



# **Sheridan Police Department**

## **Field Training**

### **Common Call Response**

# **Guidebook 25-1**

## Introduction

The Sheridan Police Department provides professional law enforcement services for the City of Sheridan. Professionalism is achieved through competence and consistency. This guide provides new police officers in training (OIT) with standard approaches to the most common calls the SPD responds to. The guides are divided into four sections: principles, procedures, policy, precedent. **Principles** are ideals and ideas to have in mind while handling the call for service. **Procedures** are best practices and steps to take. **Policy** points officers to the most relevant and applicable SPD policies. Finally, **precedent** highlights the most applicable laws an officer might reference to solve the issue.

The OIT is responsible to know and apply the information in these guides. The field training officer (FTO) will provide detailed teaching and instruction for all the call responses in this guidebook to the OIT. The OIT's knowledge will be tested by questions, exercises, scenarios, and application in field performance. When an OIT responds to a call their performance will be compared to the expectations in these guides.

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## FTO CALL RESPONSE: CIVIL DISPUTES

### PRINCIPLES

- Citizens often will call the police regarding disputes that are not actual violations of criminal law. Some examples are disputes over child custody, property lines, contract violations, lease agreements, or unpaid bills.
- Citizens call the police because they feel they have been wronged and don't know where else to turn. The police should provide empathetic service and should never just tell a citizen what the police department cannot do.
- Providing the citizen with the appropriate resources or agencies for assistance is a good way to help them solve their issue.
- Officers will avoid being used as leverage for a party in a civil dispute.
- Many criminal acts or schemes overlap with civil issues. Officers should not be too quick to dismiss a report because it has a civil element to it. The officer must be mindful of criminal statutes that could be applicable.

### PROCEDURES

- ☐ Always show empathy to the complainant- remember they are frustrated and feel they have been wronged. Focus your response with a “can-do” message and avoid making them feel dismissed.
- ☐ Officers should generally get a statement from both parties before deciding on the case disposition.
- ☐ If the incident reported is civil; however, it feels like there was wrong-doing, the officer should review the case with a supervisor before dismissing it as “civil.”
- ☐ Collect as much information as practical- court documents, bank statements, text messages, contracts, etc....
- ☐ Look into the suspects history (criminal history, local PD contacts, suspects past relationships) and find out if they have a pattern of this behavior. A one time dispute may indicate a civil dispute; however, a repeated scheme could indicate criminal behavior.
- ☐ Except for short-term safety needs, the SPD will not do a “civil standby” unless it is ordered by a judge. Complainants should be encouraged to use a neutral third party to exchange property if they don't feel they can do it safely themselves.
- ☐ If the officer feels that criminal activity occurred- the officer should remember that it is likely not an urgent situation. Arrest decisions should be reviewed with a supervisor. Also, the most prudent course of action could be sending the case report for review by prosecutors.

## CIVIL DISPUTES

- ☐ Often, even though it is not a criminal matter, a report should still be generated because:
  - It will help the complainant feel like something was done.
  - The complainant may come back in to “cop shop” and there will be a record of what the first officer told them.
  - If it is truly not a criminal matter, the report can be short and completed quickly.
- ☐ If police action is not an option to assist the complainant, the officer should provide them with other resources.
  - If a dispute over a current judicial judgment- encourage the complainant to petition that original court for a hearing.
  - If the damages do not exceed \$6000, Small Claims Court (Sheridan Circuit Court) can handle most civil disputes between people. There is a \$10 filing fee, Forms to file a claim with small claims court can be found at <https://www.courts.state.wy.us/legal-assistances-and-forms/court-self-help-forms>
  - Wyoming Legal Aid will provide Wyoming low-income residents with free legal advice for their civil disputes. 1-877-432-9955, <https://www.lawyoming.org>
  - Issues regarding removing someone with established residency from a property are to be referred to the Sheridan County Sheriff's Office (307-672-3453) for the legal eviction process.

## POLICIES TO BE FAMILIAR WITH:

- 28.15 Civil Situations
  - 1- Civil Situations and General Civil Standby Procedures
  - 2- Disputes Over Ownership of Personal Property
  - 3- Accidental Damage
  - 4- Repossession of Property
  - 5- Bail Bonds

## PRECEDENT / STATUTE or ORDINANCES

### **W.S.S. 6-3-603 Forgery**

**(a)** A person is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both, if he:

**(i)** Possesses a writing knowing it is forged in a manner specified in W.S.

6-3-602(a)(i) or (ii) and intending to utter or pass it to defraud another person;

**(ii)** With intent to commit forgery, makes or knowingly possesses a die, plate, apparatus, paper, metal, machine or other thing used to forge writings.

**Writing defined (6-3-601)** As used in this article “writing” means printing or any other method of recording information, money, coins, tokens, stamps, seals,

credit cards, badges, trademarks, and other symbols of value, right, privilege or identification.

## **W.S.S. 6-3-608. Fraudulent use of materials; fraudulent obtaining of money by contractor**

**(a)** A contractor or subcontractor who purchases materials on credit and represents that they will be used in a designated building or improvement and who knowingly and with intent to defraud the seller uses the materials or allows them to be used in a building or improvement other than the one designated is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

**(b)** Any contractor who receives money from an owner and provides the owner with an affidavit that all materialmen and subcontractors have been paid when he knows all materialmen and subcontractors have not been paid is guilty of a felony and shall be sentenced to not more than five (5) years in the penitentiary, fined not more than ten thousand dollars (\$10,000.00), or both. Lien waivers signed by all materialmen, subcontractors and laborers are prima facie evidence that monies received from the owner were applied toward construction costs by the contractor.

## **W.S.S. 6-3-611 False, misleading or deceptive advertising; penalty.**

A person who disseminates to the public an advertisement which he knows is false, misleading or deceptive, with intent to promote the purchase or sale of property or the acceptance of employment, is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00)

## **W.S.S. 6-2-402. Blackmail; aggravated blackmail;**

**(a)** A person commits blackmail if, with the intent to obtain property of another or to compel action or inaction by any person against his will, the person:

- (i)** Threatens bodily injury or injury to the property of another person; or
- (ii)** Accuses or threatens to accuse a person of a crime or immoral conduct which would tend to degrade or disgrace the person or subject him to the ridicule or contempt of society.

**(b)** Except as provided in subsection (c) of this section, blackmail is a felony punishable by imprisonment for not more than ten (10) years.

**(c)** A person commits aggravated blackmail, a felony punishable by imprisonment for not less than five (5) years nor more than twenty-five (25) years if in the course of committing the crime of blackmail the person causes bodily injury to another person.

**(d)** As used in this section "in the course of committing the crime" includes the time during which an attempt to commit the crime or in which flight after the attempt or commission occurred.

**(e)** Conduct denoted blackmail in this section constitutes a single offense embracing the separate crimes formerly known as blackmail and extortion.

## **W.S.S. 6-3-502 Crimes against intellectual property;**

**(a)** A person commits a crime against intellectual property if he knowingly and without authorization:

- (i)** Modifies data, programs or supporting documentation residing or existing internal or external to a computer, computer system or computer network;
- (ii)** Destroys data, programs or supporting documentation residing or existing internal or external to a computer, computer system or computer network;

- (iii) Discloses or takes data, programs, or supporting documentation having a value of more than seven hundred fifty dollars (\$750.00) and which is a trade secret or is confidential, as provided by law, residing or existing internal or external to a computer, computer system or computer network.
- (b) A crime against intellectual property is:
  - (i) A felony punishable by imprisonment for not more than three (3) years, a fine of not more than three thousand dollars (\$3,000.00), or both, except as provided in paragraph (ii) of this subsection;
  - (ii) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both, if the crime is committed with the intention of devising or executing a scheme or artifice to defraud or to obtain property.

## **W.S.S. 6-3-702. Fraud by check**

- (a) Any person who knowingly issues a check which is not paid because the drawer has insufficient funds or credit with the drawee has issued a fraudulent check and commits fraud by check.
- (b) Fraud by check is:
  - (i) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if the fraudulent check was for a sum of less than one thousand dollars (\$1,000.00); or
  - (ii) Repealed by Laws 1984, ch. 44, § 3.
  - (iii) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both, if the fraudulent check was for the sum of one thousand dollars (\$1,000.00) or more, or if the offender is convicted of fraud by check involving two (2) or more checks issued within any sixty (60) day period in the state of Wyoming totaling one thousand dollars (\$1,000.00) or more in the aggregate.

### **6-3-701 (Definitions):**

- (i) "Check" means a written unconditional order to pay a sum certain in money drawn on a bank payable on demand and signed by the drawer;
- (ii) "Knowingly issues" means issuing a check to obtain property or to pay a debt with intent to defraud or deceive any other person;
- (iii) "Drawee" means the bank or purported bank upon which a check is drawn;
- (iv) "Drawer" means a person either real or fictitious whose name appears on a check as the primary obligor whether the actual signature is that of himself or of a person authorized to draw the check in his behalf;
- (v) "Insufficient funds" means when the drawer issues a check from the drawee and has no checking account with the drawee or has funds or credit in a checking account with the drawee in an amount less than the amount of the check plus the amount of all other checks outstanding at the time of issuance. A check dishonored for "no account", "account closed" or "non sufficient funds" shall also be deemed to be dishonored for "insufficient funds";
- (vi) "Issue" means make, draw, deliver or pass a check.

## **6-3-802 Unlawful use of credit card, charge card, or debit card**



**(a)** A person is guilty of unlawful use of a credit card, charge card or debit card if, with the intent to obtain property or services by fraud, he:

**(i)** Uses a credit card, charge card or debit card, or the number or description of a credit card, charge card or debit card, issued to another person without the consent of that person;

**(ii)** Uses a credit card, charge card or debit card which he knows has been revoked, canceled or expired; or

**(iii)** Knowingly uses a falsified, mutilated or altered credit card, charge card or debit card or the number or description thereof.

**(b)** Unlawful use of a credit card, charge card or debit card is:

**(i)** A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if the value of the property or services purchased or obtained is less than one thousand dollars (\$1,000.00); or

**(ii)** Repealed by Laws 1984, ch. 44, § 3.

**(iii)** A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both, if the value of the property or services purchased or obtained in violation of this section within any sixty (60) day period in the state of Wyoming totals one thousand dollars (\$1,000.00) or more in the aggregate.

### **6-3-801. (Definitions)**

**(i)** "Credit card" means an identification card or device issued by a business organization authorizing the person to whom issued to purchase or obtain property or services on credit;

**(ii)** "Charge card" means an identification card or device issued by a business organization authorizing the person to whom issued to purchase or obtain property or services on credit for which the balance of the card must be paid when a statement is issued;

**(iii)** "Debit card" means an identification card or device issued by a business organization with or without fee for the use of a person to withdraw funds or obtain property or services, payment of which is made against funds previously deposited in an account with the issuer of the identification card or device.

# CURFEW VIOLATIONS

## FTO CALL RESPONSE: Curfew Violations

### PRINCIPLES

- Seeking out curfew violations is a proactive activity officers should be involved in with their unallocated time.
- Curfew enforcement is an important tool to accomplish crime prevention.
- Curfew enforcement is an important tool to accomplish community relations as it partners with parents in safeguarding the welfare of minors.
- In most cases curfew violations should generally receive a citation; however, a documented warning may be appropriate at certain times.
- Curfew violations should generally not be “stacked” if other more serious offenses are being charged (property destruction, car burglaries, MIP alcohol, etc...). One incident should not be dealt with in two different courts when possible.
- Officers should be on the lookout for curfew violations. For example if officers come in contact with a 15 year old boy at the home of a 14 year old girl when well past curfew hours, then the officer should inquire as to how and when the 15 year got there.
- Officers should seek to take enforcement action toward any adults, with a minor who is breaking curfew. These can often be individuals seeking to take advantage of children and can be charged as an accessory to curfew violation.

### PROCEDURES

- ☐ Officers must confirm the age of the suspect. If the suspected minor cannot produce a government issued ID, the officer should consider other means to confirm their age such as name only driver's license searches or contacting a guardian.
- ☐ Officers should always verify what the suspect is telling them. If the suspect claims their parents know where they are- a call to the parents should be made to confirm the story. It should be noted just because the parents know where the children are that- parents can't give permission for kids to violate curfew.
- ☐ Officers should look beyond the violation and find out as much as reasonably possible about where the minor has been and what they have been doing. This information could help solve other crimes unknown to the officer at the time.
- ☐ If the officer is going to conclude the contact with the minor as a warning:
  - ☐ A guardian needs to be notified of the contact.
  - ☐ A case report must be generated to document the contact and warning.

## CURFEW VIOLATIONS

- ☐ The officer needs to ensure the minor has an approved plan to get home safely
- ☐ Typically the parent is responsible to come to the scene and get their child.
  
- ☐ If the officer is going to conclude the contact by giving the minor a citation:
  - ☐ The citation and court date will be explained to the parent and the child.
  - ☐ The citation will be left with the parent.
  - ☐ An incident report will be made to document the contact and citation.
  - ☐ Remember, citations can't be issued to people under the age of 13.
  
- ☐ If the officer is going to transport a minor to their home:
  - ☐ The officer must ensure their camera system is active and working.
  - ☐ The minor must ride in the back seat of the patrol car and have their seatbelt on.
  - ☐ The officer must check the back seat for contraband before and after the minor is in the patrol car.
  
- ☐ The officer will not leave the minor until they have been placed with an appropriate guardian.
  - ☐ If concerns about the well being of the minor arise the officer will include those concerns in their report and send the report to DFS to give DFS opportunities to provide the family with resources.
  - ☐ If immediate safety concerns arise, or a parent or guardian can't be located the officer will take protective custody of the minor and contact DFS for assistance with placement of the minor.

### **POLICIES TO BE FAMILIAR WITH:**

- 2.3 Discretion and diversion
- 10.1.2-C Prohibition of citations under 13 years old
- 20.10.1 DFS Notification
- 20.10.5 Juvenile Enforcement

# CURFEW VIOLATIONS

## PRECEDENT / STATUTE or ORDINANCES

### **City Ordinance 19-22 Minors—Curfew—Children under fourteen years.**

Unless accompanied by their parents or an adult duly authorized by their parents, children under the age of fourteen years shall be off the streets and alleys of the city from 9:30 P.M. until 4:30 A.M. each night; except that on Friday and Saturday throughout the year, and on every night during the months of June, July and August, such curfew time shall be extended to 10:30 P.M.

### **City Ordinance 19-23 Children between fourteen and eighteen years.**

Unless accompanied by their parents or an adult duly authorized by their parents, children between the ages of fourteen and eighteen years shall be off the streets and alleys of the city from 10:30 P.M. until 4:30 A.M. each night; except that on Friday and Saturday throughout the year and on every night during the months of June, July and August, such curfew time shall be extended to 12:00 midnight

## FTO CALL RESPONSE: DOMESTIC BATTERY

### PRINCIPLES

- Domestic Battery incidents are one of the more serious calls a patrol officer will respond to. While response may need to be urgent- the investigation should be deliberate and thorough.
- The patrol officer should remember they are representing all parties, to include the community at large, when they respond to domestic disputes.
- Domestic Battery offenders frequently violate other laws throughout the community. Officers should lean toward taking enforcement action when dealing with domestic suspects. Arrests are expected when domestic battery has occurred.
- Arrests for domestic assault or battery can be made within 24 hours of the incident without a warrant.
- There are several specific laws regarding domestic relationships; however, officers should consider using any applicable laws to prevent future violence and crime.
- The State of Wyoming (represented by the officer), not the victim, is responsible for decisions regarding whether charges are filed.
- Victims of domestic battery may not be cooperative with police. Officers should expect this and not take it personally or use it as an excuse toward a poor investigation, or for not taking enforcement action.
- Officers should work diligently to solve problems and avoid warnings- i.e., *"if we come back..."*.
- The Police Department will have limited chances to intervene in the relationship to prevent the escalating abuse. Officers need to seize given opportunities to connect the parties to needed resources and take appropriate enforcement action.
- Domestic violence calls are one of the more dangerous calls officers will respond to. Statistics from around the U.S. show officers are in a high level of danger of being ambushed when responding to these incidents. Officers must use sound tactics when responding to limit their exposure while also protecting others.

### PROCEDURES

- ☐ Officers should respond in a tactical manner that allows them to approach unnoticed and make observations prior to contact with the involved subjects. Officers should typically park a block away and extinguish all vehicle lights, before approaching on foot.
- ☐ While approaching the residence officers should be mindful of cover and concealment. Officers should practice noise and light discipline to conceal their approach.

# DOMESTIC BATTERY

- ☐ Dispatchers are trained to collect all relevant information. Generally, responding officers do not need to ask dispatchers for additional information- if dispatch has not provided the information it is likely not available to them.
- ☐ If there is no indication the domestic dispute is actively ongoing, or that someone is suffering from life threatening injuries- the first responding officer will wait for a second unit to arrive before making contact.
- ☐ If the first responding officer can see, hear, or otherwise reasonably ascertain that the violence is ongoing, or someone has suffered serious injury the officer shall take action to protect life.
- ☐ Any parties contacted that are acting aggressively, attempting to flee, or not complying with officer commands shall be put in handcuffs immediately. Officers are there because of reported violence and it is reasonable to think the subjects will be violent toward officers. Handcuffs are not just for arrests, but are also an important tool to control subjects and make a scene safe.
- ☐ If appropriate, involved parties will be frisked for weapons. Officers should be mindful of involved parties becoming armed while officers are on scene. Steps should be taken to remove any potential weapons and to restrict all parties' movement and ability to arm themselves.
- ☐ Once the scene is static and officers have control the first priority is seeing to the medical needs of any involved parties.
- ☐ Involved parties shall be separated before any questioning of them. Parties should be out of sight and sound from one another during the investigation. Victims of domestic violence often fear the repercussions for speaking with law enforcement so separating all the parties increases the potential of the victim cooperating with the investigation.
- ☐ Responding officers will follow the contact-cover model. One officer will be designated as the primary investigating officer and will be responsible for conducting all interviews. Other officers are responsible for control of the involved parties and scene safety. Officers who have not been identified as the primary investigating officer should not question or interview the parties.
- ☐ Interviews should be conducted with the goal of understanding details and context. Officers should ask open-ended questions like, "Tell me what happened when you got home?" When asking for more detail open questions like "what then?" and "what else?" should be used. If a need arises to understand a specific detail officers should avoid leading questions. Two alternatives and "something else" should be used when asking questions. For example, "Did they hit you with a fist, an open hand, or something else?" Officers should also ask sensory questions. These questions can help aid in memory recall and provide specific details.

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Sensory questions ask about what a person saw, heard, or smelled during a moment. Officers should seek sufficient detail so that incident is as clear as practicable. Officers should also ask questions to put the incident in context by asking about what else had occurred that day or week and about the nature of the relationship.

- ☐ Parties should be questioned about previous incidents of domestic violence, or patterns of control and manipulation.
- ☐ Offenders often will not confess- officers should interview offenders with the goal of getting them to admit there was a disagreement, and that things got physical. The report should highlight lies, improbable statements, or inconsistencies from the suspect's statements.
- ☐ Any injuries on any involved parties will be documented in detail- to include photographs. In general, it is best practice to photograph both subjects (regardless of injury) involved in a violent physical altercation. This aids in refuting later claims of self defense. Photographs need to be taken with and without scale. BWC camera footage is not sufficient.
- ☐ Any weapons (including improvised weapons) used should be photographed, and collected as evidence.
- ☐ Any signs of struggle, broken items, holes in walls, etc..... should be documented and photographed.
- ☐ Any torn, dirty, bloody, disheveled clothing should be photographed and possibly collected as evidence.
- ☐ If alcohol or drugs have been used by either party it should be documented and measured (PBT) when possible. Signs of impairment should be relayed in the report.
- ☐ Resources- to include calling a victim advocate to the scene should be discussed with the victim.
- ☐ Any children on scene should be inspected for welfare. The officer shall not leave any children on scene if there is not a responsible party to care for them. If no responsible party is available then DFS should be summoned to the scene and the children placed in their care.
- ☐ Neighbors should be contacted at some point to canvas for witnesses from the current, or previous incidents of domestic violence.
- ☐ Regardless of enforcement action- a SPD resources for relationships pamphlet will be disseminated to all involved parties. This should be documented in the case summary.
- ☐ If an arrest is made, the victim will be provided with a victim's rights form. If an offender is making claims of self defense the officer should be present at the jail and document any injuries, or lack thereof, on the offender when they have changed out of their personal clothes.
- ☐ If an arrest is made, or a warrant for arrest requested, it is imperative the report is completed to current actions taken prior to the primary officer going off duty.

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- ☐ Anytime there are more than two involved parties the officer should consider a brief introduction or list describing the age and relationship of each involved party.
  - Headers are mandated to distinguish different people being interviewed, different actions taken, injuries documented, evidence seized, etc.....
- ☐ If any party received medical attention those medical records should be collected by the officer and attached as files to the case. To aid in the retrieval of these medical records a medical release form should be provided to the individuals and properly filled out while on scene.
- ☐ Follow-up contact with the victim should be considered a few days after the incident. Officers shall document the state of healing of injuries or appearance of new marks, reinforce the enforcement action, and encourage the victim in seeking resources.
- ☐ The relationship between offender and victim must match the description of a "household member in W.S.S. 35-21-102 (a)(iv). The affidavit for arrest, and case summary (or narrative) should clearly state which of these definitions are relevant- with a word for word quote from the statute's definition; for example, :
  - Bob Smith and Linda Smith were found to be persons formerly married to each other, or
  - Bob Smith and David Jones were found to be adults sharing common living quarters(\*NOTE: Adults, for this definition are 16 or older)

## POLICIES:

- 28.1.1 Criminal Investigations / Initial Responsibilities
- 28.4 Domestic Battery response
- 20.4.2 Photographing Injuries
- 21.1 Evidence Handling

## PRECEDENT (LAWS):

- **6-2-510 Domestic Assault**
  - A household member is guilty of domestic assault if, having the present ability to do so, he unlawfully attempts to cause bodily injury to another household member.
- **6-2-511 Domestic Battery**
  - A household member is guilty of domestic battery if he knowingly or recklessly causes bodily injury to another household member by use of physical force.
- **6-2-509 Strangulation of a Household Member**
  - (a) A person is guilty of strangulation of a household member if he intentionally and knowingly or recklessly causes or attempts to



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cause bodily injury to a household member by impeding the normal breathing or circulation of blood by:

- (i) Applying pressure on the throat or neck of the household member; or
  - (ii) Blocking the nose and mouth of the household member.
- For purposes of this section, “household member” means as defined in W.S. 35-21-102(a)(iv)(A) through (D), (G) and (H).
- **6-2-502 Aggravated Assault and Battery**
  - A person is guilty of aggravated assault and battery if he engages in any of the following:
    - (i) Causes or attempts to cause serious bodily injury to another intentionally, knowingly, or recklessly under circumstances manifesting extreme indifference to the value of human life.
    - (ii) Attempts to cause, or intentionally or knowingly causes bodily injury to another with a deadly weapon.
    - (iii) Threatens to use a drawn deadly weapon on another unless reasonably necessary in defense of his person, property or abode or to prevent serious bodily injury to another.
    - (iv) Intentionally, knowingly or recklessly causes bodily injury to a woman whom he knows is pregnant.
- **35-21-102 (a)(iv) Household Member Definition**
  - A. Persons married to each other;
  - B. Persons living with each other as if married;
  - C. Persons formerly married to each other;
  - D. Persons formerly living with each other as if married;
  - E. Parents and their adult children; (adult = 16 or over)
  - F. Other adults sharing common living quarters; (adult = 16 or older)
  - G. Persons who are the parents of a child but who are not living with each other; and
  - H. Persons who are in, or have been in, a dating relationship.
- **6-2-501(a) Simple Assault**
  - A person is guilty of simple assault if, having the present ability to do so, he unlawfully attempts to cause bodily injury to another.
- **6-2-501(b) Battery**
  - A person is guilty of battery if he intentionally, knowingly or recklessly causes bodily injury to another person by use of physical force.
- **6-2-501(g)(i) Unlawful Contact / No Injury**
  - A person is guilty of unlawful contact if he: Touches another person in a rude, insolent or angry manner without intentionally using sufficient physical force to cause bodily injury to another.
- **6-2-501(g)(ii) Unlawful Contact / Injury**

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- A person is guilty of unlawful contact if he recklessly causes bodily injury to another person.
- **6-6-101. Fighting in Public**
  - A person commits a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if, by agreement, he fights with one (1) or more persons in public.\
- **6-2-5-4 Reckless Endangering**
  - (a) A person is guilty of reckless endangering if he recklessly engages in conduct which places another person in danger of death or serious bodily injury.
  - (b) Any person who knowingly points a firearm at or in the direction of another, whether or not the person believes the firearm is loaded, is guilty of reckless endangering unless reasonably necessary in defense of his person, property or abode or to prevent serious bodily injury to another or as provided for under W.S. 6-2-602.
  - (c) Reckless endangering is a misdemeanor punishable by imprisonment for not more than one (1) year.
- **6-6-102. Breach of the peace**
  - A person commits breach of the peace if he disturbs the peace of a community or its inhabitants by unreasonably loud noise or music or by using threatening, abusive or obscene language or violent actions with knowledge or probable cause to believe he will disturb the peace.
- **6-2-202 Felonious Restraint**
  - (a) A person is guilty of felonious restraint if he knowingly:
    - (i) Restrains another unlawfully in circumstances exposing him to risk of serious bodily injury; or
    - (ii) Holds another in a condition of involuntary servitude.
  - (b) Felonious restraint is a felony punishable by imprisonment for not more than five (5) years.
- **6-2-203 False Imprisonment**
  - (a) A person is guilty of false imprisonment if he knowingly and unlawfully restrains another so as to interfere substantially with his liberty.
  - (b) False imprisonment is a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both.
- **6-2-503 Child Abuse**
  - (a) A person who is not responsible for a child's welfare as defined by W.S. 14-3-202(a)(i), is guilty of child abuse, a felony punishable by imprisonment for not more than ten (10) years, if:

# DOMESTIC BATTERY

- (i) The actor is an adult or is at least six (6) years older than the victim; and
- (ii) The actor intentionally or recklessly inflicts upon a child under the age of sixteen (16) years:
  - (A) Physical injury as defined in W.S. 14-3-202(a)(ii)(B);
  - (B) Mental injury as defined in W.S. 14-3-202(a)(ii)(A); or
  - (C) Torture or cruel confinement.
- (b) A person is guilty of child abuse, a felony punishable by imprisonment for not more than ten (10) years, if a person responsible for a child's welfare as defined in W.S. 14-3-202(a)(i) intentionally or recklessly inflicts upon a child under the age of eighteen (18) years:
  - (i) Physical injury as defined in W.S. 14-3-202(a)(ii)(B), excluding reasonable corporal punishment;
  - (ii) Mental injury as defined in W.S. 14-3-202(a)(ii)(A); or
  - (iii) Torture or cruel confinement.
- **6-5-212 Interference with a 911 Call**
  - A person commits a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if he knowingly obstructs, prevents, hinders or otherwise interferes with the making or completion of a telephone call to a 911 emergency reporting system or other telephone or radio communication by another person to any law enforcement agency to request protection or other assistance from the law enforcement agency or to report the commission of a crime.

# DRUG INVESTIGATIONS

## FTO CALL RESPONSE: DRUG INVESTIGATIONS

### PRINCIPLES:

- The use or possession of controlled substances by community members must be addressed by law enforcement. Substance use and possession is a crime in and of itself but moreover, involvement in drug activity is often connected to other criminal activity. Enforcing controlled substance laws can have a positive effect on all four areas of emphasis for the department.
- Officers should take enforcement action with the aim of reducing overall drug use within the City of Sheridan. In many cases, a custodial arrest is expected by the department and the community at large.
- Officers are expected to stay aware of the latest trends in drug use and know local individuals involved in drug trafficking.
- Knowledge of search and seizure law is important in many drug investigations. Officers wanting to be active and successful drug investigators must understand the law and its application.
- When investigating drug activity, officers should look for opportunities to advance the case to the next level. Officers should question people regarding the how, when, why, and who of their drug use.
- Information sharing is important for agencies to be able to work together to efficiently enforce the law and deconflict investigations.

### PROCEDURES:

- ☐ Drug investigations may be initiated by a citizen report, information from other agencies, officer observations, or proactive strategies. The genesis for the investigation should be made clear in the report.
- ☐ Drug investigations or related information should be documented in a case report. Even if no enforcement action is taken, Spillman reports are the best way for information to be documented, searched, shared, and used. If enforcement action is taken, then a report must be created.
- ☐ If an officer suspects that a controlled substance is being concealed an officer should work to develop legal access to that area and find the substance. Legal access may be gained through voluntary consent, probable cause leading to the issuance of a search warrant, or probable cause and a circumstance that constitutes an exception to the search warrant requirement.
- ☐ Officers need to collect any controlled substances as evidence and should also collect paraphernalia and any other items related to the offense. Everyday items that would be innocuous in other situations such

# DRUG INVESTIGATIONS

as sandwich bags or kitchen scales need to be collected as they could be considered evidence based on the context. Officers should consider if they have sufficient cause to seize and search personal electronic devices.

- ☐ Officers should be cautious about the suspect providing the drugs to them in lieu of a complete search conducted by an officer. This can be a tactic to conceal a larger amount of controlled substances from the officer.
- ☐ If probable cause is developed officers should take enforcement action. For misdemeanor THC/cannabis possession, a citation is generally the preferred action. For possession of any other controlled substance, a custodial arrest is the preferred action. For delivery offenses, a custodial arrest is the preferred option.
- ☐ The suspected controlled substance should be NIK tested and weighed. At a minimum, the affidavit and report should include this information: how the substance was discovered, the suspected identification of the substance, the location where the substance was found, the suspected amount, and information linking the substance to the offender.
- ☐ The department has mouth swabs available that will provide presumptive drug test results from saliva testing. Anytime a suspect is cooperative and suspected of using illegal drugs the officer should consider offering this test.
- ☐ Officers should seek ways to further the investigation by interviewing the offender. In some cases, the interview should be left for SPD CID or Wyoming DCI. Officers should consult with a supervisors if they are unsure about conducting a more in-depth interview. Officers do not have the authority to “make deals” and should not promise an offender a certain sentence or out come.
- ☐ Some examples of means an officer should consider to further a drug investigation may be:
  - If someone is under the influence- did they drive under the influence? Might they still be in possession?
  - If someone is in possession- where did they get it, who were they going to give it to? How do they communicate with their dealer?
  - If someone is in possession- where might they have more?
  - If someone is in possession of methamphetamine- is there any reason to think they’ve endangered children recently by having it around them?
  - If a ticket is written, or an arrest made, ask, “Would you be willing to work with us or give more information if I put you in touch with a SPD detective?”
- ☐ If an officer develops the ability to make a controlled buy or similar operation they must notify their supervisor before taking any action to further that cause.

## Use of Narcotics Detection K9

- A scent detection K9 is an excellent resource during drug investigations. K9's can detect the presence or past presence of controlled substances. The SPD K9's can detect methamphetamine, heroin, black tar heroin, MDMA, cocaine and marijuana. The K9 detects the presence of the controlled substance's odor, sometimes with the substance no longer being present.
- A narcotics K9 can be used in various locations to include, but not limited to, residences, vehicles, schools and open fields and can conduct a narcotics sniff on virtually any item to include, but not limited to, mail packages, lockers and luggage.
- There is extensive case law governing the use of a K9 and their limitations. The K9 handler is aware of these search and seizure laws. The K9 handler should be briefed by the requesting officer and it is the K9 handler's sole decision if the K9 will be deployed.
- Due to seizure laws, the sooner the K9 handler is notified of the request the better. Without further cause free air sniffs of vehicles require the seizure of the person not be extended past the reason for the initial traffic stop (detainment). If a requesting officer has articulable facts showing reasonable suspicion that controlled substances or drug activity may be present or afoot, the person or vehicle can be detained for a reasonable amount of time allowing the K9 to respond and complete a drug sniff. The "reasonableness" standard can be defined as an immediate response by the K9 to the scene without additional delay, regardless of time.
- K9 deployments on private property or other locations where an expectation of privacy exists generally require a warrant or consent from the owner or manager. As a general rule if there is an expectation of privacy a free air sniff cannot be completed.

## POLICIES:

- 10.1 Arrests
- 10.4 Searches
- 10.5 Probable Cause / Reasonable Suspicion
- 10.6 Drugs found at medical facility
- 12.1 Evidence Handling
- 16.3 K-9 Operations
- 20.1.2 Miranda requirements

# DRUG INVESTIGATIONS

## PRECEDENT / STATUTE OR ORDINANCES:

**35-7-1031. Unlawful manufacture or delivery; counterfeit substance; unlawful possession.**

(a) Except as authorized by this act, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance. Any person who violates this subsection with respect to:

(i) Methamphetamine or a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than twenty (20) years, or fined not more than twenty-five thousand dollars (\$25,000.00), or both;

(ii) Any other controlled substance classified in Schedule I, II or III, is guilty of a crime and upon conviction may be imprisoned for not more than ten (10) years, fined not more than ten thousand dollars (\$10,000.00), or both;

(iii) A substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than two (2) years, fined not more than two thousand five hundred dollars (\$2,500.00), or both;

(iv) A substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one (1) year, fined not more than one thousand dollars (\$1,000.00), or both.

(b) Except as authorized by this act, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance. Any person who violates this subsection with respect to:

## DRUG INVESTIGATIONS

(i) A counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than twenty (20) years, fined not more than twenty-five thousand dollars (\$25,000.00), or both;

(ii) Any other counterfeit substance classified in Schedule I, II or III, is guilty of a crime and upon conviction may be imprisoned for not more than ten (10) years, fined not more than ten thousand dollars (\$10,000.00), or both;

(iii) A counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than two (2) years, fined not more than two thousand five hundred dollars (\$2,500.00), or both;

(iv) A counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one (1) year, fined not more than one thousand dollars (\$1,000.00), or both.

(c) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this act. With the exception of any drug that has received final approval from the United States food and drug administration, including dronabinol as listed in W.S. 35-7-1018(h), and notwithstanding any other provision of this act, no practitioner shall dispense or prescribe marihuana, tetrahydrocannabinol, or synthetic equivalents of marihuana or tetrahydrocannabinol. No prescription or practitioner's order for marihuana, tetrahydrocannabinol, or synthetic equivalents of marihuana or tetrahydrocannabinol shall be valid,



# DRUG INVESTIGATIONS

unless the prescription is for a drug that has received final approval from the United States food and drug administration, including dronabinol. Any person who violates this subsection:

(i) And has in his possession a controlled substance in the amount set forth in this paragraph is guilty of a misdemeanor punishable by imprisonment for not more than twelve (12) months, a fine of not more than one thousand dollars (\$1,000.00), or both. Any person convicted for a third or subsequent offense under this paragraph, including convictions for violations of similar laws in other jurisdictions, shall be imprisoned for a term not more than five (5) years, fined not more than five thousand dollars (\$5,000.00), or both. For purposes of this paragraph, the amounts of a controlled substance are as follows:

(A) For a controlled substance in plant form, no more than three (3) ounces;

(B) For a controlled substance in liquid form, no more than three-tenths (3/10) of a gram;

(C) For a controlled substance in powder or crystalline form, no more than three (3) grams;

(D) For a controlled substance in pill or capsule form, no more than three (3) grams;

(E) For a controlled substance in the form of cocaine-based "crack" cocaine, no more than five-tenths (5/10) of a gram;

(F) For a controlled substance known as LSD (Lysergic acid diethylamide), no more than three-tenths (3/10) of a gram.

## DRUG INVESTIGATIONS

(ii) And has in his possession methamphetamine or a controlled substance classified in Schedule I or II which is a narcotic drug in an amount greater than those set forth in paragraph (c)(i) of this section, is guilty of a felony punishable by imprisonment for not more than seven (7) years, a fine of not more than fifteen thousand dollars (\$15,000.00), or both;

(iii) And has in his possession any other controlled substance classified in Schedule I, II or III in an amount greater than set forth in paragraph (c)(i) of this section, is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than ten thousand dollars (\$10,000.00), or both;

(iv) And has in his possession a controlled substance classified in Schedule IV in an amount greater than set forth in paragraph (c)(i) of this section, is guilty of a felony punishable by imprisonment for not more than two (2) years, a fine of not more than two thousand five hundred dollars (\$2,500.00), or both;

(v) And has in his possession a controlled substance classified in Schedule V, is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both.

(d) For purposes of determining the weights to be given the controlled substances under this section, the weights designated in this section shall include the weight of the controlled substance and the weight of any carrier element, cutting agent, diluting agent or any other substance excluding packaging material.

**35-7-1039. Person using or under influence of controlled substance.**

# DRUG INVESTIGATIONS

Any person who knowingly or intentionally uses or is under the influence of a controlled substance listed in Schedules I, II or III except when administered or prescribed by or under the direction of a licensed practitioner, shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail not to exceed six (6) months or a fine not to exceed seven hundred fifty dollars (\$750.00), or by both.

**35-7-1040. Planting, cultivating or processing marihuana, peyote or opium poppy.**

Any person who knowingly or intentionally plants, cultivates, harvests, dries, or processes any marihuana, peyote, or opium poppy except as otherwise provided by law shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed six (6) months in the county jail or by a fine not to exceed one thousand dollars (\$1,000.00), or both.

**35-7-1056. Delivery of, or possession with intent to deliver, drug paraphernalia.**

It is unlawful for any person to deliver, or possess with intent to deliver, drug paraphernalia. Any person who violates this section is guilty of a crime and, upon conviction, may be imprisoned for not more than six (6) months, fined not more than seven hundred fifty dollars (\$750.00), or both.

**35-7-1057. Delivery of drug paraphernalia to a minor.**

Any adult who violates W.S. 35-7-1056 by delivering drug paraphernalia to a minor is guilty of a crime and, upon conviction, may be imprisoned for not more than five (5) years, fined not more than two thousand five hundred dollars (\$2,500.00), or both.

**19-1.1 Controlled Substances--Possession, Sale, Purchase, Etc., Of Certain Equipment Designed For Smoking, Etc., Drugs Or Other Controlled Substances**

# DRUG INVESTIGATIONS

It is unlawful for any person to possess, sell or transfer, buy or receive or offer for sale or transfer, any pipe, vaping device, homemade smoking or vaping device, roach clip, cigarette holder, cigarette papers or any other device designed or intended for use, in ingesting, inhaling or otherwise introducing into the body, a controlled substance as defined by the Wyoming Controlled Substances Act of 1971, except such pipes or other devices as shall be certified by the chief of police as a collector's item, free of all contamination or residue from any controlled substance and possessed for collection purposes only.

It is unlawful for any person knowingly or intentionally to possess, sell or transfer, buy or receive, or offer for sale or transfer, any hypodermic needle or syringe, specially designed and manufactured for use or actually tested for injecting heroin, morphine, codeine or any other controlled substance of which the uncontrolled manufacture, delivery or possession is declared to be unlawful under the provisions of the Wyoming Controlled Substances Act of 1971, except: (1) licensed drug manufacturers, wholesale drug jobbers, pharmacists, physicians, dentists, podiatrists, veterinarians and nurses; (2) hospital research, teaching and clinical laboratory personnel, funeral directors and embalmers; (3) persons specifically authorized by a licensed physician, dentist or podiatrist to use a hypodermic needle or syringe for medical treatment purposes, while so using the needle or syringe; (4) persons using a hypodermic needle or syringe for the treatment of livestock; and (5) persons using a hypodermic needle or syringe as a work tool for such purposes as gluing or oiling or as an instrument for the basting of food.

## FTO CALL RESPONSE: DWUI

### PRINCIPLES

- The Sheridan Police Department takes a zero tolerance approach to impaired driving.
- Officers should be diligent in activities that prevent impaired driving. Using unallocated time between 12am - 3am to increase officer presence in and around bars is a valuable use of resources.
- The community has a standard of expectation that impaired drivers go to jail.
- SFST's are a good tool, but not the only tool in making decisions about impairment. Officers are looking for evidence that the driver may be impaired, not that the driver cannot perform the SFST's. Officers are to use all observed factors and make a decision based on the totality of the circumstances.
- Portable breath tests are a good tool to confirm alcohol is a factor; however, not necessary and officers should not spend too much time trying to convince someone to provide a breath sample into a PBT if they don't want to.
- Officers will not provide suspected impaired drivers rides home. Either the person is sober enough to drive or they are not. When people are not sober enough to drive the officer should be making an arrest.

### PROCEDURES

- ☐ On occasion an officer will investigate a dwui after the fact (e.g. driver made it home and is out of their car prior to officer contact). Officers need to remember these investigations are unique and it is important to note:
  - They can't cross the threshold into a person's home without a warrant or consent.
  - It is important to prove the suspect had not been drinking since they stopped driving.
  - It is important to locate the keys to the vehicle and note where they were found.
  - It is important to think about other involved parties who could provide an alibi. The officer should collect statements from them.
  - Witnesses, bar tabs, and surveillance footage should all be looked into as possible evidence.
- ☐ Most DWUI investigations are the result of observations made during a traffic stop. The reason for the stop along with other observed driving behavior should be included in the report and affidavit.
- ☐ When an officer suspects a driver is impaired the officer should request a second unit to assist.
- ☐ The secondary officer's primary role is to provide security to the scene so the primary investigator can focus on the investigation.

- ☐ Officer should be making note of driver actions that are not normal that may indicate impairment, including but not limited to:
  - Sudden mood swings.
  - Exaggerated emotions (anger, laughter, sadness, etc...)
  - Confusion
  - Difficulty with instructions
  - Improperly worn clothes
  - Illogical statements
  - Poor balance
  - Poor manual dexterity
  - Statements by the driver indicating impairment
- ☐ Officers should be making note of any physiological signs of impairment:
  - Bloodshot eyes,
  - Odd pupil sizes
  - Watery eyes,
  - Odor of alcohol on breath
  - Excessive sweating
  - Dressed inappropriately for the weather
- ☐ Officers should be making note of any signs of impairment beyond the driver's actions throughout the entire contact, including but not limited to:
  - Containers of alcohol in plain view.
  - Drug paraphernalia in plain view.
  - Odor of drugs or alcohol.
  - Spilled containers.
  - Messy and disheveled interior of the car.
  - Any items moved or hidden between officer contacts.
  - Impaired passengers.
- ☐ Passengers in the vehicle should be asked for their identification. Officers should ask the passengers how much alcohol the driver had consumed.
  - Passengers, or passer-bys, are not free to interfere or hinder with the investigation. Those wishing to interfere with an investigation should not get multiple warnings.
- ☐ If serious injury is involved prohibiting the driver from submitting to field, or chemical testing, a supervisor should be brought to the scene.
- ☐ Drivers perform SFSTs voluntarily. Officers should use them as a tool; however, their investigation should not rest solely on them.
- ☐ Officers should use standardized questioning to ensure the driver is capable of completing SFST's- to include screening for:
  - Their highest level of education
  - Any recent head injuries requiring medical attention
  - Hard contacts being worn (glasses should be removed)
  - Any drugs or medication consumed in the last 24 hrs.
  - Any physical impairments that keep them from walking normally.

- ☐ SFST's should be administered on a clear, level, and hard surface that is free from any cracks or debris. The driver should be wearing shoes that fit them comfortably. The driver should be allowed to remove their shoes if they are more comfortable doing so. SFST's should not be done by someone wearing high heels.
- ☐ During inclement weather SFSTs can be done inside.
- ☐ When practical, the SFST's should be done where they can be recorded on the patrol car's camera.
- ☐ Officers should complete the standard HGN, One Leg Stand, and Walk and Turn tests per NHTSA standards.
- ☐ A PBT sample, and some follow up questions can be requested; however, if it is probable that the driver is impaired they should be arrested sooner than later.
- ☐ The Wyoming Implied consent should be read to the driver by the arresting officer. The officer will note the time of advisement.
- ☐ The officer is responsible for any animals or children in the offender's vehicle and will make sure arrangements are made for their care.
- ☐ Decisions to tow vehicles will be made consistently and according to SPD policies. It is important decisions to tow vehicles are consistent to every community member.
- ☐ When it is obvious that alcohol is the primary source of intoxication the officer will use the INTOX machine to collect a breath sample. Officers will be certified to use the INTOX and will follow the approved checklist.
- ☐ If the officer believes drugs are the primary source of intoxication they will collect a blood sample using paramedics.
  - If a driver refuses to comply with chemical testing the officer will apply for a search warrant with the Circuit Court Judge, or magistrate. Once approved the officer will execute the search warrant and collect a blood sample from the driver using paramedics to collect the blood sample.
  - Should an offender resist and fight back against a blood draw the officer will not engage in a fight to try to get a blood sample. The officer will note the resistance in their report and charge the offender with interference.
- ☐ For most standard DWUI arrests the DWUI Affidavit can act as the report narrative. If the facts of the case are odd, complicated, or require lots of detail, then the DWUI Affidavit should not be used and a complete and detailed report narrative should be used.
  - If a crash occurred, or if injuries occurred due to the impaired driving, that information detailing property damage and severity of injury needs to be included in the arrest affidavit.
- ☐ The offender's driver's license should be confiscated and mailed to the State. This needs to be documented somewhere in the report.

- ☐ Fill out and complete a DSFR.
- ☐ If the investigation was instigated by a member of the public (REDDI REPORT) the primary officer should call that reporting person at the conclusion of the investigation to both thank them for notifying the police, and to update them on the status of the investigation.
- ☐ If there are enhancement circumstances the prosecution should know about (previous DWUI's, children in the car, etc...) the officer will note those in the affidavit and report but will still simply charge them with a standard DWUI. It is the responsibility of the prosecutor to enhance based on circumstances.
- ☐ Ensure the court gets the original affidavit and the citations through daily routing (citations are automatically routed if written with DigiTicket).
- ☐ Ensure the county attorney gets a copy of the affidavit, and copies of the citation through daily routing.
- ☐ The completed narrative, and all associated DWUI paperwork should be completed before the officer completes their shift.

## **POLICIES TO BE FAMILIAR WITH:**

- 20.11 Breath Testing
- 18.1.6 DWUI Investigations
- 18.3.4 Vehicle Towing
- 18.3.5 Vehicle Inventory
- NHTSA SFST Participation Manual (find online)
- State of WY Intoximeter Checklist

## **PRECEDENT / STATUTE or ORDINANCES**

### **31-5-233. Driving or having control of vehicle while under influence of intoxicating liquor or controlled substances**

(b) No person shall drive or have actual physical control of any vehicle within this state if the person:

- (i) Has an alcohol concentration of eight one-hundredths of one percent (0.08%) or more;
- (ii) Has an alcohol concentration of eight one-hundredths of one percent (0.08%) or more, as measured within two (2) hours after the time of driving or being in actual physical control of the vehicle following a lawful arrest resulting from a valid traffic stop; or
- (iii) To a degree which renders him incapable of safely driving:
  - (A) Is under the influence of alcohol;
  - (B) Is under the influence of a controlled substance; or
  - (C) Is under the influence of a combination of any of the elements named in subparagraphs (A) and (B) of this paragraph.



**31-5-234. Unlawful operation of vehicle by youthful driver with detectable alcohol concentration**

(b) A person younger than twenty-one (21) years of age shall not operate or be in actual physical control of a vehicle in this state with an alcohol concentration of two one-hundredths of one percent (0.02%) or more nor operate or be in actual physical control of a vehicle in this state with an alcohol concentration of two one-hundredths of one percent (0.02%) or more as measured within two (2) hours after the time of driving or being in actual physical control following a lawful arrest resulting from a valid traffic stop.

**31-5-236. Careless driving.**

Any person who drives any vehicle in a manner inconsistent with the exercise of due and diligent care normally exercised by a reasonably prudent person under similar circumstances and where such operation of a motor vehicle creates an unreasonable risk of harm to other persons or property is guilty of careless driving.

**City Ordinance 4-5(b)(1) Open Container**

**\*NOTE: SPD is prohibited from using State Statute for Open Container**

No person shall consume or carry in open containers alcoholic liquor or malt beverages, inside or outside of any motor vehicles on any street or highway, except within a commercial limousine as described in subsection (c), or in any restaurant, hotel dining room or any other public place whatsoever within the city, except places where the sale or service of alcoholic liquor or malt beverages is authorized by the Wyoming State law or city ordinance, or as permitted by a catering, malt beverage or open container permit, issued pursuant to section 4-8.

## FTO CALL RESPONSE: FIGHTS / ASSAULTS

### PRINCIPLES:

- The Sheridan Police Department exercises zero tolerance in regards to acts of violence against people.
- Attempts to harm someone (assaults) should be treated as seriously as actually harming someone (battery).
- Fighting is not only a crime against the physical victim, but it is a crime against the community. Officers should not be deterred from enforcement because one party does not want to “press charges.”
- Officers should be familiar with precursors to violence (arguments, intoxication, threats, etc...) It is much better to take swift enforcement action on behavior leading to violence, than to take action later after violence has occurred.
- Individuals who have a history of violence generally are not afforded warnings for any violations of law.
- Officers should act quickly to establish control and gain compliance when dealing with individuals threatening violence, committing violence, or who have recently committed violence.
- Case work for acts of violence should be done well in order to aid prosecution of violent offenders. Reports should be well organized and follow report protocols precisely.
- Recognizing locations, situations, or relationships that lead to violent behaviors is an important part of crime prevention. Officers should be on the lookout for, and analyze, factors that lead to violence and develop strategies to suggest to the chain-of-command to reduce and prevent violence in the community.
- Officers should not jump to conclusions that the person who lost the fight is the only victim. Just because an individual came up on the short end of a fight does not mean they were not a primary instigator.
- Some assaults require CID to become involved. Serious bodily injuries, multiple victims, public interest, are some factors which may require extended follow-up best done by a detective.

### PROCEDURES:

- ☐ A report of a fight does not automatically warrant the need for an emergency response. Response to the scene should be calculated and consistent with the nature of the call.
- ☐ Responding officers should make note and be aware of suspects fleeing the scene upon approaching the area. Vehicles or pedestrians leaving the area of the scene should be noted and treated with an appropriate level of suspicion.

## FIGHTS / ASSAULTS

- ☐ The first officer arriving to an active fight shall assess the need for immediate intervention weighted with the amount of officers needed to safely control the situation.
- ☐ Officers should first establish control over involved parties. Ensure involved parties are compliant with officers commands. Officers should consider handcuffing anyone involved with violence right away when they are demonstrating any non-compliance.
- ☐ If there is an audience (bar scene) remove involved parties from the crowd.
- ☐ As soon as practical, get involved parties separated from one another.
- ☐ Check for injuries requiring medical attention. Get medical attention if needed.
  - Someone requiring admission to the hospital does not get a free pass on their actions. Investigation may be delayed; however, appropriate enforcement action should still be taken.
- ☐ Collect statements from all involved parties. Ensure statements are made legally (miranda when appropriate).
  - Ensure statements are made apart from each other- witnesses, victims, and suspects should not be influenced by statements from other parties.
  - Officers should inquire detailed statements beyond “He hit me.”:
    - How many times were you hit?
    - What were you hit with (weapon, closed fist, open hand, etc...)
    - What did they say when they were hitting you?
    - What did you say when you were being hit?
    - Where were you hit?
    - Did you feel any pain during or after being hit?
- ☐ Officers should be alert to violations of law that occurred before or after the fight (trespassing, public intoxication, breach of peace, property destruction, etc...)
- ☐ Officers should look into avenues involved parties had to avoid the fight and question involved parties why they did not exercise those avenues.
  - Officers should attempt to identify the primary aggressor and the dominant aggressor of the assault.
- ☐ Evidence that should be collected when available:
  - Torn or ripped clothing.
  - Video surveillance of the fight.
  - Pictures of injuries.
  - Pictures or evidence that establish where the assault took place.
  - Hospital or EMS records involving treatment of injuries.
  - Pictures of damaged property as a result of the fight.
  - Any weapons involved in the fight.

## FIGHTS / ASSAULTS

- Evidence of drug or alcohol use (PBT results, blood draw results, drug paraphernalia, etc....)
- ☐ Document who else was affected by the acts of violence- children in a home, neighbors bothered by noise, bar staff, etc...
- ☐ Address any indications that violence may occur again if officers leave the scene.
- ☐ Victim's rights forms should be provided to anyone sustaining injuries, or suffering property loss.
- ☐ Can Trespass Warnings be issued to prevent future violence?
- ☐ All charges should be kept in one court.
- ☐ The nature and degree of injuries must be clearly expressed in the affidavit and report.
- ☐ Anytime an assault is investigated, especially when an arrest is made, the primary officer should have the narrative and affidavit complete before ending their shift.

### POLICIES:

- 10.1 Arrests
- 10.5 Probable Cause / Reasonable Suspicion
- 11 Use of Force
- 12.1 Evidence Handling
- 16.1.3 Patrol Call Response
- 20.1.2 Miranda requirements
- 25 Victim Services

### PRECEDENT / STATUTE OR ORDINANCES:

- **6-6-101. Fighting in Public**
  - A person commits a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if, by agreement, he fights with one (1) or more persons in public.
- **6-2-501(a) Simple Assault**
  - A person is guilty of simple assault if, having the present ability to do so, he unlawfully attempts to cause bodily injury to another.
- **6-2-501(b) Battery**
  - A person is guilty of battery if he intentionally, knowingly or recklessly causes bodily injury to another person by use of physical force.
- **6-2-501(g)(i) Unlawful Contact / No Injury**

## FIGHTS / ASSAULTS

- A person is guilty of unlawful contact if he: Touches another person in a rude, insolent or angry manner without intentionally using sufficient physical force to cause bodily injury to another.
- **6-2-501(g)(ii) Unlawful Contact / Injury**
  - A person is guilty of unlawful contact if he recklessly causes bodily injury to another person.
- **6-2-5-4 Reckless Endangering**
  - (a) A person is guilty of reckless endangering if he recklessly engages in conduct which places another person in danger of death or serious bodily injury.
  - (b) Any person who knowingly points a firearm at or in the direction of another, whether or not the person believes the firearm is loaded, is guilty of reckless endangering unless reasonably necessary in defense of his person, property or abode or to prevent serious bodily injury to another or as provided for under W.S. 6-2-602.
  - (c) Reckless endangering is a misdemeanor punishable by imprisonment for not more than one (1) year.
- **6-6-102. Breach of the peace**
  - A person commits breach of the peace if he disturbs the peace of a community or its inhabitants by unreasonably loud noise or music or by using threatening, abusive or obscene language or violent actions with knowledge or probable cause to believe he will disturb the peace.
- **6-3-303 Criminal Trespass**
  - A person is guilty of criminal trespass if he enters or remains on or in the land or premises of another person, knowing he is not authorized to do so, or after being notified to depart or to not trespass.
- **6-3-201 Property Destruction**
  - A person is guilty of property destruction and defacement if he knowingly defaces, injures or destroys property of another without the owner's consent. (b) Property destruction and defacement is:
    - (i) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if the cost of restoring injured property or the value of the property if destroyed is less than one thousand dollars (\$1,000.00);
    - (iii) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both, if the cost of restoring injured property or the value of the property if destroyed is one thousand dollars (\$1,000.00) or more.

## FIGHTS / ASSAULTS

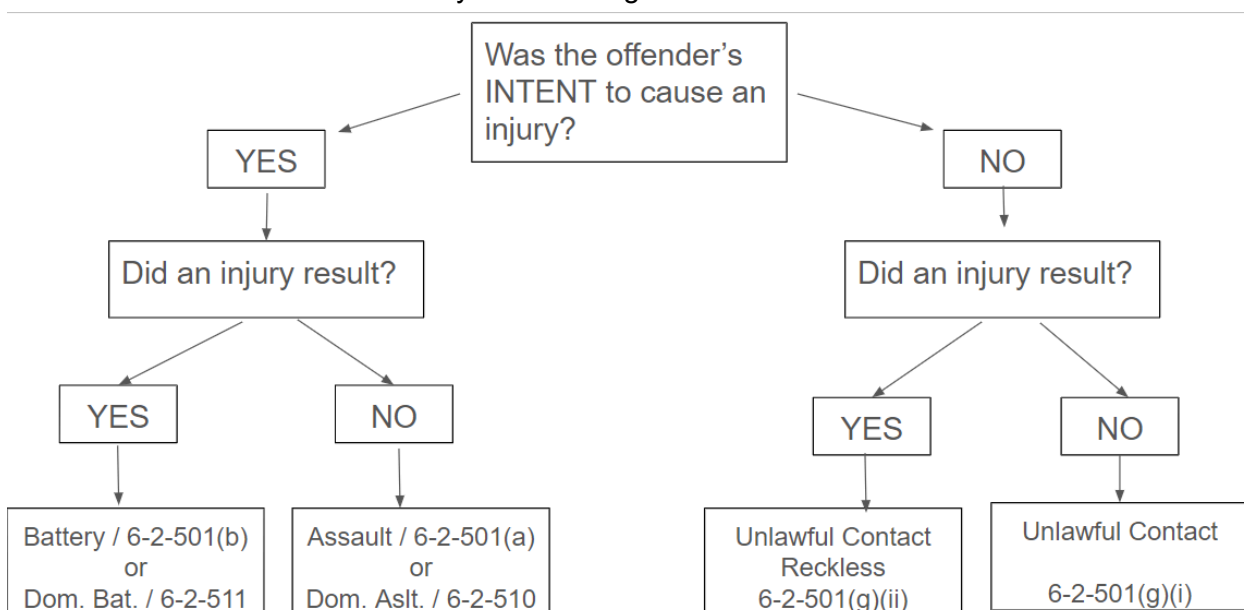
- (c) If a series of injuries results from a single continuing course of conduct, a single violation of this section may be charged and penalties imposed based upon the aggregate cost or value of the property injured or destroyed
- **31-5-612 Pedestrian under influence**
  - A pedestrian who is under the influence of alcohol or any controlled substance to a degree which renders himself a hazard shall not walk or be upon a highway.
- **Ordinance 4-2 Public Intoxication**
  - Any person drunk or under the influence of any intoxicating liquor, malt beverage or controlled substance, as defined by Wyoming State Statutes, in any public street, thoroughfare, or place, as defined by city of Sheridan Code 19-2(a), excepting highways as defined by Wyoming Statute section 31-1-101(a)(viii), to such an extent that his or her drunkenness or intoxication is manifest by inebriation to the extent that the person appears substantially impaired and the impairment is evident by actions such as slurred speech, uncoordinated physical actions or physical dysfunction which would be obvious to a reasonable person and such that his or her condition or actions create a nuisance or hazard or he or she is rendered by his or her condition unable to exercise care for him or herself or others or unable to provide for his or her own safety or the safety of others, he or she shall be guilty of a misdemeanor.
- **Ordinance 19-2 Disorderly Conduct(s)**
  - (d) A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder or nuisance, or if his or her conduct is likely to cause public danger, alarm, disorder or nuisance, he or she wilfully does any of the following acts in a public place:
    1. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his or her life, limb or health;
    2. Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
    3. Interferes with another's pursuit of a lawful occupation by acts of violence;
    4. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the city police or other lawful authority known to be such;

## FIGHTS / ASSAULTS

5. Resists or obstructs the performance of duties by city police or any other authorized official of the city, when known to be such an official;
7. Incites, attempts to incite, or is involved in attempting to incite a riot;
8. Addresses abusive language or threats to any member of the city police department, any other authorized official of the city who is engaged in the lawful performance of his or her duties, or any other person when such words have a direct tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited;
9. Damages, befouls, or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition;
10. Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square, or common whereby the public peace is broken or disturbed, or the traveling public annoyed;
11. Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened;
12. Uses abusive or obscene language or makes an obscene gesture;
13. Breaches the peace.
  - “Breach the peace” shall mean disturbing the peace of a community or its inhabitants by unreasonably loud noise or music or by using threatening, abusive or obscene language or violent actions with knowledge or probable cause to believe he or she will disturb the peace.

## Battery, Assault, or Unlawful Contact?

- Determination of charges is NOT based simply on if contact was made or not- or if there was an injury or not. Decision making, and reporting needs to be made by:
  - 1. What was the offender's intent?
  - 2. Did an injury occur?
- For battery or assault, determination NEEDS to first focus on the INTENT of the offender. The investigation and report need to emphasize the intent to cause injury through:
  - Detailing obvious acts which a reasonable person understands are only done to cause injury, for example:
    - Punching someone in the face repeatedly with a closed fist
    - Kicking someone in the ribs, etc....
  - Statements made by the offender before, during, or after the fact, for example:
    - "I'm going to kill you!"
    - "I'm going to rip your head off?"
  - Statements made during post event interviews:
    - Ask the suspect, "Why did you XXXXXX, what did you intend to happen?"
    - Ask the victim, "Did you think he/she was trying to hurt you- why?"
- Use the following decision tree as a guide, and ALWAYS take a second to read the statutes to ensure you are using the most accurate one.





## FIGHTS / ASSAULTS

# MENTAL HEALTH RESPONSE

## FTO CALL RESPONSE: Mental Health Response

### PRINCIPLES

- Officers often come in contact with persons that may have mental health issues. Often the concerned public, or, the individual suffering from mental health issues, does not know where else to turn. The public has an expectation that officers know how to appropriately respond to individuals in crises.
- Mental health symptoms are not a crime, but may lead to criminal behavior. Officers have to learn how to differentiate the two issues and to note when they overlap..
- Mental health calls can escalate to the point where an individual is a danger to others and may even be committing crimes. It is an important piece of crime prevention when officers can help people with mental health issues before behaviors escalate to criminal behavior.
- Officers should not seek to arrest someone if their mental health struggles are the primary reason for their criminal behavior. At the same time- an arrest may be the best solution for immediate safety of all involved parties- and court mandated treatment may be the best hope for treatment. Officers must take time to really articulate what problems they are solving and use a thoughtful response.
- Anytime the criminal behavior is infringing on the rights or safety of others, or drug use is involved, an arrest is a legitimate option. Officers need to consider the limitations from the hospital on containing unruly individuals when deciding to arrest, or place on involuntary hold.
- It is imperative officers remain current on best practices and training related to mental health response.
- It is helpful for officers to know what community resources are available to those dealing with mental health issues.
- An officer's primary responsibility is to ensure immediate safety, not long term care for mental health treatment.
- The police response should emphasize empathy with a theme of what we can do, not what we won't do.

# MENTAL HEALTH RESPONSE

## PROCEDURES

In general you will deal with mental health issues in one of three situations; a general welfare check, a person-in-crisis (PIC), or a delusional complainant.

In all responses the officer will use a calm and empathetic approach when practical; however, will keep a heightened sense of officer safety at the forefront of their actions.

### 1. GENERAL WELFARE CHECK

- **DEFINED:** *The call is generated by a citizen's concern, or officer observations. Typically concern is due to either odd behavior, concerning statements, or the lack of ability to provide for one's welfare.*
- ☐ At times an officer will see an individual, or a citizen will report an individual, who is engaged in some sort of odd behavior that causes concern (wearing clothes improperly, talking to themselves, dancing in public without music, etc....)
- ☐ The officer should be quick to differentiate between odd behavior, and dangerous behavior.
- ☐ Officers can make consensual contact with the individual; however, need to bear in mind the individual has not broken a law or posed any threat to anyone. Officers need to keep the contact friendly and access through casual conversation- avoiding an interrogation style of conversation.
  - ☐ If it is abundantly clear that there is not danger, or potential danger, it may be appropriate for the officer not to respond. This will be case-by-case and the decision should be based on solid problem identification and solving.
- ☐ The officer is only attempting to determine if there is any indication the individual needs assistance or not. The officer should be prepared to share community resources for assistance if it is needed, and requested by the individual.
- ☐ The officer should be regularly assessing if their presence is calming, or bringing anxiety to the individual. If the officer is

# MENTAL HEALTH RESPONSE

bringing anxiety to the individual the contact should be concluded as quickly as possible.

- ☐ If repeated welfare checks centered around the individual's ability to provide food, shelter, or hygiene continue to cause concern the officer should attempt to contact family members and encourage them to intervene.
  - ☐ The officer may also refer the incident to the VOA / Mental Health, requesting that a mental health professional reach out to the individual.
- ☐ It is a good idea to document these incidents in a case report. The information will be beneficial for other patrol officers to know if they should receive a similar report. The information can also be looked at over time to see if an individual's behavior is changing.

## **2. PERSON IN CRISIS (PIC)**

- **DEFINED: This call is when an individual's behavior or statements give credible concern that the PIC is in immediate danger of causing serious physical harm to themselves, or serious physical harm to others.**
- ☐ Family members, medical professionals, other law enforcement agencies, or concerned citizens will call the police department requesting the check of a person's welfare they suspect is a person in crisis (PIC) related to mental health struggles, and often not related to any violations of law.
- ☐ These can be very serious incidents. Policy 28.9.4 gives guidance on these incidents. Officers must be very familiar with that policy- and even refer to it during the planning of their response.
- ☐ When time allows, the officer should gain as much information about the PIC before deciding upon a response. The information that needs to be gathered is detailed in policy 28.9.4- B.
- ☐ Once as much information is gathered as is practical, the officer should determine what level of response is appropriate (See Levels 1-4 in policy 28.9.4-C).
- ☐ Every situation is unique and there could be variables that do not meet the listed levels of response in policy. Officers need to be frequently evaluating and asking themselves?

# MENTAL HEALTH RESPONSE

- ☐ Is there a law being broken?
- ☐ Who is in danger- is it immediate?
- ☐ Are my actions making things better or worse?
- ☐ Is time on my side?
- ☐ Who else is a resource to help the individual?
- ☐ All responses will come down to these general options:
  - ☐ Making contact and offering assistance.
  - ☐ Making contact and forcing Title 25 detention.
  - ☐ Making contact and arresting for a criminal violation.
  - ☐ Delaying contact and getting family, or medical professionals to attempt assistance.
- ☐ The citizen who reported the incident will be contacted and updated on the status of the incident. An emphasis on what the department will do is the appropriate message.

## **3. DELUSIONAL COMPLAINANT**

- ***DEFINED: When a citizen reports, often frequently, being a victim and their claims are extreme and exaggerated, appearing to be based on paranoia more than reality.***
- ☐ Do not be too quick to dismiss reports, especially when the citizen has not had many contacts with the department. Remember they may be a victim of an actual crime and not able to relay it to you rationally.
- ☐ Always be friendly and courteous- not argumentative. If their perceived situation is based on paranoia or delusion you will not be able to reason with them. Attempting to prove them wrong via debate will only frustrate the citizen and the officer. There is no need to point out absurdity to them.
- ☐ Check local records to see if they had previously reported the same, or similar, incident. If they have you can politely thank them for coming to the department- but point out that there already is a report and investigation into their complaints. You should do a supplement on the previous report to document the date and time they came to make the provide the same story.
- ☐ If there is not a recent report- ensure you type a report. Even when their claims are blatantly beyond reality, it is important that other officers know that they had been dealt with recently and what the context was.

# MENTAL HEALTH RESPONSE

- ☐ Listen, and take notes, when they tell you why they think they are a victim. Tell them you will make a report to document what they have told you. Often making them feel like they have been taken seriously will be enough to make them feel better about the situation.
- ☐ It is fine to make general statements to tell them you will look into any leads that arise; however, do not make promises you can't keep or give them false hope.
- ☐ While conversing with them, find out what family they have in the community. Encourage them to consult with their family. If the individual starts to become frequent and repetitive with their complaints you may consider contacting their family to intervene.
  - ☐ The officer may also refer the incident to the VOA / Mental Health, requesting that a mental health professional reach out to the individual.
- ☐ At times individuals become very frequent and repetitive with their complaints to the police department with slight variations of the same unrealistic story. With a supervisor's approval- you may tell them, "*The department is not able to help you with this situation until we know you are getting regular mental health evaluations and support.*" Remember we are not telling them we won't help them- this message is that in order to help them we need them to seek mental health assistance first.
  - ☐ It will be rare we get to the point that we need to tell someone this message, and should only be relayed when their behaviors are getting worse, or burdensome of officers preventing them from other policing activities.
  - ☐ When this message has been given to an individual the supervisor who gave approval should send out an email to the department letting other officers know this has been relayed.

## POLICIES TO BE FAMILIAR WITH:

- 10.1 Arrests
- 10.5 Probable Cause / Reasonable Suspicion
- 11 Use of Force
- 25 Victim Services
- 28.9 Responding to subjects with Mental Illness

## PRECEDENT / STATUTE or ORDINANCES

### **25-10 Hospitalization of Mentally Ill Persons**

#### **35-7-1039 Persons Using or Under Influence of Controlled Substances**

any person who knowingly or intentionally uses or is under the influence of a controlled substance.

#### **35-7-1031 Possession of Controlled Substances**

#### **31-5-612 Drunk Pedestrian on a Roadway**

a pedestrian who is under the influence of alcohol or any controlled substances to a degree which renders himself a hazard shall not walk or be upon a highway.

#### **6-3-303 Criminal Trespass**

A person is guilty of criminal trespass if he enters or remains on or in the land or premises of another person, knowing he or she is not authorized to do so, or after being notified to depart or not to trespass.

#### **6-8-104 (b)(ix) Possession of a Concealed Weapon**

A person known to have been committed to a mental institution is prohibited from wearing a concealed deadly weapon.

\* "Deadly weapon" means but is not limited to a firearm, explosive or incendiary material, motorized vehicle, an animal or other device, instrument, material or substance, which in the manner it is used or is intended to be used is reasonably capable of producing death or serious bodily injury;

#### **6-6-102 Breach of Peace**

A person commits breach of peace if he disturbs the peace of a community or its inhabitants by unreasonably loud noise or music or by using threatening, abusive, or obscene language or violent actions with knowledge or probable cause to believe he will disturb the peace.

#### **19-2(d) Disorderly Conduct**

A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder or nuisance, or if his/her conduct is likely to cause public danger, alarm, disorder or nuisance, he/she willfully does any of the following acts in a public place:

# MENTAL HEALTH RESPONSE

## **19-13 Indecent Exposure**

No person shall appear in any public place within the City in a state of nudity or make any exposure of intimate parts for any reason. "Intimate parts" defined as external genitals, perineum, anus or pubes of any person or the "breasts" of any woman

## **4-2 Public Intoxication**

Any person drunk or under the influence of any intoxicating liquor, malt beverage or controlled substances, as defined by Wyoming State Statutes, in any public street, thoroughfare, or place, as defined by City of Sheridan Code 19-2 (a), excepting highways as defined by W.S. 31-1-101(a)(viii), to such an extent that his/her drunkenness or intoxication is manifest by inebriation to the extent that the person appears substantially impaired and the impairment is evident by actions such as slurred speech, uncoordinated physical actions or physical dysfunction which would be obvious to a reasonable person and such that his/her condition or actions create a nuisance or hazard or he/she is rendered by his/her condition unable to exercise care for him/herself or others or unable to provide for his/her own safety or the safety of others.

## **19-1.1 Possession of Drug Paraphernalia**

Unlawful to knowingly or intentionally possess, sell or transfer, buy or receive or offer for sale or transfer, any pipe, roach clip, cigarette holder or cigarette papers, specifically designed and manufactured for use or actually used for smoking opium, hashish, marijuana, or other controlled substance of which the uncontrolled manufacture, delivery or possession is declared to be unlawful.



## FTO CALL RESPONSE: PUBLIC INTOXICATION

### PRINCIPLES:

- Enforcement of public intoxication laws is low level enforcement that can prevent major crimes from occurring. When someone is too intoxicated to take care of themselves the likelihood of them committing other and more serious crimes or becoming a victim increases. It is both a criminal investigation, and a crime prevention tool.
- Public Intoxication is a crime against the community. Community members desire, and deserve, not to have drunken individuals laying around their neighborhoods.
- Public intoxication arrests are also made to protect the suspect from themselves and the circumstances they have created. Officer intervention will often remove suspects from potentially life threatening situations. These individuals are often also struggling with substance abuse and without intervention, their condition will most often worsen with time.
- As public intoxication is a crime against the community- offenders should not get a free pass because their intoxication resulted in the need for medical attention.
- It should be extremely rare that the police would make phone calls or make arrangements for someone to get home. If an individual is intoxicated to the point they can't make phone calls- they likely have met the threshold of public intoxication.
- Bars are public places- people can be charged with public intoxication while inside a bar.
- There is frequently not one definitive clue that leads an officer to the conclusion that someone should be arrested for public intoxication. Officers need to pay attention to the totality of the circumstances.

### PROCEDURES:

- ☐ Officers will come across individuals who may be impaired through either their personal observations or citizen reports. Anytime a citizen report is the genesis of action the reporting person's observations should be made clear in the report. The officer may have to call the reporting person back after an arrest is made to get this information.
- ☐ Someone who is passed out, stumbling, or falling is exhibiting obvious signs of intoxication. Officers should be aware of other signs of intoxication which may indicate they are making poor decisions which could be a danger to themselves or others.:
  - Yelling, or being argumentative
  - Starting fights
  - Belligerence toward law enforcement

# PUBLIC INTOXICATION

- Exaggerated confusion
  - Being a repeated nuisance to the public
  - Sickness, nausea, throwing up, etc...
  - Urinating in public
  - Disheveled, or improperly worn clothing.
- ☐ Once an officer observes a clue, or combination of clues, that leads to a suspicion of public intoxication they should request a second officer. Pending any immediate safety concerns, if practical contact should be delayed until a second officer arrives. In general no more than two officers are needed. Additional officers should not come to the scene unless requested.
- ☐ Once an officer sees a clue, or combination of clues, that lead to a suspicion of public intoxication they should first take control of the scene.
- Remove them from a crowd.
  - Get them out of traffic.
  - Control movements. The suspect should not be putting their hands into their pockets or bags.
  - Get them under control- if there is an articulable suspicion of intoxication the suspect is detained and needs to follow lawful orders by the police officer. Should they not comply- they should be handcuffed while the officer continues their investigation.
- ☐ Officers should wear appropriate gloves and other personal protective equipment when handling suspects of PI. Suspects of PI often have soiled or urinated themselves, or have other bodily fluids on their person which the officer might come in contact with. There also exists the potential of controlled substances to be present which could contaminate officers and/or their equipment.
- ☐ After initial steps have been completed to control the scene the officer should check on the suspect's welfare and determine if they need medical attention. If injury or extreme intoxication require medical attention the offender should be taken to the hospital. If there are no other criminal matters, the officer will cite and release the offender at the hospital.
- Extreme intoxication may be someone who will not remain conscious, or can't stand on their own.
  - A PBT result higher than .29 BrAC will require someone to go to the emergency room for treatment as a patient, or clearance, prior to going to jail.
- ☐ If a suspect is cited and left in the care of the hospital, officers should be aware that medical staff will often release these individuals after a short hold with or without notifying law enforcement. If a suspect is found in a

# PUBLIC INTOXICATION

public place shortly after being released and their condition has not improved or they have caused an incident with medical staff then a custodial arrest should be made to prevent future incidents.

- ☐ Officers should make note of any indication or behavior that a normal, sober person would not engage in, for example:
  - Soiled pants
  - Running from the police
  - Laying on a sidewalk
  - Walking in traffic
  - Inability to communicate
  - Drinking alcohol in a public place, non-serving areas.
- ☐ Officers should engage in casual conversation to determine:
  - Does the suspect know where they are trying to go- can they get to a safe location?
  - Does the suspect know where they came from?
  - What alcohol or drug (and how much) has the suspect consumed?
  - Is the suspect aware of the date and time?
- ☐ Officers should request a breath sample into their PBT; however, should not get into lengthy debates trying to convince the suspect if they are not willing to provide the breath sample. The officer should be able to identify impairment in the absence of a PBT result.
- ☐ The officer should remember that they are there to determine if probable cause for PI enforcement exists. They are not there to convince the offender they are guilty. The officer should avoid arguing with the offender about their intoxication. Once probable cause is determined an arrest should be made without delay.
- ☐ When it is obvious an individual is impaired; however, alcohol does not appear to be present- the officer shall be observant to clues, statements, and physical evidence that would indicate what specific controlled substance may be creating the impairment.
- ☐ If the public intoxication is the primary cause of police contact there is no need to add additional, lesser, charges. If additional charges are necessary they should be charged in the same court.
- ☐ The arresting officer is responsible for property, animals, or children in the arrestee's immediate care at the time of arrest.
- ☐ If property is held for safekeeping an “*evidence*” file needs to be added to the case involvements.
- ☐ The case synopsis in public intoxication cases requires more information than a standard synopsis. A brief summary of the offenders actions that led to the arrest decision, and a PBT result should be included in the synopsis.

## POLICIES:

- 20.11.3 PBT Devices
- 16.1.3 Patrol Call Response
- 10.1.1 Arrest Authority

## PRECEDENT / STATUTE OR ORDINANCES:

- **Ordinance 4-2 Public Intoxication**

Any person drunk or under the influence of any intoxicating liquor, malt beverage or controlled substance, as defined by Wyoming State Statutes, in any public street, thoroughfare, or place, as defined by city of Sheridan Code 19-2(a), **excepting highways as defined by Wyoming Statute section 31-1-101(a)(viii)**, to such an extent that his or her drunkenness or intoxication is manifest by inebriation to the extent that the person appears substantially impaired and the impairment is evident by actions such as slurred speech, uncoordinated physical actions or physical dysfunction which would be obvious to a reasonable person and such that his or her condition or actions create a nuisance or hazard or he or she is rendered by his or her condition unable to exercise care for him or herself or others or unable to provide for his or her own safety or the safety of others, he or she shall be guilty of a misdemeanor.

- **31-1-101(a)(viii)** *“Highway” means the entire width between the boundary lines of every way publicly maintained or if not publicly maintained, dedicated to public use when any part is open to the use of the public for purposes of vehicular travel;*

- **Ordinance 4-5(b)(1) Open Container**

No person shall consume or carry in open containers alcoholic liquor or malt beverages, inside or outside of any motor vehicles on any street or highway, except within a commercial limousine as described in subsection (c), or in any restaurant, hotel dining room or any other public place whatsoever within the city, except places where the sale or service of alcoholic liquor or malt beverages is authorized by the Wyoming State law or city ordinance, or as permitted by a catering, malt beverage or open container permit, issued pursuant to section 4-8.

- **Ordinance 19-2(d)6 Resisting Police**

# PUBLIC INTOXICATION

In a public place- Resists or obstructs the performance of duties by city police or any other authorized official of the city, when known to be such an official;

- **Ordinance 19-2(d)9 Befouling**

In a public place- Resists or obstructs the performance of duties by city police or any other authorized official of the city, when known to be such an official.

- **Ordinance 19-2(d)13-e Breach of Peace**

In a public place- “Breach the peace” shall mean disturbing the peace of a community or its inhabitants by unreasonably loud noise or music or by using threatening, abusive or obscene language or violent actions with knowledge or probable cause to believe he or she will disturb the peace.

- **Ordinance 4-2 MIP Alcohol**

It is unlawful for any person under the age of twenty-one years to buy, sell, possess, consume, solicit the sale or purchase of intoxicating liquor or be under the influence of an intoxicating liquor in the city.

- **State Statute 31-5-612 Pedestrian Under the Influence**

A pedestrian who is under the influence of alcohol or any controlled substance to a degree which renders himself a hazard shall not walk or be upon a highway.

- **State Statute 6-3-204(a) Littering**

A person is guilty of littering if he places, throws, scatters or deposits garbage, debris, refuse or waste material, objects or substances, including abandoned or junked vehicles, upon the property of another. Operators of motor vehicles are responsible under this section for the disposition or ejection of garbage, debris or other material from the vehicle while the vehicle is being operated on the roads or highways of this state.

# STALKING / HARASSMENT

## FTO CALL RESPONSE: Stalking / Harassment

### PRINCIPLES

- Stalking and harassment cases are to be taken very seriously. Stalking can be a precursor to violent crime. By taking appropriate enforcement action and intervening officers can potentially prevent a more serious crime. Stalking reports should be taken seriously and fully investigated.
- Stalking or harassment calls, by statutory definition, usually involve a pattern of criminal behavior by the suspect against a victim. The victim may be a former relationship partner, employer, or the victim and suspect may have no prior relationship.
- A fundamental part of the SPD mission statement is to improve the quality of life for Sheridan residents. Stalking will generally substantially interfere with the liberty and well-being of the victim. Stalking and harassment can prevent the victim from normal social relationships and employment.
- Similar to domestic violence, the victim is likely not making a report due to a single incident, but rather several incidents. Gathering historical information about all incidents and past relationships or contact (if any) will be an important part of the investigation.
- Good investigations and enforcement actions on the part of the officer can assist the victim in gaining greater protections, such as obtaining protection orders.
- Officers should not depend solely on complaints from victims to initiate these investigations. Officers, at times, should look at suspects' recent history and be able to identify stalking behavior when it exists.
- Victims of stalking may have been victimized in the past by the suspect (rape, kidnapping, domestic battery, etc...) Officers should stay alert to indications of past crimes that have been unreported.

### PROCEDURES

#### 1. REVIEW STATUTES:

- ☐ Much behavior reported may initially shock the conscious; however, it is important to assess all information through the lens of what State Statute defines as illegal. A quick review of relevant criminal law is important at the onset of these investigations.

#### 2. DEFINE THE RELATIONSHIP

Having a detailed and clear understanding of the relationship between all involved parties is important for the context of the investigation, and valuable for

# STALKING / HARASSMENT

prosecutorial discretion. Some examples of questions the investigating officer must be familiar with, and that should be made clear in the narrative are:

- ☐ What is or was their relationship (dating, married, roommates, none, etc..)?
- ☐ What are the ages of the involved parties?
- ☐ When did the relationship begin? When did the relationship change or end?
- ☐ Do they have children together / or own property together?
- ☐ Where does each party live and for how long?
- ☐ Have they had any documented civil or criminal issues between them?  
Does the SPD have past reports regarding their relationship?
- ☐ Is there any court paperwork regulating or limiting their relationship?

## 3. DETAILED ACCOUNTING OF HARASSING BEHAVIOR

- ☐ Specific information (time, location, messages, specific activity, etc...) must be detailed. If the investigation points strongly toward criminal activity very specific information must be gathered from the victim. As an example:

WRONG: *The suspect continually emailed and texted the victim over a two day period.*

RIGHT: *I viewed the victim's text logs and saw the suspect had texted him 212 times in about two days- from 6/4/27 at 0700 hrs to 6/6/27 hrs at 0800 hrs. I saw the victim only responded twice which were messages asking to be left alone. See attached pictures of text messages for full detail.*

- or -

WRONG: *The suspect had followed the victim from her house to her place of work.*

RIGHT: *The victim left her house (917 N. Main #4) on 6/5/27 at approximately 0745 hrs. She drove her red Buick northbound on Main Street and arrived at her place of work (Common Cents, 3601 N. Main) at 0755 hrs., and parked on the east side of the building.*

*When the victim left her home she saw the suspect sitting in his white Dodge pickup, parked across the street in the parking lot at 912 N. Main. When she exited her vehicle at work she saw the suspect's white Dodge pickup pulling into the parking lot (3601 N. Main).*

- ☐ In addition- for every behavior reported the investigator must attempt to corroborate it. For example, in the previous scenario of the suspect following the victim to her place of work the officer should corroborate what was claimed:

*I retrieved video from Common Cents showing both vehicles pulling into the parking lot at Common Cents as described by the victim. I*

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*observed the suspect vehicle drive slowly by the front doors then drove away.*

- ☐ It is not only important to detail what harassing behaviors the victim is reporting, but officers should also document how those behaviors made the victim feel.
- ☐ Document changes in behavior or routines made by the victim because of the harassment or stalking.

Some items officers should use to corroborate claims of harassing behavior are:

- Text messages / Voicemails / Emails
- Phone GPS history
- Communications containing knowledge requiring surveillance of another.
- Suspect statements
- Witness statements (not just those who saw the harassment, but also other people the victim may have confided in about what was happening)
- Surveillance video
- Doorbell video recordings
- Employment timecards
- Bank records, receipts
- Personal letters or notes
- Electronic Tracking Devices or Phone Apps

## 4. VICTIM RESOURCES

When the officer has initially assessed the harassing behavior they will have a better indication of the danger. Depending on the level of danger, the officer should generally:

- Tell the victim not to engage in any communication with the suspect.
- Tell the victim to block any phone or social media contacts with the suspect.
- Encourage the victim to lock their car / house. Never open the door for the suspect- rather tell them to leave, keep the door locked and call the police immediately.
- Ask the victim to document specific times and locations of future harassment as soon as it happens- and to report it immediately.
- Put the victim in touch with ARC personnel for protection orders, and safety planning.
- Ask SPD officers to conduct extra patrols around the victims residence or place of employment- when appropriate.

## 5. SUSPECT PROFILE

Certain behaviors and history will indicate a suspect is more likely to be engaged in criminally harassing behavior- or may indicate that their behavior has



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a higher likelihood of escalating to violence. Investigating officers should thoroughly look into the suspect profile and make relevant facts known in their report.

- ☐ Does criminal history or SPD contacts show previous acts of violence, property destruction, sexual assault, or domestic disputes?
- ☐ Can you contact any of the suspect's ex-romantic partners, or friends- have they ever noticed any concerning, violent, or controlling behavior from the suspect?
- ☐ Does the suspect have any suspected or known history with alcohol or drug abuse?
- ☐ Has the suspect made any recent dramatic life changes (lost a job, filed for divorce, filed bankruptcy, death of a loved one, involvement in tumultuous civil disputes, etc..)
- ☐ Has the suspect been named in protection orders with other people in the past?
- ☐ Have there been any recent unsolved cases of violence, vandalism, or property destruction in proximity to the suspect, or victim?

## 6. ENFORCEMENT

Violations of stalking can be varying in degree. The goal in enforcement is to get the behavior to stop, and keep the victim safe. Due to the dangerous nature of stalking and potentially impactful effect on the victim, enforcement should always be used when probable cause exists.

- ☐ When behavior is concerning- but clearly not criminal the officer should consider a conversation with the suspect to explain consequences should their behaviors continue or escalate. The suspect should be listed in a Stalking case as "Warned." A trespass warning may be beneficial if the victim requests it.
- ☐ Anytime someone has been warned about stalking or harassment- they should not receive a second warning.
- ☐ When the suspect behaviors are out of the ordinary, involve threats, or indicate a propensity to violence a custodial arrest is recommended. It is a misdemeanor exception for an arrest, not in the officer's presence, if the arrest is made to prevent injury to another.

## POLICIES TO BE FAMILIAR WITH:

- 28.4 Domestic Violence
- 25.1 Victim Services

## PRECEDENT / STATUTE or ORDINANCES

- **State Statute 6-2-506 Stalking**

(i) "Course of conduct" means a pattern of conduct composed of a series of acts over any period of time evidencing a continuity of purpose;

(ii) "Harass" means to engage in a course of conduct, including but not limited to verbal threats, written threats, lewd or obscene statements or images, vandalism or non consensual physical contact, directed at a specific person or the family of a specific person, which the defendant knew or should have known would cause a reasonable person to suffer substantial emotional distress, and which does in fact seriously alarm the person toward whom it is directed.

(b) Unless otherwise provided by law, a person commits the crime of stalking if, with intent to harass another person, the person engages in a course of conduct reasonably likely to harass that person, including but not limited to any combination of the following:

(i) Communicating, anonymously or otherwise, or causing a communication with another person by verbal, electronic, mechanical, telegraphic, telephonic or written means in a manner that harasses;

(ii) Following a person, other than within the residence of the defendant;

(iii) Placing a person under surveillance by remaining present outside his or her school, place of employment, vehicle, other place occupied by the person, or residence other than the residence of the defendant; or

(iv) Otherwise engaging in a course of conduct that harasses another person.

- **State Statute 6-6-103 Telephonic Threats**

A person commits a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both, if he telephones another anonymously or under a false or fictitious name and uses obscene, lewd or profane language or suggests a lewd or lascivious act with intent to terrify, intimidate, threaten, harass, annoy or offend.

- **Ordinance 19-2(d)13-e**

A person commits breach of the peace if he disturbs the peace of a community or its inhabitants by unreasonably loud noise or music or by using threatening, abusive or obscene language or violent actions with knowledge or probable cause to believe he will disturb the peace.

- **State Statute 6-4-304 Voyeurism**

(a) A person is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if he, without the consent of the person being viewed, commits the crime of voyeurism by looking in a clandestine, surreptitious, prying or secretive nature into an enclosed area where the person being viewed has a reasonable expectation of privacy, including, but not limited to:

(i) Restrooms;

(ii) Baths;

(iii) Showers; or

(iv) Dressing or fitting rooms.

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(b) A person is guilty of a felony punishable by imprisonment for not more than two (2) years, a fine of not more than five thousand dollars (\$5,000.00), or both, if he:

- (i) Commits the offense specified in subsection (a) of this section by knowingly or intentionally capturing an image by means of a camera, a video camera or any other image recording device; or
- (ii) Uses a camera, video camera or any other image recording device for the purpose of observing, viewing, photographing, filming or videotaping another person under the clothing being worn by the other person where that other person has not consented to the observing, viewing, photographing, filming or videotaping.

- **State Statute 6-3-303 Criminal Trespass**

A person is guilty of criminal trespass if he enters or remains on or in the land or premises of another person, knowing he is not authorized to do so, or after being notified to depart or to not trespass. For purposes of this section, notice is given by:

- (i) Personal communication to the person by the owner or occupant, or his agent, or by a peace officer; or
- (ii) Posting of signs reasonably likely to come to the attention of intruders.

- **State Statute 6-3-302 Criminal Entry**

A person is guilty of criminal entry if, without authority, he knowingly enters a building, occupied structure, vehicle or cargo portion of a truck or trailer, or a separately secured or occupied portion of those enclosures.

- **State Statute 6-4-404 Violation of Protection Order**

Any person who willfully violates a protection order issued pursuant to W.S. 35-21-104 or 35-21-105 or valid injunction or order for protection against domestic violence as defined in W.S. 35-21-109(a), is guilty of a misdemeanor

## STALKING / HARASSMENT

## FTO CALL RESPONSE: THEFT

### PRINCIPLES

- Theft reports are a chance for officers to conduct professional investigations, prevent crime by apprehending an offender, and engage with the public. These reports can seem minor or mundane from an officer's perspective but it is important to have empathy with the victim's perspective and circumstances. In day to day responses Officers will come across a wide variety of theft calls and should be prepared to handle them with care and competence.
- The department values officers who work hard, think outside the box, and develop cases beyond initial impressions. These values should be applied to theft investigations. It is not the goal of a theft investigation just to complete the case. Officers should work diligently to bring the case to completion through successful prosecution.
- It is important for officers to recognize the difference between theft and civil disputes. See the call response guide on civil disputes for details on these calls.
- Victims will often have a theory about who committed the theft. Officers should avoid quickly assuming that is true and attempting to prove that a person did it. Rather, their investigation should be guided with an open mind to determine what happened, not just proving a particular suspect is guilty. All good investigations seek facts and information, not just what supports a preconceived idea. Alternatively, the victim probably has the best ideas about what happened and they should not be dismissed out of hand because the victim is not a police officer.
- The Sheridan Police Department also attempts to prevent crimes of theft by encouraging citizens to lock their doors, educating citizens on fraud schemes, using high officer presence where shoplifting occurs, and offering scam screen calls.

### PROCEDURES

- ☐ **Identify the type of theft.** While fundamentally every theft comes down to someone taking something without permission that does not belong to them- thefts can come in various forms: shoplifting, burglary, robbery, fraud, car theft, identity theft, electronic transfers, etc... Officers should identify which type of theft they are dealing with from the onset of the investigation, and review the elements in the relevant statute to help guide their actions.
- ☐ In cases where another party took property they felt they had an interest in, and are admitting to the police they took the property-

the incident **may be a civil dispute**. Officers should not be too quick to dismiss reports as civil. The suspect's claims of ownership should be scrutinized. If there is a legitimate dispute over ownership- refer to the Civil Dispute section of this manual.

- ☐ **Determine what was stolen**, these questions must be answered in the report:
  - ☐ How do you know it actually existed? Is there a picture, or receipt, of the property?
  - ☐ Are there any distinct features of the stolen property; serial numbers, damage, imprinted initials, etc....
  - ☐ How do you know the victim had ownership of the stolen item? Does anyone else have a claim of ownership?
  - ☐ When did the victim first notice it missing?
  - ☐ When was the last time the victim knew they were still in possession of it?
  - ☐ What is the value of item(s) missing?
  - ☐ Why was it obvious the property, money, or services were not free for someone to take?
  - ☐ Did the theft occur in the City of Sheridan- or is the stolen property being concealed in the City of Sheridan?
    - ☐ (Ensure to collect any paperwork, or communications, that can verify any of these questions)
- ☐ **Determine suspect behaviors**- what would the suspect have to have known or done to accomplish the theft?
  - ☐ Were any locked doors or safes overcome- who had keys/combinations?
  - ☐ Would they have to have been in a particular location at a particular time? Are there any cameras in or around that area that can show these things?
  - ☐ Was specific knowledge required- was the item in a hidden location not obvious to a random person?
  - ☐ Could the crime have been committed by one person- was a vehicle required?
  - ☐ Were any tools used to break into anything- what may those tools have been?
  - ☐ If there is a known suspect- where would they likely have gone after committing the crime?
  - ☐ Have there been any similar property crimes, in the vicinity, in recent weeks?
  - ☐ Is the stolen property something that could easily be sold- where would someone try to sell it?

- ☐ Known associates, pawn shops (Leadsonline) Facebook Marketplace, etc...

☐ **Collect Evidence.** Some common evidence the officer should consider:

- ☐ Camera footage (suspect images may be placed on the department's Facebook page asking for assistance from the public in identifying them).
- ☐ Witness statements. Even when it does not seem obviously helpful- it is good to canvas the area near the crime, or people related to the victim, and ask if they know anything about the crime- or if they noted anything out of the ordinary in the time frame the crime occurred. The more people you talk to the more likely you will solve the crime.
- ☐ Touch DNA.
- ☐ Fingerprints.
- ☐ Shoe prints.
- ☐ Recovered stolen property.
- ☐ Text based communications made by the suspect about the theft (if the suspect is known to the victim- you may consider asking them to send a pre-text message on your behalf- i.e. = *"I can't believe you stole my mom's ring- What can I do to get it back from you and make this go away?"*)

☐ **Suspect Interviews**

- ☐ Can you get them to admit to being in the area at the time of the crime?
- ☐ Can you present them with evidence they can't refute? (never make up or exaggerate evidence)
- ☐ Can you minimize their actions (i.e. = *"I realize you're probably not a criminal and sometimes hard times make us do things we normally wouldn't so we can take care of our loved ones..."* or *"the important thing here isn't about getting you in trouble, the important thing is getting the property back to the owner."*)
- ☐ When your investigations point heavily toward a particular suspect you should avoid "Did you do it" type of questions; rather use, "Why did you do it" type of questions.
- ☐ How can you get the suspect to make their intent clear?

## ☐ **Recovered Stolen Property.**

- ☐ If stolen property is recovered the officer should note with the condition- was it damaged, was the value changed? If the property was related to a retail theft it needs to be determined if the property can be restocked and sold or not.
- ☐ If the theft is a misdemeanor- often the property can be photographed and returned to the owner.
- ☐ If the theft is a felony- the property should be retained in PD evidence until the case is adjudicated and the prosecutor has authorized its release.
- ☐ Anytime stolen property is recovered and there is no suspect identification, and little chance of identifying the suspect- the property can be photographed and released to the owner.

## ☐ **Fraud / Schemes / Internet Thefts.**

- ☐ Thefts of this nature often involve suspects out of Sheridan. Officers should quickly assess if the crime is either:
  - ☐ Highly unlikely that a suspect can be identified or the crime can be solved.
  - ☐ Likely a crime the officer could reasonably solve within a few shifts.
  - ☐ Possible to solve; however, will require extensive follow-up and time invested.
- ☐ If the crime is highly unlikely to be solved- be forthright with the victim about it and provide an emphasis on what you can do for them:
  - ☐ Create an incident report for them to reference for any future insurance or compensation issues.
  - ☐ Issue them a victim of crimes rights form.
  - ☐ Direct them to the federal investigative avenue, [ic3.gov](http://ic3.gov)
  - ☐ Provide them with information about registered agent fraud, when appropriate.
- ☐ If the officer sees a reasonable path toward solving the crime they should move forward with the investigation with the understanding it can be resolved within a few shifts and won't distract from other patrol functions for an extended period.
- ☐ If the path forward for the investigation appears like it will take lots of time and will detract the officer from other patrol duties for an extended period of time they should consider sending the investigation to CID.
  - ☐ Have a clear summary of the facts known prepared.
  - ☐ Have a to-do-list of items the detectives could do.



- ☐ Review with your supervisor and ask them to send the investigation to CID.
- ☐ Ensure the victim knows who is responsible for the investigation.
- ☐ **Shoplifting / Retail Theft.** Walmart consistently reports the highest numbers of thefts through fraudulent returns, self checkout skips, and shoplifting.
  - ☐ Walmart has staff that are responsible for summarizing thefts in reports, and collecting evidence. Officers should expect Walmart staff to prepare those reports and collect video evidence for activity that occurred in their store when they report crimes.
  - ☐ Officer should engage in activity to prevent thefts at Walmart:
    - ☐ High visibility traffic enforcement in the immediate area near Walmart.
    - ☐ Frequent foot patrols through Walmart.
    - ☐ Enforcing trespass warnings for Walmart.

## POLICIES TO BE FAMILIAR WITH:

- 28.1 - Criminal Investigations
- 28.15 - Civil Situations
- 28.8 - Identity Theft
- 28.6 - Check Cases
- Special Order #21-04 - Registered Agent Fraud

## PRECEDENT / STATUTE or ORDINANCES:

### 6-3-402. Theft

- a. A person is guilty of theft if he knowingly takes, obtains, procures, retains or exercises control over or makes an unauthorized transfer of an interest in the property of another person without authorization or by threat or by deception, or he receives, loans money by pawn or pledge on or disposes of the property of another person that he knew or reasonably should have known was stolen, and he:
  - i. Intends to deprive the other person of the use or benefit of the property;
  - ii. Knowingly uses, receives, conceals, abandons or disposes of the property in such manner as to deprive the other person of its use or benefit; or
  - iii. Demands anything of value to which he has no legal claim as a condition for returning or otherwise restoring the property to the other person.
- b. Except as provided in subsection (g) of this section, theft is:
- c. A felony...if the value of the property is one thousand dollars (\$1,000.00) or more or if the property is a firearm, horse, mule, sheep, cattle, buffalo or swine regardless of value; or
- d. A misdemeanor...if the value of the property is less than one thousand dollars (\$1,000.00).

**6-3-301. Burglary; aggravated burglary; penalties**

(a) A person is guilty of burglary if, without authority, he enters or remains in a building, occupied structure or vehicle, or separately secured or occupied portion thereof, with intent to commit theft or a felony therein.

(b) Except as provided in subsection

(c) of this section, burglary is a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both. (c)

Aggravated burglary is a felony punishable by imprisonment for not less than five (5) years nor more than twenty-five (25) years, a fine of not more than fifty thousand dollars (\$50,000.00), or both, if, in the course of committing the crime of burglary, the person:

- (i) Is or becomes armed with or uses a deadly weapon or a simulated deadly weapon;
- (ii) Knowingly or recklessly inflicts bodily injury on anyone; or
- (iii) Attempts to inflict bodily injury on anyone. (d) As used in this section "in the course of committing the crime" includes the time during which an attempt to commit the crime or in which flight after the attempt or commission occurred.

**6-3-304. Possession of burglar's tools; penalties.**

(a) A person is guilty of possession of burglar's tools if he possesses an explosive, tool, instrument or other article adapted, designed or commonly used for committing or facilitating the commission of a crime involving forcible entry into buildings or occupied structures with intent to use the article possessed in the commission of such a crime.

(b) Possession of burglar's tools is a felony punishable by imprisonment for not more than three (3) years, a fine of not more than three thousand dollars (\$3,000.00), or both.

**6-2-401. Robbery; aggravated robbery; penalties.**

(a) A person is guilty of robbery if in the course of committing a crime defined by W.S. 6-3-402, he:

- (i) Inflicts bodily injury upon another; or
- (ii) Threatens another with or intentionally puts him in fear of immediate bodily injury.

(b) Except as provided in subsection (c) of this section, robbery is a felony punishable by imprisonment for not more than ten (10) years.

(c) Aggravated robbery is a felony punishable by imprisonment for not less than five (5) years nor more than twenty-five (25) years if in the course of committing the crime of robbery the person:

- (i) Intentionally inflicts or attempts to inflict serious bodily injury; or
- (ii) Uses or exhibits a deadly weapon or a simulated deadly weapon.

(d) As used in this section "in the course of committing the crime" includes the time during which an attempt to commit the crime or in which flight after the attempt or commission occurred.

**6-3-802. Unlawful use of credit card**

a. person is guilty of unlawful use of a credit card if, with the intent to obtain property or services by fraud, he:

- i. Uses a credit card, or the number or description of a credit card, issued to another person without the consent of that person;
- ii. Uses a credit card which he knows has been revoked, canceled or expired; or
- iii. Knowingly uses a falsified, mutilated or altered credit card or the number or description thereof.

**6-3-702. Fraud by check**

a. Any person who knowingly issues a check which is not paid because the drawer has insufficient funds or credit with the drawee has issued a fraudulent check and commits fraud by check.

**6-3-602. Forgery**

- a. A person is guilty of forgery if, with intent to defraud, he:
  - i. Alters any writing of another without authority;
  - ii. Makes, completes, executes, authenticates, issues or transfers any writing so that it purports to be the act of another who did not authorize that act, or to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when no such original existed; or
  - iii. Utters any writing which he knows to be forged in a manner specified in paragraphs (i) or of this subsection.

**6-3-901. Unauthorized use of personal identifying information:**

- a. Every person who willfully obtains personal identifying information of another person, and uses that information for any unlawful purpose, including to obtain, or attempt to obtain, credit, goods, services or medical information in the name of the other person without the consent of that person is guilty of theft of identity.
- b. As used in this section "personal identifying information" means the name or any of the following data elements of an individual person:
  - i. Address;
  - ii. Telephone number;
  - iii. Social security number;
  - iv. Driver's license number;
  - v. Account number, credit card number or debit card number in combination with any security code, access code or password that would allow access to a financial account of the person;
  - vi. Tribal identification card;
  - vii. Federal or state government issued identification card;
  - viii. Shared secrets or security tokens that are known to be used for data based authentication;
  - ix. A username or email address, in combination with a password or security question and answer that would permit access to an online account;
  - x. A birth or marriage certificate;
  - xi. Medical information, meaning a person's medical history, mental or physical condition, or medical treatment or diagnosis by a healthcare professional;
  - xii. Health insurance information, meaning a person's health insurance policy number or subscriber identification number, any unique identifier used by a health insurer to identify the person or information related to a person's application and claims history;
  - xiii. Unique biometric data, meaning data generated from measurements or analysis of human body characteristics for authentication purposes;
  - xiv. An individual taxpayer identification number.

## FTO CALL RESPONSE: TRAFFIC ACCIDENTS

### PRINCIPLES:

- One of the core responsibilities of an officer is to engage in activities that promote traffic safety.
- Investigating traffic accidents is an expected and routine part of the patrol officer's job. Officers should see accident response as an opportunity to enhance the quality of life in Sheridan and to represent the agency well by providing excellent customer service.
- Uniform enforcement is a critical element of an effective traffic enforcement program. The public will be more supportive of enforcement that is justly and impartially administered than that which lacks uniformity in application. Traffic enforcement actions shall be taken in a uniform and consistent manner.
- Violations resulting in crashes should be handled with a citation as any violation committed is likely at least a contributing cause to the crash.
- While the primary duty is to investigate the accident- officers should be alert to other related factors (DWUI, DUS, Contraband, Warrants, No Insurance, etc...)
- This call response is to address routine accidents. Accidents involving serious bodily injury, criminal activity, or large scale incidents should require a supervisor on scene to offer direction.

### PROCEDURES:

- ☐ Officers shall position their patrol vehicle in a manner that protects the scene, and involved parties, from other traffic and then work quickly to remove vehicles and people from the roadway to increase safety and return normal traffic flow.
- ☐ Officers shall take charge of the crash scene in a manner that brings calm to all involved parties. The officer should address the scene in this order:
  1. Welfare of individuals. The officer should check to see if everyone is ok- do they need medical attention? Ensure the occupants feel that the officer is primarily concerned with their welfare above all else. This is a good time to ask who was wearing a seatbelt.
  2. After assessing medical needs all involved individuals should be given direction as to where to stand, what documents will be required of them, and what to expect through the duration of the accident investigation.
  3. Traffic Flow. A quick assessment should be done to determine how the accident will affect surrounding traffic. If the accident is on a major thoroughfare and traffic flow will be impacted, other officers should be summoned for traffic control.

# TRAFFIC ACCIDENTS

4. Hazards. Are there downed power lines, damaged signs, active fluid spills, that need to be addressed by the fire department or city streets?
  5. Scene preservation. The officer should photograph the scene as soon as possible to ensure the scene is memorialized. Photos should include:
    - a. A picture that captures the entire scene for reference.
    - b. Pictures of any debris that indicate initial point of contact.
    - c. Pictures of any contraband in plain view inside the vehicles.
    - d. Pictures clearly documenting the damage to the vehicles.
    - e. Pictures of any measurements taken.
    - f. Pictures of any injuries sustained by involved parties.
    - g. Pictures of any private property damaged.
- ☐ Any passerby witnesses should be interviewed first so they can be released from the scene.
  - ☐ Interviews of vehicle occupants should be done apart from one another.
  - ☐ Every involved party should be ran through dispatch while on scene to ensure there are no wants or warrants. Current phone numbers and addresses shall be requested of every involved party.
  - ☐ Check with the dispatch center to ensure they have all vehicles and involved parties added to the CAD notes. If known when notifying dispatch, advise who is Driver 1/Vehicle 1 so it can be documented appropriately. (Driver 1 is typically used for the at-fault driver).
  - ☐ If vehicles will need to be towed from the scene, first ask the driver if they have a preferred tow company they wish to use. Request dispatch get a tow truck enroute as soon as practical. Relay a damage summary to dispatch when requesting a tow truck (i.e. "heavy front end damage").
  - ☐ Accident exchange forms will be given out to both drivers. An explanation of how to retrieve their report will be explained to them.
  - ☐ After considering the scene, traffic patterns, vehicle debris, tire marks, and statements the officer should take appropriate enforcement action.
    - ☐ The reason for enforcement action should be provided as the driver's actions, and the desire to alter future driving behavior, not because SPD policy dictates enforcement.
    - ☐ The officer does not need to convince an involved party they deserve a citation. If a driver voices an objection to the citation the officer need only remind them they can use the court as their means to argue the citation.
  - ☐ For more serious accidents outside evidence should be looked into (i.e. any surrounding surveillance video, etc...)
  - ☐ If private property was damaged- the owner of the property will be notified by the investigating officer. A repair estimate should be collected and

# TRAFFIC ACCIDENTS

attached to the case files when it becomes available. If there is over \$1,000 in estimated damage, a State Crash Report will need to be completed through Report Beam.

- ☐ The officer should try to have the accident report completed within' 24 hours as involved parties or insurance companies may request the report in short time.
- ☐ If the officer notes that an involved driver has a condition which may make it unsafe for them to drive they should submit their driver's license to WYDOT for an examination.

## **POLICIES:**

- 18.1.1 The purpose of traffic enforcement
- 18.1.2 Enforcement Procedures
- 18.1.3 Uniform Enforcement
- 18.2 Crash Investigations

## **PRECEDENT / STATUTE OR ORDINANCES:**

- Generally traffic violations will be charged through Municipal Court.
- Ordinance 16-6 adopts Wyoming State Statutes regarding traffic enforcement (31-5).
- When possible- all enforcement should be done through one court.
- An officer should look up the ordinance or statute and read it, beyond the title, to ensure it is appropriate for the incident.
- As a general rule officers should look to cite for the most obvious contributing factor and should avoid stacking tickets.

## **FTO CALL RESPONSE:**

### **WARRANTS / PROBATION HOLDS**

## **PRINCIPLES:**

- Generally, the objective in affecting arrests of this type is to ensure the offender is brought before the court because they have not fulfilled a court-ordered obligation of some type.
- Officers have many obligations and duties placed on their time, both by call load and proactive patrol responsibilities. Officers need to consider the nature of the original offense, the involved subject, call load, staffing, and time of day when deciding to attempt warrant service.
- While these arrests are of a routine nature the subject often knows that when contacted they will be taken into custody. This highlights the risk of resistance either through flight or fight. At least a two-officer response is required when responding to calls for an arrest or when attempting to serve a warrant.
- Because the objective is to bring the offender before the court, at times a phone call or a notification to the offender can be the best method for low level warrants; however, warnings for warrants should be rare and easy to explain the reasoning. If an arrest is not made it should be only for very low level warrants and:
  - Because the offender poses challenges for incarceration due to health reasons, or
  - The offender has immediate needs (usually childcare) that would create a large burden of the officer not commensurate with the level of offense at hand.
- Officers should not make forcible entry to affect a warrant arrest without the presence of exigent circumstances or the express permission of a commanding officer.

## **PROCEDURES:**

- ☐ Upon arrival, officers should establish contact cover roles for the situation and discuss planned responses to resistance by the subject. If an officer on routine patrol contacts or observes a wanted person, the primary officer should request a backup officer. In the absence of other factors, the original officer should wait for the backup officer's arrival before taking action.

## WARRANTS / PROBATION VIOLATION

- ☐ Officers should identify and contact the subject, state their purpose, and gain control of the subject. Gaining physical control through the application of handcuffs should be the first priority. Once the subject is under physical control, the officer can provide detailed information regarding the warrant
- ☐ If making an arrest based on an NCIC warrant, the officer must confirm the warrant through dispatch prior to transporting the subject to jail.
- ☐ Officers must receive a written arrest and hold order from a Probation Agent to complete the arrest at the request of Probation and Parole.
- ☐ Officers should be alert for other violations that may be occurring such as DUI, possession of a controlled substance, use/under the influence, etc. .
- ☐ Process the arrest as per standard procedure.
- ☐ Officers must serve the arrestee with a copy of the warrant as soon as practicable.
- ☐ Many warrants require the officer to sign a return of some sort. The officer shall ensure all signatures on the warrant are completed. A copy of the warrant will be scanned to the case files.
- ☐ All incidents that result in the physical arrest of a subject require the responsible officer to complete a Spillman incident report.
- ☐ When officers see someone violating a court sanctioned probation condition, and it is not causing any further problems, they will document the violation in a report and route the report to the County Attorney.
- ☐ When officers see someone violating a court sanctioned probation condition, and it is causing a disturbance or is creating potential for injury, they will arrest the individual consistent with W.S.S. 7-13-411.

### POLICIES:

- 10.1 Arrests
- 11 Use of Force
- 13.4 Communications / Court Documents
- 16.1.3 Patrol Call Response

### PRECEDENT / STATUTE OR ORDINANCES:

- **6-2-102 Preconditions for arrest**
  - (a) A peace officer may arrest a person when the officer has a warrant commanding that the person be arrested or the officer has reasonable grounds for believing that a warrant for the person's arrest has been issued in this state or in another jurisdiction.



## WARRANTS / PROBATION VIOLATION

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

- **7-13-411 Apprehension of Violators (Probation Violation)**
  - (a) A probation and parole agent may, in the performance of his duties:
  - (iii) Request a peace officer to arrest without warrant any probationer or parolee if the probation and parole agent has probable cause to believe the person has violated the conditions of his probation or parole. A person arrested under this paragraph may be detained for a reasonable period of time until a legal warrant is obtained or pending further proceedings under W.S. 7-13-408.
  - (b) A peace officer may arrest without warrant an alleged probation or parole violator after receiving a written statement from a probation and parole agent setting forth that the probationer or parolee has, in the judgment of the probation and parole agent, violated the conditions of his probation or parole. A peace officer may also arrest without warrant an alleged probation or parole violator at any time the peace officer has probable cause to believe the probationer or parolee has violated the conditions of his probation or parole. A person arrested under this subsection may be detained for a reasonable period of time until a legal warrant is obtained or pending further proceedings under W.S. 7-13-408.
  - (c) A peace officer may take into custody and hold a person granted parole or on probation from another state when requested to do so by the probation and parole agent or the proper authorities from the other state.
  - (d) A parole or probation violator apprehended shall be accepted and held in the county jail at the request of the probation and parole agent.
- **Wyoming Rules of Criminal Procedure, Rule 42**

## WARRANTS / PROBATION VIOLATION

- .(2) Indirect (Constructive). - Indirect (constructive) contempts are those not committed in the immediate presence of the court, and of which it has no personal knowledge, including but not limited to the following acts or omissions:
- (A) Misbehavior in office, or other willful neglect or violation of duty, by an attorney, court administrator, sheriff, coroner, or other person appointed or elected to perform a judicial or ministerial service;
- (B) Deceit or abuse of the process or proceedings of the court by a party to an action or special proceeding;
- (C) Disobedience of any lawful judgment, order, or process of the court;
- (D) Acting as or assuming to be an attorney or other officer of the court without such authority;
- (E) Rescuing any person or property in the custody of an officer by virtue of an order or process of the court;
- (F) Unlawfully detaining a witness or party to an action while going to, remaining at, or returning from the court where the action is to be tried;
- (G) Any other unlawful interference with the process or proceedings of a court;
- (H) Disobedience of a subpoena duly served;
- (I) When summoned as a juror in a court, neglecting to attend or serve, improperly conversing with a party to an action to be tried at the court or with any person relative to the merits of the action, or receiving a communication from a party or other person in reference to it, and failing to immediately disclose the same to the court;
- (J) Disobedience, by an inferior tribunal or officer, of the lawful judgment, order, or process of a superior court proceeding in an action or special proceeding, in any court contrary to law after it has been removed from its jurisdiction, or disobedience of any lawful order or process of a judicial officer; and
- (K) Willful failure or refusal to pay a penalty assessment levied pursuant to statute.(b) *Direct contempt proceedings.* -
- (c) *Indirect (constructive) contempt proceedings.* -
- A criminal contempt, except as provided in subdivision (b) concerning direct contempt, shall be prosecuted in the following manner:
- (1) Order to Show Cause. - On the court's motion or upon affidavit of any person having knowledge of the facts, a judge may issue and sign an order directed to the accused, stating the essential facts constituting the criminal contempt charged and requiring the accused to appear before the court and show cause why the

## WARRANTS / PROBATION VIOLATION

accused ought not be held in contempt of court. The order shall specify the time and place of the hearing, with a reasonable time allowed for preparation of a defense.

- (2) Motions; Answer. - The accused, personally or by counsel, may move to dismiss the order to show cause, move for a statement of particulars or answer such order by way of explanation or defense. All motions and the answer shall be in writing unless specified otherwise by the judge. An accused's omission to file motions or answer shall not be deemed as an admission of guilt of the contempt charged.
- (3) Order of Arrest; Bail. - If there is good reason to believe the accused will not appear in response to the order to show cause the judge may issue an order of arrest of the accused. The accused shall be admitted to bail in the manner provided by these rules.

## WARRANTS / PROBATION VIOLATION

# CALL RESPONSE

## **1. Get there safely**

- Driving fast is no good if you get in a crash, or injure someone and then can't respond.
- Sheridan is small, you won't save much time in driving at excessive speeds.
- Park short- if there is any chance at all the incident is active, or suspects are at-large, you should park away from the scene and approach on foot while keeping as much cover as possible.
- Direct the response of other officers when appropriate (hurry up, slow down, park at a certain location etc....)

## **2. Stop any ongoing criminal activity.**

## **3. Secure Suspects, potential suspects, and witnesses.**

- Maintain Control, immediately secure any involved parties not following lawful orders.
- Ask witnesses to stand-by until you can get to them.
- Separate involved parties as much as practical.

## **4. Secure the scene**

- Remove anyone from the scene that could alter the scene, or destroy evidence.
- Address any thing that could damage or alter the scene (leaking water, rain, fire hazard, chemical spill, disruptive individuals not involved etc..)
- Control people from entering / exiting the scene.
- Do any pets need to be secured or removed?
- For a major crime scene- clear the area, put crime scene tape up, and monitor with a log who enters and exits the scene.
- Will you need a search warrant?

## **5. Get help to injured persons**

- Address any visible injuries which indicate immediate medical treatment is obvious.
- Ask people with visible injuries if they need assistance.
- When practical, do not release anyone from the scene (even in an ambulance) until you have identified them.
- Suspects, or victims, should have a police escort when leaving to a medical facility to preserve evidence and prevent escape.

## **6. Investigate**

- SLOW DOWN- Time is now on your side.

- Ensure updated addresses and phone numbers are gathered for involved parties.
- Do you need a search warrant?
- Photographs
- Physical evidence seized
- Interviews
- Records / paperwork reviewed or seized
- Review, secure any relevant digital images, videos

#### **7. Make an enforcement decision**

- Clearly identify the problems to be solved.
- Will an arrest, or citation, solve the problems?
- If there is PC for a charge- what follow up is needed to develop PC?
  - Should I request CID to do this follow-up?
- If enforcement actions are not applicable- what resources or actions can be deployed to solve the problem?

#### **8. Victim care / follow-up**

- Issuance of Victim's Rights Form
- Direct victim to resources needed
- Explain to the victim how to get any copies of reports or documents they might need
- Schedule any follow up needed with the victim
- In the future, update the victim on the status of their case

#### **9. Prepare a report**

- Complete a thorough, easy to read, report that will:
  - Aid in prosecution.
  - Explain clearly to supervisors, or concerned citizens your actions and decisions.
  - Give other officers a clear reference to the history of involved parties.
- Accurately complete all associated paperwork, files, and case involvements.
- All reporting:
  - Should be done by the end of shift
    - Exception- case came in the last couple hours and you were just too busy (tell a supervisor)
    - Exception- There is still quite a bit of follow-up to do (tell a supervisor)
  - Will be completed to the degree that supervisors and the oncoming shifts will have an understanding of the case status.
  - Will be completed by the end of shift when arrests are made, Title 25 action is taken, or children are put into protective custody

## **DECISION MAKING MATRIX**

1. **WHAT PROBLEMS NEED TO BE ADDRESSED?** List as many issues in this situation you feel might need to be addressed- what falls under your responsibility? Once you answer the following questions- determine the most serious problem to address. If other problems feel really important or urgent, come back to them. But address one problem at a time.
  - a. Consider: What is the likely outcome if I don't address it?
  - b. Consider: What is the worst outcome if I don't address it?
  - c. Consider: What would my leadership expect me to address?
  - d. Consider: What would the public expect me to address?
  - e. Consider: Have I defined what is urgent vs. important in this situation?
2. **WHAT ARE MY OPTIONS?** For each problem identified (most serious first) list as many possible solutions as possible. Pick which two or three make the most sense to you.
  - a. Consider: What is usually done, what have I seen others do?
  - b. Consider: What does policy say?
  - c. Consider: What have I seen done in the past?
  - d. Consider: Do I have time to ask others what they would do?
3. **WHAT IS THE BEST SOLUTION?** Run each of your possible options through the following questions and decide which is the solution you are going to implement? Remember you have to make a sound choice... do not get hung up on trying to find the perfect choice.
  - a. Consider: Will this actually solve the problem? How do I know that?
  - b. Consider: Would I be proud if my decision was a headline in the media?
  - c. Consider: Would I be comfortable defending this decision to my supervisor?
  - d. Consider: Is the solution consistent with my values, and the values of the agency?
  - e. Consider: What is stopping me from using this solution?
    - i. Legal considerations
    - ii. Policy considerations
    - iii. What will others think?
  - f. Consider: Do I have time to ask for another perspective?

# **Authority to Detain**

## **ANYTIME IT APPEARS (reasonable suspicion) SOMEONE**

- Is currently,
  - Is about to,
  - Or just got done....
- 
- Hurting another person, or
  - Damaging / stealing the property of another, or
  - Possessing controlled substances, or
  - Disturbing the peace of the community, or
  - Violating traffic laws.

## **YOU HAVE AUTHORITY TO DETAIN AND INVESTIGATE**

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1. **SLIGHT SUSPICION** = Look into it, must have consensual compliance
2. **REASONABLE SUSPICION** = Detain, make safe, investigate
  - a. People are detained- must listen to lawful orders
  - b. You can detain them if needed for safety, or to prevent them from interfering with an investigation
    - i. Likely arrest for interference if this is the case.
    - ii. Level, and duration of detention should be commensurate with the seriousness of the offense
3. **PROBABLE CAUSE** = Arrest / Cite
4. **PROOF** = Complete investigation for trial



## **WHEN CAN I SEARCH FOR SOMETHING?**

### **CONSENT:**

- The owner / manager of property (home, vehicle, luggage, etc...) gives you permission to search.
  - Must be free of coercion, or appearance of coercion.
  - Consent can be withdrawn at any time.

### **PC / SEARCH WARRANT:**

- Probable cause exists, and a judge gives permission to search a person, residence, vehicle, luggage, etc.....
  - In lieu of exigency or consent, residences always require a warrant.
  - Vehicles still require probable cause to search, but can be searched without a warrant- the courts have ruled they don't have the same expectation of privacy as a residence- PC is still needed, it can just be reviewed after the fact by a judge- where PC for residences needs to be reviewed before the search.

### **EXIGENCY:**

- When facts known at the time by the officer,
- Indicate that without immediate action by the officer,
- There is an articulable reason to believe it is likely;
  - Someone will be physically harmed, or
  - Property of another will be damaged, or
  - Evidence of a crime will be destroyed.
- Fresh Pursuit / when officers are in active pursuit of an offender they can pursue them into public places, or places not belonging to the suspect.
  - If the suspect crime is a misdemeanor the officer cannot chase the person into their home.
  - If the suspected offense is a felony- the officer can pursue the offender into their home.

### **ABANDONED PROPERTY:**

- When property (luggage, backpacks, cars, etc...) have been obviously abandoned and no owner is known.

### **PLAIN VIEW / CONTRABAND**

- When an officer is in a place they have lawful presence, and
- They see contraband, or evidence of a crime,
- They are free to, and should, seize those items.

### **ADMINISTRATIVE PROCEDURE:**

- Pat down for weapons when lawfully detaining someone.
- Pat down for weapons of anyone being transported in the police car.

- Searching pockets, purses, bags, etc... of persons arrested and being transported to jail.
  - Only relevant to items the arrestee wants to keep with them when they go to jail.
- Inventorying of vehicles being towed.

