or with the Human Resource Officer. A letter of interest describing full qualifications of the position shall be required by any current employee applying.

At the discretion of the Mayor or Town Council, job announcements can be posted simultaneously internally and externally.

### **7.3 Hiring Manager**

The Mayor shall be the hiring manager for filling vacancies within all Town departments, with the approval of the Town Council.

### **7.4 Nepotism (Hiring of Relatives)**

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

Town of Afton staff may not hire or supervise their relatives.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

Relatives of persons currently employed by Town of Afton may be hired only if they will not be working directly for or supervising a relative. Town of Afton employees cannot be transferred into such a reporting relationship.

If the relative relationship is established after employment, the individuals concerned will decide who is to be transferred. If that decision is not made within 30 calendar days, the Town Administrator shall make this decision.

## **7.5 Temporary Employees & Support Personnel**

Department heads may request temporary employees/support personnel to replace employees who are on annual leave or other leave, to meet peak workload needs, or to temporarily fill a vacancy until a full-time or part-time employee is hired. Temporary employees may be hired without competitive recruitment, although all hiring processes must comply with state and federal labor laws.

## **7.6 Trial Service Period**

Upon hire or appointment, all employees shall serve a Trial Service Period (TSP) that is considered an integral part of the selection and evaluation process. The TSP is designed to give the employee time to learn the job and to give the Department Head time to evaluate whether the match between the employee and the job is appropriate.

The normal TSP duration is three (3) months from the employee's date of hire, appointment, or promotion. The Mayor and Town Council may authorize an extended TSP duration not to exceed twelve (12) months. Such extensions shall be granted for an employee due to an extended absence or a continued need to evaluate the employee's ability to perform the job.

**Completion of the TSP does not create an employment contract nor guarantee employment with the Town of Afton. All employees are at-will employees and the completion of the TSP does not modify the at-will status.**

After completion of a required TSP, an employee may be eligible for a salary increase pursuant to the discretion of the Mayor and Town Council.

## **7.7 Immigration Law Compliance**

In accordance with the Immigration Reform and Control Act of 1986, the Town of Afton employs only those individuals who are authorized to work in the United States. All individuals who are offered employment are required to submit documentary proof of their identity and employment authorization within three (3) business days of actual employment (as distinguished from the hiring date). Individuals to whom an offer has been made will be required to complete and sign a U.S. Citizenship and Immigration Services Form I-9. This form requires that employees attest that they are authorized to work in the job for which they have been hired and that the documents submitted to establish this right are genuine.

The execution and maintenance of the I-9 form are the responsibility of the Human Resource Officer.

Regardless of one's visa status, the Town of Afton is an Equal Employment Opportunity employer and does not discriminate upon the basis of national origin or citizenship.

## **Section 8 : Operation**

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### **8.1 Work Week**

The regular work week for all non-emergency (all employees other than police officers) designated employees shall consist of seven consecutive twenty-four hour days beginning Sunday at 12:01 am and ending at 12:00 am on the following Saturday.

Under the Fair Labor Standards Act (FLSA) the standard workweek for all employees other than police officers can be defined as any seven (7) consecutive days during which an employee is regularly scheduled to work forty (40) hours or less. In accordance with the FLSA, hours worked shall be considered the entire time during which an employee is necessarily required to be on Town property, on duty, or at a prescribed workplace.

### **8.2 Attendance**

Dependable and prompt attendance is an essential function of every employee at the Town of Afton. Planned absences such as vacations should be scheduled in advance. Unscheduled absences and tardiness are particularly disruptive and must be kept to an absolute minimum. Excessive absenteeism and tardiness disrupt normal operations and place an extra burden on fellow employees. Abuses, therefore, will be subject to disciplinary action, up to and including termination.

The Town does recognize that, on occasion, employees may not be able to come to work or need additional time before they arrive. Sickness or other emergencies cannot always be anticipated and may require an employee to miss all or part of the work day. If an employee cannot report to work as scheduled, he/she shall contact a supervisor or co-worker as soon as possible. If an absence is foreseeable, the employee must provide as much advance notice as possible.

No sick, vacation, or holiday pay shall accrue or be paid to an employee for unauthorized leave, and the employee will be responsible for full payment of the employee and employer portions of insurance premiums. With reasonable notice to an employee, the Town reserves the right to treat an extended unauthorized and unexplained absence as an implied resignation from Town employment.

Excessive or unauthorized lateness or absenteeism shall subject an employee to disciplinary action, up to and including termination.

### **8.3 Time Clock**

All non-emergency personnel (all employees other than police officers) shall be required to clock in and out for duty each day. Employee breaks including lunch breaks shall require clocking in and out during the course of the business day. The purposes of this new policy shall be to determine accurate timekeeping records for employees classified as nonexempt from the Fair Labor Standards Act, along with overtime calculations.

Emergency personnel within the Police Department shall continue to report for duty with the County Emergency Dispatch Center. The Police Chief shall furnish accurate time keeping records to the Town Clerk for the purposes of calculating overtime.

Employees should clock in no sooner than 10 minutes before/after the scheduled shift and clock out no later than 10 minutes before/after the scheduled shift. Nonexempt employees are required to clock in/out for lunch breaks in addition to the beginning and end of the day.

If an employee misses an entry into the timekeeping system, the employee will notify the Town Clerk or Treasurer as soon as possible. The Town Clerk or Treasurer will manually enter the employee's work hours. Employees who consistently miss time clock entries will be subject to disciplinary action, up to and including termination. This also includes situations where employees may have clocked in, but are repeatedly absent from work during work hours or have missed time clock entries in addition to working unscheduled overtime.

Employees utilizing accrued time off (vacation, sick, and compensatory time off) shall notify the Town Clerk or Treasurer within 48 hours of the usage. Failure to report usage of accrued time off shall subject the employee to disciplinary action, up to and including termination.

## 8.4 Cell Phone Policy (Added 9/11/2013)

Employees whose job duties include the frequent need for a cell phone may receive extra compensation, in the form of a **cell phone allowance**, to cover business-related costs on their personal cell phone. No further reimbursement for cell phone costs is available to employees who receive such an allowance. The Town of Afton shall maintain a limited number of cell phones assigned to the Police Department. These phones are intended to be used only during work hours and personal use of these phones is strictly prohibited.

As a general rule, cell phones should not be selected as an alternative to other means of communication -- e.g., land-lines or radios -- when such alternatives would provide adequate but less costly service to the Town of Afton.

Cell Phone Allowance:

- **Eligibility:** Employees eligible for a cell phone allowance generally include department heads, supervisors, and full-time employees whose job duties regularly require emergency call back, irregular work hours or other job related factors that require the employee to routinely utilize a cell phone to enhance their ability to perform their job duties. Department heads shall recommend which employees within their departments qualify for a cell phone allowance. The Town Administrator shall give final approval on all cell phone allowances.
- **Allowance Amount:** The standard monthly cell phone allowance amount shall be \$30.00. No further reimbursement for cell phone costs is available to employees who receive an allowance.
- **Allowance Payment:** The approved cell phone allowance will be paid monthly.
- **Employee Responsibilities:** The employee must retain an active cell phone contract as long as a cell phone allowance is in place. The employee must provide their department head with their current cell phone number and immediately notify the Town if the number changes. Employees receiving a cell phone allowance are expected to carry the cell phone on their person both on and off duty and respond when called for Town business.

Employees may choose the cellular service provider and plan design of their choice. Because the employee owns the cell phone personally, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes, as needed. Use of the phone in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the cell phone allowance.

If, prior to the end of the cell phone contract, a personal decision by the employee, or employee misconduct, or misuse of the phone, results in the cell phone allowance being discontinued or

the need to end or change the cell phone contract, the employee will bear the cost of any fees associated with that change or cancellation. For example, if an employee resigns, and no longer wants to retain the current cell phone contract for personal purposes, any cancellation charges will be the employee's responsibility.

4) Department Assigned Cell Phones: Town owned cell phones assigned to departments shall be used by multiple employees on an as-needed basis during the work day and are intended solely for Town business use. Personal use of such phones for anything other than a personal emergency shall subject the employee to disciplinary action and require appropriate reimbursement to the Town.

### **8.5 Return of Property**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control.

Employees must return all Town property immediately upon request or upon termination of employment. Where permitted by applicable laws, the Town of Afton may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The Town of Afton may also take all action deemed appropriate to recover or protect its property.

### **8.6 Meal and Break Periods**

It is the policy of the Town of Afton to provide meal and break period(s) during the course of each regular work day. Meal and break periods are intended to give an employee a chance to renew attention and energy after working for an extensive period so that he/she can remain productive and efficient in performing assigned tasks.

The duration and timing of these breaks will depend upon the needs of the respective departments. Department Heads are responsible for scheduling meal and break period(s).

The Town generally provides the opportunity for an unpaid meal period of one (1) hour for all shifts of more than eight (8) hours. Employees working shifts less than in duration of eight (8) hours shall generally be provided an unpaid meal period of one half (.5) hour. The actual time and length of the meal period will be scheduled by the supervisor.

Breaks are considered time worked. Most employees do not require or lend themselves to scheduled breaks, since employees are allowed to take a break when the need arises as work permits. Unscheduled break periods shall not exceed 15 minutes in any four-hour work period. Breaks cannot be accumulated or saved. The intended purpose would not be fulfilled if they were not taken at the appropriate intervals; therefore, breaks shall not be used to compensate for absences such as arriving late or leave work early, or to extend meal periods.

## **8.7 Security Inspections**

The Town of Afton wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the Town prohibits the possession, transfer, sale, or use of such materials on its premises. The Town requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of the Town. Accordingly, they, as well as any articles found within them, can be inspected by any authorized representative of the Town at any time, either with or without prior notice.

The Town likewise wishes to discourage theft or unauthorized possession of the property of employees, the Town, and visitors.

## **Section 9 : Safety**

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### **9.1 Introduction**

The Town of Afton recognizes its responsibility to prudently manage public funds. One of the primary objectives of the Town is to provide a safe and healthy working environment for each of our employees. Controlling the work environment and the unsafe actions of employees prevents accidents and injuries.

Employee safety will be the first consideration in the operations of all departments. The Mayor and Town Council has committed to provide mechanical and physical facilities to attain the highest standards of personal safety and health. Safe practices on the part of the workers must be part of all operations. Employees must understand their personal responsibility for the prevention of injuries on and off the job. Injuries can and should be prevented.

### **9.2 Safety Training**

In order to provide a safe and healthy work environment for Town of Afton employees and to ensure that employees are properly trained to safely perform the level of work to which they are assigned, the Town will provide the necessary safety and health training. The training will be coordinated by the Human Resource Officer.

Employees will be required to complete safety and health training that is applicable to the type of work they perform. Department Heads will determine the types of hazards that are related to the employee's work tasks, and will direct the employee to complete the appropriate training.

Department Heads will ensure that employees under their direction are properly trained to safely perform the level of work to which they are assigned.

Employees are responsible for the following:

1. With the assistance of their supervisor, understand the necessary Occupational Safety and Health training required for the type of work to which they are assigned.
2. Review Safe Operating Procedures for hazardous operations if such procedures have been developed.
3. Never attempt to perform work activities without the proper training in safe work practices.

### **9.3 Injury While On Duty**

All Town of Afton employees are covered by State Workers' Compensation laws. If you are injured at work or because of your work, you must report the injury or illness to your immediate supervisor as soon as possible, and no later than the end of your scheduled work shift. Prompt reporting ensures that you will receive adequate medical attention for your injury or illness and that other applicable benefits are not delayed.

Your immediate supervisor must be notified of any work-related incident as soon as possible. He or she will be responsible for following through on further reporting requirements. The supervisor or your Department Head is required to provide you with an Employee's Claim for Workers' Compensation Benefits Form within 24 hours of your report of any work-related injury or illness. Please complete the form and return it immediately to your supervisor. Your supervisor or your Department Head will provide you with a dated copy of the form.

### **9.4 Temporary Disability**

Temporary disability benefits for work related injury or illness are paid in accordance with schedules set by State law.

## **Section 10 : Development**

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### **10.1 Introduction**

The Town of Afton shall establish a Performance Management Program (PMP) to annually evaluate staff on the basis of performance. The PMP shall be part of an employee's personnel record and shall be a factor in determining wage increases, promotions, transfers, demotions, terminations.

The PMP is a continual evaluation and realignment process that strives to make the Town a more effective local government through establishing core competencies needed to provide the best service to the Town's residents.

### **10.2 Performance Management Program (PMP)**

Beginning in January of each year, employees will meet with his/her Department Head to establish measurable goals and benchmarks.

Based upon the mutually agreed upon goals and benchmarks, the employee will be evaluated in June for a mid-year evaluation, and in December for a final evaluation. The purpose of the mid-year evaluation shall be to check on progress and to determine if corrective action should be taken by the employee.

At the end of the year evaluation in December, Department Heads shall meet individually with employees to objectively evaluate the individual on the basis of the established goals and benchmarks established in January, as well on the basis of overall performance within the assigned duties of the job.

The Department Heads shall be responsible for establishing a pro-forma plan outlining required expenses (training) to improving department performance on a continual basis. The discrepancy when actual results are less than the desired outcome should constitute areas for improvement.

### **10.3 Performance Pay Increases**

On an annual basis the Mayor and Town Council shall determine the amount of funding available for performance pay increases and approve a plan for its distribution.

All pay increases other than those received for promotions or as provided for by the annual Compensation Plan (**Section 5.1**) shall be based upon the employee's PMP evaluation. An employee shall be eligible for a pay adjustment upon receiving at least a positive evaluation. An employee who fails to achieve at least a positive rating on his/her evaluation shall not be eligible for a performance pay increase.

Employees who have more than thirty (30) consecutive days of absence from work shall have his/her performance evaluation date delayed for an equal number of consecutive days. Any performance pay increases the employee is eligible for will be delayed the same number of days.

### **10.4 Training**

The Town of Afton shall, within the limits of available resources, seek to offer training to increase an employee's skills, knowledge, and abilities directly related to Town employment to obtain or maintain required licenses and certifications, and to develop staff resources. Opportunities may include, but shall not be limited to: on the job training, in-house workshops, and outside professional conferences.

All individuals serving the Town of Afton are eligible to participate in training.

## Section 11 : Discipline

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### 11.1 Introduction

It is the Town of Afton's policy to administer discipline with the goal of correcting inappropriate conduct and/or substandard performance and to define a standard of conduct for all employees. The appropriate use of discipline is essential to employee morale and productivity and furthers the Town's goal of providing excellent services to the community.

The Town's discipline process is based on the concept of progressive discipline. Under progressive discipline, the Town takes progressively more severe action if the employee has not responded to previous instructions, warnings, or other lower-level actions. **However, progressive discipline does not mean that the Town must progress through all discipline steps in all cases. Certain conduct may be serious enough that the first incident may warrant a higher level of discipline, up to and including termination.**

### 11.2 Forms of Discipline

The forms of progressive discipline for the Town of Afton:

#### 1. Verbal Warning

Department Heads or the Town Administrator shall issue a verbal warning to an employee when conduct and/or substandard performance warrants notifying the employee. Such warnings may be documented in the employee's personnel file.

#### 2. Documented Warning

Should an employee fail to take corrective action based on a verbal warning or if an employee has failed to meet performance goals set out in the Performance Management Program (PMP), that employee may be given a formal written warning or placed on a formal Performance Improvement Plan (PIP).

#### 2a. Written Warning

Issued as a formal memorandum from the Town Administrator to the employee explaining the need for the employee to immediately correct inappropriate behavior or conduct. A copy of the written warning shall be retained permanently.

## **2b. Performance Improvement Plan (PIP)**

Recommended by the Town Administrator in instances where an employee has failed to meet performance goals set out in the Performance Management Program (PMP).

The PIP is designed to facilitate constructive discussion between an employee and his/her Department Head and to clarify the work performance to be improved.

It is implemented, at the discretion of the Town Administrator, when it becomes necessary to help an employee improve his/her performance. The Department Head, with input from the affected employee, develops an improvement plan; the purpose of the activities outlined shall help the employee attain the desired level of performance.

The PIP will lay out sequential steps or measurable goals by which the disciplined employee may improve their performance within a minimum of two (2) weeks time, and a maximum of three (3) calendar months. At the end of the PIP, the Mayor and Town Council shall determine whether or not the disciplined employee has successfully completed the steps or goals required within the PIP.

## **3. Termination**

The Town may terminate the employment relationship at will at any time, with or without notice or cause, as long as there is no violation of applicable federal or state labor laws.

In order to enhance and clarify the actions of all the forms of discipline listed, those requiring a written memorandum should also be verbally explained to and discussed with the employee by the Town Administrator whenever possible.

At all levels of discipline the Town Administrator shall document and maintain notes of actions, discussions, etc.

## Section 12 : Police Department

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### 12.1 Introduction

It is the mission of the Afton Police Department to enhance the quality of life in the Town of Afton by working in partnership with all patrons of the Town of Afton.

The Police Department is dedicated to support the United States Constitution and the Wyoming State Constitution in enforcing the law, preserving the peace, and providing a safe community for all residents and visitors alike.

The department is led by the Chief of Police. The Chief of Police may from time to time issue departmental directives that support or clarify any policies contained within this section.

For clarification, Officer(s) shall be defined as all "Peace Officers" employed by the Town of Afton under section § 7-2-101 and § 9-1-701 of Wyoming Code, as amended or as it may be hereafter be amended.

### 12.2 Powers

Sworn members of the Afton Police Department shall be considered peace officers pursuant to Wyoming State Law. The authority of any such peace officer extends to any place in the State of Wyoming, as follows:

- a. For a public offense committed or attempted in his/her presence.
- b. When a person arrested has committed a felony, although not in his/her presence.
- c. When a felony has in fact been committed or attempted in his/her presence.
- d. On a charge made, upon a reasonable cause to believe that the suspect has committed a felony.
- e. At night, when there is reasonable cause to believe that a suspect has committed a felony.
- f. When upon immediate response to a report of a commission of a crime there is probable cause to believe that a person arrested has committed a violation of assault, battery, domestic assault or battery, stalking, violation of a protection order, or violation of a no contact order.
- g. When there is reasonable cause to believe, based upon physical evidence observed by the officer or statements made in the presence of the officer upon immediate response to a report of a commission of a crime aboard an aircraft, that the person arrested has committed such a crime.

### **12.3 Constitutional Requirements**

Afton Police Department employees shall observe and comply with the United States Constitution and Wyoming Constitution.

### **12.4 Training Policy**

It is the policy of the Afton Police Department to provide a robust training program that will provide for the professional growth and continued development of its' employees. By doing so, the department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

The objectives of the training program are to:

- a. Enhance the level of law enforcement service to the public.
- b. Increase the technical expertise and overall effectiveness of our personnel.
- c. Provide for continued professional development of personnel in the department.

A training plan will be developed and maintained by the Chief of Police, or his/her designee. It is the Chief of Police's responsibility to maintain, review, and update officers on an annual basis. The Chief of Police shall conduct an annual training needs assessment of all department employees. This plan will address the following areas:

- a. Legislative Changes (Federal, State, and Afton Town Council)
- b. State Mandated Training
- c. Critical Issues Training

## **12.5 Use of Force**

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide officers of this department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial, and safe manner.

The Use of Force policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense. Violations of this directive will only form the basis for departmental administrative sanctions.

It is the policy of this department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control. "Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving about the amount of force that is necessary in a particular situation.

### **Philosophy**

The use of force by law enforcement personnel is a matter of critical concern both to the public and to the Police Department. Officers are involved on a daily basis in numerous and varied human encounters and when warranted, may use force in carrying out their official duties.

Officers must have an understanding of, and true appreciation for, the limitations of their authority. This is especially true with respect to officers overcoming resistance while engaged in the performance of their duties.

The Afton Police Department recognizes and respects human life and dignity. IT is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.

### **12.5a Definitions**

**Deadly Force:** Any use of force that is likely to cause death or serious bodily harm.

**Non-Deadly Force:** Any use of force other than that which is considered deadly force.

**Reasonable Belief:** The facts or circumstances the officers knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

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

## **12.5b Escalation of Force Continuum**

### **Presence**

Generally an officer in uniform can control or stop most situations by his/her presence on the scene.

### **Verbalization**

The next step is to use verbal commands to give orders, gain compliance, and cease actions.

### **Physical Contact**

Physical contact can be anything from taking a suspect by the arm and escorting the individual into custody, engaging in physical combat with a suspect and taking the individual into custody. Physical contact greatly increases the likelihood of injury to the officer and the suspect.

### **Impact or Kinetic Weapon Use**

Escalate to weapons such as PR-24, straight stick, or flashlight.

### **Deadly Force**

Any force that is likely to cause injury or death.

## **12.5c Use of Physical Contact**

An officer is justified in using physical contact upon another person only when and to the extent that the officer reasonably believes is necessary.

Force may be used when the arrest is being made by an officer under the authority of a warrant or when the arrest is being made without a warrant but is supported by probable cause to believe that the person has committed an offense, after information of the intention to make the arrest, if the person to be arrested either flees or forcibly resists, the officer may use all reasonable and necessary means to effect the arrest and will be justified in using deadly force.

Use of force may also be appropriated when entering a house under certain emergency situations. In certain instances an officer who has lawfully entered a house for the purpose of making an arrest, may break open the door or window thereof if detained therein, when necessary for the purpose of liberating himself, and an officer may do the same when necessary for the purpose of liberating a person who, acting in his aid, lawfully entered for the purpose of

making an arrest, and is detained therein.

### **12.5d Determining Factors**

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- a. The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- b. Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion, and number of officers vs. subjects).
- c. Influence of drugs/alcohol (mental capacity).
- d. Proximity of weapons.
- e. Time and circumstances permitting; the availability of other options (what resources are reasonably available to the officer under the circumstances).
- f. Seriousness of the suspected offense or reason for contact with the individual.
- g. Training and experience of the Officer.
- h. Potential for injury to citizens, officers, and the suspect(s).
- i. Risk of escape.

### **12.5e Other Exigent Circumstances**

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

### **12.5f Non-Deadly Force Applications**

Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or very serious injury shall be considered non-deadly force. Each officer is provided with equipment, training, and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to leg restraints and control devices.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy

requires an officer to actually sustain physical injury before applying reasonable force.

### **Pain Compliance Techniques**

Pain compliance techniques may be very effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received training approved by the Afton Police Department and only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstance including, but not limited to:

- The potential for injury to the officer(s) or others if the technique is not used.
- The potential risk of serious injury to the individual being controlled.
- The degree to which the pain compliance technique may be controlled in application according to the level of resistance.
- The nature of the offense involved.
- The level of resistance of the individual(s) involved.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

### **Carotid Restraint**

The proper application of the carotid restraint hold by a trained officer may be effective in quickly restraining a violent individual however due to the potential for injury, the carotid restraint hold may only be applied under the following conditions:

- The officer shall have received training approved by the Afton Police Department in the use and application of the carotid restraint.
- The carotid restraint may only be used when the officer reasonably believes that such a hold appears necessary to prevent serious injury or death to an officer or other person(s).
- Any individual who has had the carotid restraint applied, whether or not they were rendered unconscious by the use of the carotid restraint, shall be promptly examined by paramedics or other qualified medical personnel.
- Any officer applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such hold.

## **12.5g Use of Deadly Force in making an Arrest or in Preventing an Escape**

Certain criteria must be present in a case of justifiable homicide by an officer. Homicide is justifiable when committed by officers and those acting by their command in their aid and assistance, either:

- In obedience to any judgement of a competent court; or
- When reasonably necessary in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty including suppression of riot or keeping and preserving the peace. Use of deadly force shall not be justified in overcoming actual resistance unless the officer has probable cause to believe that the resistance poses a threat of death or serious physical injury to the officer or to other persons; or
- When reasonably necessary in preventing rescue or escape or in retaking inmates who have been rescued or have escaped from any jail, or when reasonably necessary in order to prevent the escape of any person charged with or suspected of having committed a felony, provided the officer has probable cause to believe that the inmate, or persons assisting his escape, or the person suspected of or charged with commission of a felony poses a threat of death or serious physical injury to the officer or other persons.

### **Parameters For Use of Deadly Force**

Police officers are authorized to fire their weapons in order to:

- Protect the police officer or others from what is reasonably believed to be an immediate threat of death or serious bodily harm.
- Prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant threat to human life should escape occur.
- Before using a firearm, police officers shall identify themselves and state their intent to shoot, where feasible.

A Police Officer may also discharge a weapon under the following circumstances:

- During range practice or competitive sporting events.
- To destroy an animal that represents a threat to public safety, or as a humane measure where the animal is seriously injured.

Any officer found to have discharged his weapon as a result of negligence may be required to undergo firearms certification training again.

Police Officers shall adhere to the following restrictions when their weapon is exhibited:

Except for maintenance or during training, police officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.

Police Officers shall not fire their weapons at a moving vehicle, unless it is necessary to protect the Police Officers or others from what is reasonably believed to be an immediate threat of death or serious bodily harm.

**Firearms shall not be discharged when it appears likely that an innocent person may be injured.**

### **Reporting the Use of Force**

Any use of physical force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in policy of this department and/or law.

### **Medical attention for injuries sustained using Force**

Medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of pain, or who has been rendered unconscious. If the person(s) refuse medical assistance such refusal shall be witnessed by medical staff and shall be documented in the general report.

### **Supervisor Responsibility**

A supervisor is required to respond to an incident in which there has been a reported application of force and the supervisor is expected to:

- Obtain the basic facts from the involved officer(s).
- Ensure that any injured parties are examined and treated.
- Separately interview the subject(s) upon whom force was applied.
- Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas.
- Identify any witnesses not already included in related reports.
- Review and approve all related reports.

Should the supervisor determine that any application of force was not within policy, one or more separate internal administrative or criminal investigations shall be initiated.

## **12.6 Shooting Policy**

### **12.6a Purpose and Scope**

The purpose of the shooting policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This policy is for internal use only and does not increase this department's and/or an officer's civil or criminal liability in any way. Violations of this policy can only form the basis for administrative actions by this department.

It is the policy of this department to resort to the use of a firearm, when it reasonably appears to be necessary, and generally:

- An officer may use deadly force to protect himself/herself or others from what he/she reasonably believes would be an immediate threat of death or serious bodily injury.
- An officer may use deadly force to effect the arrest or prevent the escape of a suspected felon where the officer has probable cause to believe that the suspect committed or intends to commit a felony involving the inflicting or threatened infliction of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force where feasible.
- In circumstances where officers encounter an unexpected dangerous animal or are surprised by an animal that reasonably appears to pose an immediate threat to the safety of officers or others, officers are authorized to use deadly force to neutralize such a threat.

In circumstances in which officers have sufficient advance notice that a potentially dangerous domestic animal (e.g. dog) may be encountered such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g. fire extinguisher, Taser, OC Spray, other animal control device). Nothing in this policy shall prohibit any officer from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

- With the approval of a supervisor, an officer may euthanize an animal that is so injured that human compassion requires its removal from further suffering and where other dispositions are impractical.
- For target practice at an approved range.

### **12.6b Warning Shots**

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

### **12.6c Moving Vehicles**

Shots fired at or from a moving vehicle are rarely effective and are generally discouraged.

(a) Unless it reasonably appears that it would endanger officers or the public, officers are expected to move out of the path of any approaching vehicle.

(b) This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.

(c) Officer may not use deadly force to stop a fleeing suspect unless the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the infliction or threatened infliction of serious bodily injury or death. Under such circumstances, a verbal warning should precede the use of deadly force when feasible.

### **12.6d Report of Weapon Discharge**

Except during training or recreational use, any member who discharges a weapon accidentally or unintentionally, on or off-duty shall make a verbal report to his/her supervisor as soon as circumstances permit. If on-duty at the time of the incident the member shall file a written report with his/her supervisor prior to the end of shift and if off-duty, no later than the end of the next regularly scheduled shift.

## **12.7 TASER Guidelines**

### **12.7a PURPOSE AND SCOPE**

When properly applied in accordance with this policy, the TASER device is considered a non-deadly control device, which is intended to temporarily incapacitate a violent or potentially violent individual without causing serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

Personnel who have completed training approved by this department may be issued a TASER for use during their current assignment. Personnel leaving a particular assignment may be expected to return their issued device to the inventory of this department.

Officers shall only use TASER and cartridges that have been issued by this department. The device may be carried either as a part of a uniformed officer's equipment in an approved holster or secured in the driver's compartment of the vehicle so that it is readily accessible at all times.

If the TASER is carried as a part of a uniformed officers equipment, the TASER shall be carried on the opposite side as the officer's duty weapon.

All TASER's shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

Whenever practical, officers should carry a total of two or more TASER cartridges on their person at all times while carrying a TASER.

Officers shall be responsible for insuring that their issued TASER is properly maintained and in good working order at all times.

Officers should never hold both a firearm and the TASER at the same time, unless lethal force is justified.

### **12.7b Verbal and Visual Warnings**

Unless it would otherwise endanger officer safety or is impractical due to circumstances, a verbal announcement of the intended use of the TASER shall precede the application of a TASER in order to:

- Provide the individual with a reasonable opportunity to voluntarily comply.
- Provide other officers and individuals with warning that a TASER may be deployed.

If, after a verbal warning, an individual continues to express an unwillingness to voluntarily comply with an officer's lawful orders and it appears both reasonable and practical under the

circumstances, the officer may, but is not required to display the electrical arc (provided there is not a cartridge loaded into the TASER) or laser in a further attempt to gain compliance prior to the application of the TASER. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair their vision.

The fact that a verbal and/or other warning was given or reasons it was not given shall be documented in any related reports.

### **12.7c Use of the TASER**

As with any law enforcement equipment, the TASER has limitations and restrictions requiring consideration before its use. The TASER should only be used when its operator can safely approach the subject within the operational range of the TASER. Although the TASER rarely fails and is generally effective in subduing most individuals, officers should be aware of this potential and be prepared with other options in the unlikely event of such a failure.

Authorized personnel may use the TASER when circumstances known to the individual officer at the time indicate that the application of the TASER is reasonable to subdue or control:

- A violent or physically resisting subject, or
- A potentially violent or physically resisting subject if:
  - The subject has verbally or physically demonstrated an intention to resist;
  - The officer has given the subject a verbal warning of the intended use of the TASER followed by a reasonable opportunity to voluntarily comply;
  - Other available options reasonably appear ineffective or would present a greater danger to the officer or suspect.

Although not absolutely prohibited, officers should give additional consideration to the unique circumstances involved prior to applying the TASER to any of the following individuals:

- Pregnant females.
- Elderly individuals or obvious juveniles.
- Individuals who are handcuffed or otherwise restrained.
- Individuals who have been recently sprayed with alcohol based Pepper Spray or who are otherwise in close proximity to any combustible material.
- Passively resisting subjects.
- Individuals whose position or activity may result in collateral injury (e.g. falls from height, operating vehicles).

Individuals suspected of being under the influence of drugs/alcohol or exhibiting symptoms of “excited delirium” (e.g. nudity, profuse sweating, irrational behavior) may be more susceptible to collateral problems and should be closely monitored following the application of the TASER until they can be examined by paramedics or other medical personnel.

Because the application of the TASER in the “Drive Stun” mode (i.e. direct contact without darts) relies primarily on pain compliance and requires close proximity to the subject, additional caution should be exercised and the controlling effects may be limited.

The TASER shall not be used to torture, psychologically torment or inflict undue pain on any individual. The display of the electric arc as authorized in this policy shall not constitute torture or torment.

#### **12.7d Multiple Applications of the TASER**

If, after a single application of the TASER, an officer is still unable to gain compliance from an individual and circumstances allow, the officer should consider whether or not the probes or darts are making proper contact, or if the use of the TASER is limiting the ability of the individual to comply, or if other options or tactics may be more appropriate. This however, shall not preclude any officer from multiple, reasonable applications of the TASER on an individual.

#### **12.7e Report of Use**

All TASER displays to obtain compliance and discharges shall be documented in the related arrest/crime report and on the TASER report form. Accidental discharges of a TASER cartridge will also be documented on the TASER report form. Any report documenting the discharge of a TASER cartridge will include the cartridge’s serial number and an explanation of the circumstances surrounding the discharge.

The on-board TASER memory will be downloaded through the dataport, and saved with the related arrest/crime report.

#### **12.7f Medical Treatment**

Any person who has been subjected to the electric discharge of a TASER and/or struck by TASER darts shall be medically cleared, by no less than a certified Emergency Medical Technician, prior to being booked. Individuals who have been subjected to the electric discharge of a TASER and/or struck by TASER darts and who are also suspected of being under the influence of controlled substances and/or alcohol should also be examined by paramedics or other qualified medical personnel as soon as practicable.

#### **12.7g Training**

In addition to the initial training approved by this department required to carry and use a TASER, any personnel who have not carried a TASER as a part of their assignment for a period of six months or more, shall have a reassessment of his/her knowledge and practical skill may be required if deemed appropriate.

## **12.8 Vehicle Fresh Pursuit Policy**

### **12.8a Purpose and Scope**

Pursuits of suspected or known violators of the law expose innocent citizens, law enforcement officers and fleeing violators to serious injury or death. The primary purpose of this policy is to provide officers guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce and minimize the potential for pursuit related accidents. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where the policy of this department would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuit situations are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Pursuits are discouraged and can only be justified when the necessity of immediate apprehension clearly outweighs the risks to the community.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers' conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

### **12.8b Fresh Pursuit Defined**

The term "fresh pursuit" includes fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It also includes the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Fresh pursuit does not necessarily imply instant pursuit, but pursuit without unreasonable delay.

### **12.8c Failure to Yield**

Refers to the actions of a vehicle operator who fails to stop or respond to the emergency light(s)

and siren of a law enforcement vehicle. Generally, the vehicle operator continues to travel forward at or below the speed limit, observes applicable rules of the road and does not change the direction of travel in an evasive manner.

### **128d Officers Responsibilities**

While engaging in a vehicle pursuit officers must drive with due regard for the safety of all other persons. However, while engaging in a vehicle pursuit, officers are generally not required to follow the rules of the road. In addition, this exemption from following the rules of the road only applies when the officer is operating an authorized emergency vehicle. The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons.

**State law 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 does the law protect the driver from the consequences of an arbitrary exercise of these privileges.**

### **When to Initiate a Pursuit**

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- Seriousness of the known or reasonably suspected crime and its relationship to community safety.
- The importance of protecting the public and balancing the known or reasonably suspected offence and the apparent need for immediate capture against the risks to officers, innocent motorists or others.
- Apparent nature of the fleeing suspect(s) (e.g. whether the suspect(s) represent a serious threat to public safety).
- The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time.
- Safety of the public in the area of the pursuit, including the type of area, time of day, amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
- Pursuing officer(s) familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under conditions of the pursuit.
- Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.

- Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- Vehicle speeds.
- Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- Availability of other resources.
- A police unit that is carrying a prisoner will not be involved in a pursuit.
- A police unit that has passengers other than law enforcement officers will not engage in a pursuit.

### **12.8e Use of Vehicle to terminate a Pursuit**

Use of a vehicle can be considered deadly force if used in an aggressive manner. Vehicles will only be used in this manner if all other methods have failed and there is no other means to protect any innocent parties from serious injury or death.

### **12.8f When to Terminate a Pursuit**

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicate that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect(s)' escape.

### **12.8g Assumption of Pursuit by another Agency**

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of this department is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific and should be by, and to, the supervisor.

### **12.8h Post Pursuit Self-Control**

Safety is critical at the termination of a pursuit. At no time will the need for decisive action, self control, and strict personal discipline be more essential. The responsibility for maintaining control and directing activities at the termination point remains with the senior officer present in

the pursuit until relieved by a Supervisor.

At the termination of a pursuit consideration should be given to using accepted “high risk” stop procedures. Non-uniformed officers will ensure they are readily identifiable as police officers.

## **12.9 Domestic Violence**

### **12.9a Purpose and Scope**

Domestic violence is alleged criminal conduct and it is the policy of the Afton Police Department to stress enforcement of criminal laws related to domestic violence, the protection of the victim, and the availability of civil remedies and community resources. This includes the mandatory arrests of parties who an officer has probable cause to believe are the primary or potential assailants in domestic violence incidents.

In responding to domestic violence incidents, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider:

- The intent of the law to protect victims of domestic violence from continuing abuse.
- The threats creating fear of physical injury.
- The history of domestic violence between the persons involved.
- Whether either person acted in self-defense.

### **12.9b Definitions**

Domestic Violence shall be defined as the physical injury, sexual abuse or forced imprisonment or threat thereof of a family or household member. Family or household member means a person who is a spouse, former spouse, or a person who has a child in common regardless of whether they have been married or a person with whom a person is cohabiting, whether or not they have married or have held themselves out to be husband or wife.

### **12.9c Officer Safety**

The investigation of domestic violence cases places officers in emotionally charged and sometimes highly dangerous environments. No provisions of this guideline are intended to supersede the responsibility of all officers to exercise reasonable care for the safety of any officers and parties involved.

### **12.9d Enforcement Procedures**

An officer shall arrest and take into custody a person without a warrant when the officer has probable cause to believe that a protection order has been issued, a true copy of the order and proof of service on the respondent have been filed, and the respondent to be arrested has violated the terms of the order.

### **12.9e Evidence**

Officers investigating domestic violence cases should consider the following guidelines:

- Obtain and document as many statements as practical from the victim, the suspect, and any witnesses, including credible children in the household.
- List the full name and date of birth (and school if available) of each child that was present in the home at the time of the offence. The names of other children who may not have been in the house at that particular time are helpful for prevention follow-up.
- Audio record if practical, and document all significant statements and observations within the narrative of the report.
- If the victim complains of, or displays injuries, obtain medical evaluation as soon as possible. Many head, neck and throat injuries sustained during domestic incidents are not immediately visible.

### **12.9f Photographs of Injuries**

All visible injuries should be photographed regardless of severity and all victims shall receive proper medical care prior to being photographed, if needed or desired.

Victims whose injuries are not visible at the time of the incident shall be advised to contact the responding officer, in the event they become visible. An investigator may be assigned to ensure the injuries are photographed during the course of preparing the case for court.

### **12.9g Notices to Victims**

To prevent further abuse, officers should advise each person who has been the victim of domestic violence about the availability of a shelter or other services in the community.

## **12.10 Search and Seizure**

### **12.10a Purpose and Scope**

Case law regarding search and seizure is ever changing and frequently subject to interpretation under the varying facts of each situation. This policy is intended to provide a few of the basic guidelines that may assist an officer in evaluating search and seizure issues. Specific situations should be handled according to current training and an officer's familiarity with clearly established case law.

### **12.10b Reasonable Expectation of Privacy**

Both the United States and the Wyoming Constitutions provide every individual with the right to be free from unreasonable governmental intrusion. As a general rule, members of this department should not physically enter any area where an individual has a reasonable expectation of privacy in order to conduct a search or seizure without one or more of the following:

- A valid search warrant.
- Exigent circumstances.
- Valid consent.

### **12.10c Search Protocol**

Members of this department will conduct person searches with dignity and courtesy.

Members of this department will conduct property searches in a manner that returns the condition of the property to its pre-search status as nearly as reasonably practical.

Members of this department should attempt to gain keys to locked property when a search is anticipated and the time and effort required to gain the keys makes it a practical option.

When the person to be searched is of the opposite sex of the officer, an officer of the like sex should be summoned to the scene to conduct the search, if practical.

A search may be undertaken of a member of the opposite sex when it is not practical to summon an officer of the like sex. In these instances the officers will adhere to the following guidelines:

- A supervisor and/or one other officer should witness the search if practical.
- Officers will use the backside of their hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch and buttocks areas.
- The officer will explain to the person being searched the reason for the search and how the officer will conduct the search.

## **12.10d Specific Situations**

### **Residence**

Absent a valid search warrant, exigent circumstances, probation or parole authorization, or valid consent, every person has a reasonable expectation of privacy inside his/her home. Individuals do not, however, generally have a reasonable expectation of privacy in areas around their home where the general public (e.g., mail carriers & solicitors) would reasonably be permitted to go.

### **Plain View**

Because an individual does not have an expectation of privacy as to items that are in plain view, no “search” has taken place in a constitutional sense when an object is viewed from a location where the officer has a right to be. An item in plain view may generally be seized when the following conditions exist:

It was viewed from a lawful location.

There is probable cause to believe that the item is linked to criminal activity.

The location of the item can be legally accessed.

It is important to note that the so-called “Nexus Rule” requires that even items in plain view must not be seized unless there is probable cause to believe that the item will aid in an investigation. Such a nexus should be included in any related reports.

### **Exigent Circumstances**

Exigent circumstances permitting entry into premises without a warrant or valid consent generally include any of the following:

- Imminent danger of injury or death.
- Serious damage to property.
- Imminent escape of a suspect.
- The destruction of evidence.

An exigency created by the officer's own conduct as an excuse for a warrantless entry is not permitted.

### **Consent**

Entry into a location for the purpose of conducting a search for any item reasonably believed relevant to any investigation is permitted once valid consent has been obtained however consent is only valid if both of the following criteria are met:

- Voluntary (i.e., clear, specific, and unequivocal).
- Obtained from a person with authority to give the consent.

Whenever unusual circumstances would not otherwise prevent the use of this department's Consent Search Form, officers should have the individual read the form, ensure he/she understands it, and provide them with a copy after he/she has signed it.

If unusual circumstances prevent the use of the Consent to Search form, officers should describe such circumstances in related report(s).

While there is no requirement that an individual be told of their right to refuse consent, such a warning and the use of the Consent to Search for provide strong support for the validity of any consent.

Consent must be obtained, as the product of a free will. It cannot be obtained through submission to authority, expressed or implied.

At any point that an individual withdraws consent, any related search should be discontinued unless and until otherwise legally permitted.

### **Crime Scene Search**

Any officer responding to the scene of a reported crime and finding a major crime scene shall:

- Secure the scene.
- Request assistance.
- Control the scene until relieved by a Supervisor.
- Keep a log of all person(s) entering and leaving the crime scene.

Crime scenes on private property shall be searched with the permission of the property owner. Without said permission, the scene shall be secured until such time as a search warrant is obtained.

Crime scenes on public property shall be secured until released by investigating officer(s), but may be re-examined at such a time as is determined through the investigation, or as needed.

## **12.11 Outside Agency Assistance**

### **12.11a Purpose and Scope**

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency. It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

### **12.11b Assisting Outside Agencies**

When called to assist an outside agency, a Supervisor will be contacted so that the Town of Afton will have coverage to protect its citizens. When assisting another agency it will be documented on a Call for Service, the details of such a request.

### **12.11c Requesting assistance from Outside Agencies**

If assistance is needed from another agency, the officer requesting assistance will notify a supervisor when practical of his/her intentions. At anytime assistance is needed beyond the capabilities of the Afton Police Department and surrounding agencies, it shall be the duty of the Chief of Police or his representative to make contact with the various government agencies for support.

### **12.11d Requests for Assistance**

In non-emergency situations, requests for mutual assistance shall be forwarded to the Chief of Police in a timely fashion through the chain of command.

In the event that this agency requires assistance in handling an emergency, the Officer in charge at the scene of the emergency shall contact communications and request that other agencies be contacted for assistance.

In the event that another agency requires assistance in handling an emergency, the Chief of Police or Sargeant must authorize department personnel to assist the other agency. The Chief of Police must be contacted as soon as practical, following the request for assistance.

## **12.12 Handcuff Policy**

### **12.12a Purpose and Scope**

This procedure provides guidelines for handling situations involving handcuffing during detentions and arrests. This policy is also applicable to Flex Cuffs, which will be considered synonymous with handcuffs for purposes of this policy.

### **12.12b Handcuffing Policy**

Although recommended for most arrest situations, handcuffing is a discretionary procedure and not an absolute rule of this department. The arresting officer should consider the circumstances leading to the arrest, the attitude of the arrested person, and the age, sex, and health of the person before handcuffing. It must be recognized that officer safety is the primary concern.

It is not the intent of this department to dissuade officers from handcuffing all persons they believe warrant that degree of restraint, nor is it the intent of this policy to create the atmosphere that in order to avoid risk, an officer should handcuff all persons regardless of the circumstances. In most situations handcuffs should be applied with the hands behind the person. Handcuffs should be removed as soon as the arrested person is safely confined within the jail.

### **12.12c Improper Use of Handcuffs.**

Handcuffing is never done to punish, to display authority, or as a show of force. Persons are handcuffed only to restrain their hands to ensure officer safety. When practical, handcuffs shall be double locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

### **12.12d Juveniles**

Juveniles 14-years of age or older may be handcuffed when the act committed is of a felonious nature or when their acts have amounted to crimes where the officer has a reasonable suspicion the suspect may have a desire to escape, injure themselves, injure the officer, or destroy property.

Juveniles under 14-years of age generally will not be handcuffed unless their acts have amounted to a dangerous felony or when they are of a state of mind which suggests a reasonable probability of their desire to escape, injure themselves, the officer, or to destroy property.

## **12.12e Handcuffing of Detainees**

Situations may arise where it may be reasonable to handcuff an individual who may, after subsequent investigation, be released prior to arrest. Such a situation is considered a detention, rather than an actual arrest. Handcuffs should be removed as soon as it is determined that the detained person will not be arrested. When an individual is handcuffed and released without an arrest, a written report of the incident shall be made to document the details of the detention and need for use of handcuffs.

## **12.13 Racial/Bias Based Profiling**

### **12.13a Purpose and Scope**

The Afton Police Department strives to provide law enforcement to our community with due regard to the racial and cultural differences of those we serve. It shall therefore be the policy and practice of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, ethnicity or nationality, religion, gender, sexual orientation, disability, or other protected classes.

### **12.13b Definition**

"Racial/Bias based profiling," for purposes of this section, is the practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped.

### **12.13c Policy**

The practice of racial/bias based profiling is illegal and will not be tolerated by this department.

It is the responsibility of every member of this department to prevent, report, and respond appropriately to clear discriminatory or biased practices.

Every member of this department engaging in a non-consensual detention shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, FI card, etc.), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the contact.

Nothing in this policy shall require any officer to prepare documentation of a contact that would not otherwise involve such reporting.

While the practice of racial/bias based is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by an officer in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

The Afton Police Department will investigate all complaints of alleged racial/bias based profiling complaints against its employees. Employees found to be in violation of this policy are subject to discipline, up to and including termination of employment.

## **12.14 Ride-Along Policy**

### **12.14a Purpose and Scope**

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

### **12.14b Eligibility**

The Afton Police Department Ride-Along Program is offered to residents, students, and those employed within the Town. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this department.
- Denial by any supervisor.

### **12.14c Availability**

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, or Sergeant.

Generally, the Chief of Police will schedule ride-along requests. The participant will complete a ride-along waiver form. Information requested will include a valid ID or Wyoming driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Chief of Police will schedule a date, based on availability, at least one week after the date of

application. If approved, a copy will be forwarded to the respective Officer as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of this department will contact the applicant and advise him/her of the denial.

#### **12.14d Program Requirements**

Once approved, civilian ride-alongs will be allowed to ride not more than once every six months. An exception would apply to the following: Chaplains, Reserves, police applicants, and all others with approval of the Chief of Police.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

#### **12.14e Suitable Attire**

Any person approved to ride along is required to be suitably dressed. A collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. The Chief of Police or the Officer, whom the person is to ride with, may refuse a ride-along to anyone not properly dressed.

#### **12.14f Ride-Along Criminal History Check**

All ride along applicants are subject to a criminal history check. The criminal history check may include a local records check and an automated check prior to approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Town of Afton).

#### **12.14g Officer's Responsibility**

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Chief of Police is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the officer will submit any comments to the Chief of Police.

## 12.14h Control of Ride-Along

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- The ride-along will follow the directions of the officer.
- The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling of police equipment.
- The ride-along may terminate the ride at any time and the officer may return the observer to their home or the police station if the ride-along interferes with the performance of the officer's duties.
- Ride-alongs may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.
- Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to the victim or any other citizen.
- Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

## 12.15 Hostages and Barricaded Suspects

### 12.15a Purpose and Scope

Hostage situations and barricaded suspects present unique problems for agencies. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning and training will tend to reduce the risks involved with these incidents. The Afton Police Department will strive to protect the lives of all persons involved in hostage and barricaded suspect situations.

### 12.15b Definitions

**Hostage** - A person held by one party in a conflict as security so that specified terms will be met by the opposing party.

**Barricaded Suspect** - A person who takes a position of cover or concealment or maintains a position in a structure and who resists capture by law enforcement personnel. A barricaded suspect may be armed or suspected of being armed.

**Scene** - A scene shall be defined as a specific geographic location of an incident, and where most evidence is likely to be located. Examples of scenes include crime scenes, emergency scenes, and major disasters.

**Inner Perimeter** - The inner perimeter shall be defined as the closest circumference that can be established around a scene to contain the scene, insure officer safety, and preserve the evidence.

**Outer Perimeter** - The outer perimeter shall be defined as a circumference that is established far enough away from the scene to insure the safety of all persons and traffic, and to facilitate control.

### **12.15c Hostage Negotiations**

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained hostage negotiators, however, will be permitted to exercise flexibility in each situation based upon the circumstances presented and consistent with their training.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed as stated in this policies use of force, with particular regard directed toward the safety of hostages.

### **12.15d First Responder Responsibility**

Until the Incident Commander has been designated, the first officer on the scene of an actual or potential hostage/barricade situation shall consider the following:

- Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained hostage negotiation personnel.
- Notification of tactical and hostage negotiation personnel.
- Notification of appropriate persons within and outside the agency.
- Establishment of inner and outer perimeters.
- Evacuation of bystanders and injured persons.
- Establishment of central command post and appropriate chain of command.
- Request for ambulance, rescue, fire and surveillance equipment.
- Pursuit/surveillance vehicle and control of traffic routes.

### **12.15e Reporting**

Unless otherwise relieved by a supervisor, the initial officer at the scene is responsible for completion of reports or coordination of reports for the hostage/barricade incident.

## **12.15f Active Shooter Incident Response**

**The objective of the responding officer is to stop the active shooter before he can take the life of additional victims.**

The initial responding officers have the duty to use all legal means to stop the active shooter, their prioritization of activities are:

- Stop the active shooter
- Rescue Victims
- Preserve the crime scene

The objective is to make contact as soon as possible and **stop** the shooter by arrest, containment or use of deadly force. The need for rapid response to an active shooter will generally preclude the option of requesting and waiting for the arrival of other officers or specialized units. Police department officers are expected to take immediate and forceful action to neutralize active shooters and rescue victims, unless the circumstances preclude any reasonable attempt.

## **12.15g Barricaded Subject Policy**

Any person, who by his own admission, or who is in fact armed with a weapon, explosive or any other destructive or dangerous device, who has restricted his own movements and/or fortifies a fixed location, and who violently or by threat of violence, resists apprehension efforts by the Afton Police Department.

## **12.15h Hostage Policy**

Criminals who use hostages to effect their escape or to attain other results are desperate individuals who, if allowed to escape will pose a continuing threat to their hostage and to the public. Assurance that a hostage will be released unharmed is a meaningless promise. This department does not have the ability to protect the safety of the hostage who is allowed to be removed from the presence of officers. Keeping them in the officer's presence and not allowing their removal can best assure the safety of hostages. Officers should use every verbal and tactical tool at their disposal to secure the arrest of the subject. This shall be done while guarding the lives of all concerned, including the officers involved.

## **12.16 Response to Bomb Calls**

### **12.16a Purpose and Scope**

These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

### **12.16b Found Explosives/Suspect Devices**

When an officer responds to a call of a suspected explosive device, the following guidelines shall be followed:

- No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- Secure the perimeter for a minimum of three hundred feet allowing for an entrance for support personnel.

Relay as much initial information as possible without touching the device, including:

- The stated threat.
- How made.
- Exact comments.
- Time.
- Location.
- Full description (e.g., size shape, markings of the device in question).

Do not touch or transport the device to any other location.

Do not transmit on any equipment that produces radio frequency energy within 300 feet.

Consideration should be given to the possibility for evacuation if a device is located within a building.

Secure a perimeter around the suspected device.

Consideration for support personnel such as paramedics and Fire Department personnel.

A search of the area should be conducted for secondary devices or other objects foreign to the area.

Found explosive or only trained explosive personnel should handle military ordinance of any type.

### **12.16c Explosion/Bombing Incidents**

When an explosion has occurred, there are multitudes of considerations that may confront the patrol officer. As in other catastrophic incidents, a rapid response will help to minimize such things as further injury to victims, contamination of the scene by gathering crowds, further damage by resulting fires or unstable structures, etc.

### **12.16d Crowd Control**

No one should be allowed free access to the scene unless they have a legitimate and authorized reason for being there.

### **12.16e Scene of Incident**

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could be extended for several hundred feet. Evidence may be imbedded in nearby structures or hanging in trees and bushes, etc.

A search of the area should be conducted for other objects foreign to the area such as a secondary device. If an item is found, it should not be touched. The item should be secured and the officer should wait for the arrival of the Explosive Team or Bomb Squad.

### **12.16f Bomb Threats received at the Police Facility**

This procedure shall be followed should a bomb threat call be received at the police facility and a search made for a destructive device. The following questions shall be asked if a call is received by the Police Department.

When is the bomb going to explode?

Where is the bomb right now?

What kind of a bomb is it?

What does it look like?

Why did you place the bomb?

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

Time of the call.

Exact words of the person as accurately as possible.

Age and sex of caller.

Speech patterns and/or accents.  
Background noises.

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is retrieved as evidence.

### **12.16g Responsibilities**

As soon as a bomb threat has been received, the Chief of Police will be advised and fully informed of the details. The Chief of Police will then direct and assign officers as required for coordinating a general building search or evacuation, as he/she deems appropriate.

### **12.17 Field Training Officer Program**

#### **12.17a Purpose and Scope**

The Field Training Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Afton Police Department.

It is the policy of this department to assign all new police officers to a structured Training Program that is designed to prepare the new officer to perform in a patrol assignment possessing all skills needed to operate in a safe, skillful, productive and professional manner.

#### **12.17b Field Training Officer**

The Training Officer is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

#### **12.17c Selection Process**

FTO's will be selected based on the following requirements:

Desire to be an FTO.

Minimum of four years of patrol experience, two of which shall be with this department.

Demonstrated ability as a positive role model.

Evaluation by Chief and current FTO.

Possess a POST Basic certificate.

### **12.17d Training**

All FTO's must complete a Field Training Officer course at the POST Academy before being becoming an FTO

### **12.17e Trainee Defined**

Any entry level or lateral police officer newly appointed to the Afton Police Department who has not successfully completed training programs as required by this department and POST.

### **12.17f Required Training**

Entry-level officers shall be required to successfully complete the Field Training Program, which shall consist of a minimum of 40 hours for completing the POST FTO Manual.

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience.

### **12.17g Evaluations**

Evaluations are an important component of the training process and shall be completed as outlined below by the Field Training Officer.

FTO shall submit a written evaluation on the performance of the assigned trainee to the Chief on a daily basis.

FTO shall review the Daily Trainee Performance Evaluations with the trainee each day. A detailed end-of-phase performance evaluation on their assigned trainee shall be completed by the FTO at the end of each phase of training.

FTO's shall be responsible for signing off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of their assigned trainee.

The Police Chief and/or Sergeant shall review and approve the Daily Trainee Performance Evaluations that are submitted by the FTO.

## **12.18 Traffic Function and Responsibility**

### **12.18a Purpose and Scope**

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of techniques of personnel and equipment and the establishment of

preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of occurrence in accident situations, but also in terms of traffic-related needs.

### **12.18b Officer Deployment**

Several factors are considered in the development of schedules for officer of the Afton Police Department. Information provided by this department and the Wyoming Department of Transportation are valuable resources for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Weather
- Violation Factors

All officers should emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen request, construction zones or special events.

### **12.18c Enforcement**

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by the officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officers work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

### **12.18d Warnings**

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

## **12.18e Citations**

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

Explanation of the violation or charge.

Court appearance procedure including the optional or mandatory appearance by the motorist.

Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

## **12.18f Physical Arrest**

Physical arrest can be made on a number of criminal traffic offenses outlined in the Motor Vehicle section of Wyoming Statutes. These physical arrest cases usually deal with, but are not limited to:

- Vehicular manslaughter.
- Felony and misdemeanor driving under the influence of alcohol/drugs.
- Felony or misdemeanor hit and run.
- Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances.

## **12.18g Suspended or Revoked Drivers Licenses**

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation.

If a computer check of a violator's license status reveals a suspended or revoked drivers license and the traffic violator still has his/her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation.

## **12.19 Vehicle Towing Policy**

### **12.19a Purpose and Scope**

This policy provides the procedures for towing a vehicle by or at the direction of the Afton Police Department.

### **12.19b Responsibilities**

The responsibilities of those employees storing or impounding a vehicle are as follows:

## **Completion of Forms**

Police Department members requesting storage of a vehicle shall complete an impound form, including a description of property within the vehicle.

## **Removal of Vehicle Disabled in a Traffic Collision**

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Lincoln County Dispatch.

If the owner is incapacitated, or for any reason it is necessary for this department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the next list wrecker.

## **Driving a Non-City Vehicle**

Officers of this department shall not drive or move a vehicle, unless it is necessary to move that vehicle a short distance to eliminate a hazard, or to prevent the obstruction of a fire hydrant.

## **12.19c Storage at Arrest Scenes**

In the interest of protecting personal property of arrestees, it is the general policy of this department to store vehicles driven by persons who are arrested. When appropriate, and at the arrestee's request, officers retain the discretion not to store the arrestee's vehicle. Whenever a vehicle is needed for the furtherance of the investigation or prosecution or the case, the vehicle shall be stored. The following examples are situations where the arrestee's vehicle might not be stored:

Traffic related warrant arrest

Situations where the vehicle was not used to further the offence for which the driver was arrested

Whenever the licensed owner of the vehicle is present, willing and able to take control of any vehicle not involved in criminal activity.

If, at the owner's request the vehicle is left at the scene, it shall be parked in a lawful manner and secured. The owner shall be advised that this department will not be responsible for theft or damage to the vehicle. IN the event the vehicle is towed, the owner should be informed that this department will not be responsible for towing or storage fees.

## **12.19d Vehicle Inventory Searches**

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect this department against fraudulent claims of lost, stolen, or damaged property.

## **12.19e Vehicle Searches**

Vehicles may be searched when one or more of the following conditions are met:

- When probable cause to search the vehicle exists.
- With consent of the operator.
- Incident to an arrest of the occupants of the vehicle.
- To search for weapons.
- When necessary to examine the vehicle identification number or to determine ownership of the vehicle.
- Under emergency circumstances not otherwise enumerated above.
- Pursuant to a valid search warrant.

## **12.19f Security of Vehicles and Property**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

## **12.20 Disabled Vehicles**

### **12.20a Purpose and Scope**

The Afton Police Department has a responsibility to provide assistance to disabled motorists within their primary jurisdiction.

### **12.20b Officer Responsibility**

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a

reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

### **12.20c Extent of Assistance**

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by personnel from this department will be contingent on the time of day, the location, the resources available to this department, and the vulnerability of the disabled motorist.

### **12.20d Mechanical Repairs**

Police Department personnel shall not make mechanical repairs to a disabled vehicle. Pushing a vehicle to relocate it to a position of safety is not considered a mechanical repair.

## **12.21 Parked and Abandoned Vehicle Violations**

### **12.21a Purpose and Scope**

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of laws regulating parking of vehicles.

### **12.21b Marking Abandoned Vehicles**

Vehicles that officers have reasonable grounds to believe have been abandoned which do not fall within the class of "emergency circumstances" shall have attached thereto, in plain view, a notice that this vehicle will be towed away at the expiration of forty-eight (48) hours as an abandoned vehicle.

The notice shall contain:

- The name of the officer who prepared the notice
- The name of the agency of the officer
- The date and time the notice was attached
- The date and time the vehicle will be removed
- The telephone number and address of the agency

A reasonable attempt shall be made to notify by telephone the owner of any vehicle which has current license plates and registration as shown on the vehicle registration record, prior to the expiration of the forty-eight (48) hour notice period, of the location of the vehicle and the time and date of intent to remove the vehicle.

### **12.21c Vehicle Storage**

Whenever an officer removes a vehicle from a highway, or from public or private property he/she shall take, or caused to be taken, the vehicle to the nearest garage or other place of safety. At the time of removal, the officer shall record the mileage of the vehicle.

## **12.22 Police Department Owned Property and Personal Property**

### **12.22a Purpose and Scope**

Police Department employees are expected to properly care for property issued, assigned or entrusted to them by this department. Employees may also suffer occasional loss or damage to personal, issued, assigned or entrusted property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### **12.22b Care of Police Department Property**

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of issued, assigned or entrusted property may lead to discipline including, but not limited to the cost of repair or replacement and/or termination.

Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any issued, assigned or entrusted property or equipment assigned for their use.

The use of damaged or unserviceable issued, assigned or entrusted property or equipment should be discontinued as soon as practical and replaced with comparable items as soon as available and following notice to a supervisor.

Except when otherwise directed by competent authority or required by exigent circumstances, issued, assigned or entrusted property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed. Issued, assigned or entrusted property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

In the event that any property of this department becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval.

### **12.22c Filing Claims for Personal Property**

Claims for reimbursement for damage or loss of personal property must be submitted in writing

to the Chief of Police. The Chief of Police may require a separate written report of the loss or damage.

Upon review and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the Town Administrator.

This department will not replace or repair luxurious or overly expensive items such as jewelry or exotic equipment that are not reasonably required as a part of work.

#### **12.22d Loss or Damage of Property of Another**

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **12.22e Damage by Person of Another Agency**

If employees of another jurisdiction cause damage to real or personal property belonging to the Town of Afton, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the Chief of Police.

## **12.23 Police Vehicle - Take Home Policy**

### **12.23a Purpose and Scope**

The Purpose of this Directive is to establish guidelines and standards for the operation and maintenance of all vehicles in the inventory of the Town of Afton Police Department. The Department will ensure that each vehicle is equipped with the basic, standardized equipment that is necessary for officers to perform the duties of their office.

Take home vehicles will be authorized on a case-by-case basis by the Chief of Police and if abused, this privilege shall most certainly be revoked. Employees who are allowed this privilege will be required to strictly abide by the guidelines listed in this policy and those set forth by the Chief of Police.

It is the policy of the Town of Afton that all departmentally owned vehicles, operated by employees of the Department, will be properly equipped, properly maintained and operated in a safe manner.

### **12.23b Eligibility**

Vehicles shall be assigned to police officers that have passed Field Training Requirements, and at the discretion of the Chief of Police.

Police vehicles will not be issued as take home vehicles to officers who reside more than five (5) miles outside the corporate limits of the Town of Afton.

### **12.23c Procedures**

All department take home vehicles, marked and unmarked, will be driven in a safe and proper manner with the driver acting in full compliance with all traffic laws and regulations. Law enforcement vehicles are conspicuous symbols of authority on the streets and many observe the actions of law enforcement drivers. This places the responsibility on each driver to set a visible example of driving behavior and habits.

Employees who are authorized to retain possession of a city owned vehicle after hours are prohibited from use of the vehicle for personal errands or travel not directly related to the employee's duties. Any other use or misuse of an assigned police vehicle shall be grounds for discipline, up to and including termination of employment.

Only employees of the Town of Afton may operate Town vehicles.

## **12.23d Rules**

Each employee shall be responsible for the care and security of an assigned police vehicle.

Window decals, ornaments hanging from the windshield mirror, bumper stickers or other signs, pictures or ornaments visible to the public and attached to a police vehicle are prohibited.

Except when responding to an emergency call, employees shall park police vehicles legally and will be responsible for any citation received.

Unattended vehicles will be locked at all times.

Under no circumstances will police vehicles be operated by employees who have a measurable amount of alcohol in their system.

Officers shall secure all weapons while the vehicle is unattended. All weapons will be removed from the vehicle while it is being serviced

## **Maintenance Requirements**

Employees are responsible for the appearance and cleanliness of their vehicles, both interior and exterior. Employees assigned take-home vehicles will wash, vacuum, and clean their vehicles on duty.

Refueling of assigned take home police vehicles shall be done on duty. Absent emergency conditions or supervisor approval, officer shall not place a vehicle in service that has less than one-quarter tank of fuel.

## **12.24 Property Procedures**

### **12.24a Purpose and Scope**

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

Whenever any officer takes or receives any money or other valuables from any person in custody for safekeeping or for other purposes, the officer receiving such valuables or money forthwith shall tender one duplicate receipt for the property being surrendered to the person in custody. If possible, the person in custody shall countersign the original receipt. If the person is unable to sign the receipt or receive the duplicate thereof, the same shall be signed by and delivered to the person when reasonably possible. A file of the original receipts shall be kept for at least six months after the money or valuables have been returned to the person, the agent or

representative of the person or other person entitled to the same.

It is the policy of the Afton Police Department to ensure that evidence in its custody can be properly secured and stored, readily retrieved, and that any changes in its custody have been properly and fully documented.

### **12.24b Definitions**

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes the following types of property:

Property obtained by this department for safekeeping such as a firearm  
Personal property of an arrestee not taken as evidence  
Property taken for safekeeping under authority of a law

**Found Property** – Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

**Chain of Evidence** – The continuity of the custody of physical evidence; from time of original collection to final disposal; which may be introduced in a judicial proceeding.

**Impounding Officer** – The member of this agency who initially receives the evidence and initiates the chain of custody.

**Physical Evidence** – Any substance or material found or recovered in connection with a criminal investigation.

**Evidence Room** – Facilities utilized by this agency to store evidence.

**Evidential Property** – Any piece of property that is confiscated or impounded by this agency as part of an investigation and will be used to substantiate the investigation in court.

**Recovered Property** – Any piece of property that has been identified as having been stolen may be classified as evidence.

**Contraband Property** – Any piece of property which is prohibited and illegally possessed and is confiscated by a Police Officer or found and turned into the police department.

### **12.24c Property Handling**

Any employee, who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).

### **12.24d Property Booking Procedure**

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

The officer shall mark each item of evidence with initials and date..

Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

Place the case number in the upper right hand corner of the bag.

The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.

When the property is too large to be placed in a locker, the item may be retained in a secure room of the police department and a record will be submitted as to the location of the property.

### **12.24e Narcotics and Dangerous Drugs**

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the evidence locker in a sealed evidence bag.

### **12.24f Explosives**

Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the police facility. All fireworks, railroad flares, or fuses that are considered safe will be entered in evidence as any other property.

Officers who encounter an explosive device shall immediately notify their supervisor and proper authorities will be called to properly handle such devices.

### **12.24g Exceptional Handling**

Certain property items require a separate process. The following items shall be processed in the described manner:

Bodily fluids such as blood or semen stains shall be air dried prior to booking.

License plates found not to be stolen or connected with a known crime, should be released to the owner or turned over to the Wyoming Department of Transportation.

All cash shall be counted in the presence of a witness and the envelope initialed by the booking officer and witness. The Chief of Police will be contacted for cash in excess of \$1000.00 for special handling.

Town property, unless connected to a known criminal case, should be released directly to the appropriate department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

### **12.24h Packaging of Property**

Certain items require special consideration and shall be booked separately as follows:

- Narcotics and dangerous drugs.
- Firearms (ensure they are unloaded and booked separately from ammunition).
- Property with more than one owner.
- Paraphernalia.
- Fireworks.
- Contraband.

### **12.24i Packaging Container**

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

### **12.24j Packaging Narcotics**

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated locker, accompanied by a copy of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size. The booking officer shall initial the sealed envelope and the initials covered with evidence tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

### **12.24k Transfer of Evidence to Crime Laboratory**

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The officer releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivery of the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Case Report.

### **12.24l Status of Property**

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court shall be noted on the property control card, stating the date, time and to whom it was released.

Any employee receiving property shall be responsible for such property until it is properly returned to the evidence locker. The return of property should be recorded on the property control card, indicating date, time, and the person who returned the property.

### **12.24m Release of Property**

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name

and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing officer and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

Found property and property held for safekeeping will be held for at least six (6) months. Officers shall attempt to contact the rightful owner as set out below. Property not claimed within 30 days after notification will be auctions, destroyed, or disposed of as Town of Afton deems appropriate. Property held by a law enforcement agency for more than six months is presumed abandoned.

## **12.25 Custody Searches**

### **12.25a Purpose and Scope**

The purpose of this policy is to establish consistent procedures for this department regarding pat-down, booking and strip searches of pre-arraignment detainees.

### **12.25b Definitions of Searches**

Pat-Down Search - This search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Booking Search – This search is used in the holding cell or in the jail and again involves a thorough patting down of an individual's clothing. All pockets, cuffs, etc., on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

Strip Search or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person.

Physical Body Cavity Search - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person.

### **12.25c Pat Down Searches**

When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a normal pat-down search of that individual.

Prior to detaining any individual in any police vehicle, an officer should conduct a normal pat-down search of that individual.

Whenever practical, a pat-down search of an individual should be conducted by an officer of the same sex as the person being searched. Absent the availability of a same sex officer, it is recommended that a witness officer be present during any pat-down search of an individual of the opposite sex as the searching officer.

### **12.25d Booking Searches**

Any person taken into custody and booked into the jail may be subjected to pat down booking searches, booking searches, and/or body cavity searches in order to discover and retrieve concealed weapons and contraband prior to being placed in a booking cell.

### **12.25e Strip Searches**

No person arrested and held in custody on a misdemeanor or felony offense, except those involving weapons, possession of controlled substances or violence, shall be subjected to a strip search or visual body cavity search unless an officer has determined that there is reasonable suspicion based upon specific and articulable facts to believe such person is concealing a weapon or contraband which would be discovered by such a search).

All strip and visual body cavity searches shall be conducted under sanitary conditions and in an area of privacy so that persons not participating in the search cannot observe the search.

Unless conducted by a physician or other licensed medical personnel, the officer(s) conducting the strip search or visual body cavity search shall be of the same sex as the person being searched.

Whenever possible, a second officer of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

The officer conducting a strip search or visual body cavity search shall not touch the breasts, buttocks or genitalia of the person being searched.

### **12.25f Physical Body Cavity Search**

No person arrested on a misdemeanor or felony shall be subjected to a body cavity search without a search warrant.

A copy of the search warrant and the results of the body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative.

Only a physician, nurse practitioner, registered nurse, licensed vocational nurse, or Level II Emergency Medical Technician (EMT) may conduct a physical body cavity search.

Except for the above-mentioned licensed medical personnel, persons present must be of the same sex as the person being searched. Privacy requirements, including restricted touching of body parts, are the same as the strip search standard.

### **12.25g Transport**

Prior to transport, all prisoners shall be searched for any weapons or tools of escape.

If practical, the protective search should be conducted by an officer of the same sex as the prisoner. The transporting officer should search the prisoner, unless a search was conducted in his presence.

### **12.26 Reporting of Employee Conviction**

#### **12.26a Purpose and Scope**

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties, therefore all employees shall be required to promptly notify this department of any past and current criminal convictions.

**Domestic Violence Convictions and Restraining Orders Pursuant to the Federal Domestic Violence Gun Control Act (18 United States Code §§ 921(a) and 922(d)) , any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition.**

Misdemeanor crimes of domestic violence are defined as: misdemeanors under federal or state law, which, having, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

**Federal law also prohibits firearm possession by any individual who is the subject of a domestic violence restraining order. This federal restriction, however, does not apply to Temporary Restraining Orders (18 United States Code § 922(d)(8)).**

## **12.27 Body Armor**

### **12.27a Purpose and Scope**

Practical safety measures should be used to reduce the risks and hazards associated with police work. This department provides soft body armor for personnel in an effort to improve safety.

Soft Body armor vest that are issued to personnel has been shown to be effective in reducing death or serious injuries.

### **12.27b Use of Body Armor**

Body armor issued to officers shall be worn at all times while on duty.

## **12.28 Timekeeping Procedures**

### **12.28a Purpose and Scope**

Officer's timesheets are submitted on a two-week time period for the payment of wages.

### **12.28b Responsibility for Completion of Timesheets.**

Employees are paid on a bi-weekly basis.

Each officer is responsible for the accurate and timely submission of timesheets for the payment of wages. Time sheets will be turned in to the Chief of Police in a timely manner.



Acknowledgement of Receipt

I have received a copy of the January 2014 edition of the Town of Afton's employee handbook which supersedes all previous editions. I understand it is my responsibility to read and become familiar with this information, as doing so will acquaint me with the Town's personnel practices, rules, employee benefits and basic organizational philosophy.

It is important to understand that these policies and the Town's Administrative Policies and Procedures do not create an express or implied employment contract or a guarantee of employment of any specific duration between the Town of Afton and the employee, and either of the parties may decide to terminate the employment relationship at any time. Further, I understand that:

I have the right to end my work relationship with the organization, with or without advance notice for any reason or no reason at all. The Town of Afton has the same right.

The language used in this handbook and any verbal statements from management or elected officials are not intended to constitute a contract of employment, either expressed or implied, nor are they a guarantee of employment for a specific duration.

These policies are general guidelines only and are not all-inclusive, but are intended to provide me with a summary of some of the organization's guidelines.

**The need may arise to change the guidelines described in this handbook. The Town therefore reserves the right to interpret them or to change them without prior notice.**

**As the Town grows and changes, personnel policies may also change. The Town, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate by the Mayor and Town Council.**

If I have questions about these policies, or any other policies of the Town, such questions should be directed to the Town Administrator.

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Employee Signature

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Employee Printed Name

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Date