



# TOWN OF MACEDON POLICE DEPARTMENT

<b>General Order:</b> 402	<b>Effective Date:</b> September 27, 2019
<b>Subject:</b> Preliminary Investigations	
<b>Reference Standards:</b> 40.1, 50.1	
<b>Rescinds:</b>	
Page 1 of 5	<b>Attachments:</b> A- 911 Center's Policy & Procedure Manual

## I. PURPOSE

- A. To increase the effectiveness of the Macedon Police Department's investigative efforts.
- B. To define the components of the preliminary investigation process and to establish responsibility and accountability for that process.
- C. To concentrate the investigative activities based upon definable and locatable factors (solvability) which have proven effective in offense solution and offender conviction.
- D. To concentrate follow up investigative resources on cases which indicate the best proven potential for solution.

## II. DEFINITION

- A. The preliminary investigation process is the aggregate of specific and documented activities performed by officers immediately after an offense is brought to their attention.
- B. During this initial phase, the majority of case solving information is developed, qualified and the offense solvability factors can be determined.
- C. The quality of the preliminary investigative effort and the accurate reporting of that

effort directly affect the investigative outcome.

### **III. DUTIES AND RESPONSIBILITIES**

- A. The Tele-communicators of the Wayne County 911 Center will compile all pertinent information as required by the 911 Center's Policy & Procedure Manual. (see Attachment A)
  - B. Patrol Division personnel will:
    - 1. The primary officer assigned by the E.C.D. Dispatcher to respond to a reported incident will immediately, but cautiously, proceed to the scene of the incident, being alert for possible suspect(s) or suspect vehicle(s).
    - 2. The primary officer may only divert from the scene of the incident when authorized to do so by a supervisor.
    - 3. Upon arrival at the scene the primary officer will:
      - a) Aid and comfort the victim and secure the scene to protect physical evidence.
      - b) Obtain additional information to determine if a crime has been committed and transmit to other police units information of immediate relevance directed at intercepting the suspect or suspect vehicle.
      - c) Direct investigative efforts to the search for the solvability factors outlined in the crime investigation report.
      - d) Obtain and record complete description of the crime and property, if taken (serial numbers, model, colors, damage, etc.).
      - e) Expend the appropriate amount of time required to conduct a thorough preliminary investigation, taking into account the immediate demand for performance of other police services.
- (1) The preliminary investigation process must be tailored to the gravity and character of the offense and circumstances involved.

- f) Notify the Patrol Sergeant when a felony has been attempted or committed or it is necessary to utilize additional resources (K-9, Technician, etc.). In the event a Sergeant is not available, notify the Chief of Police
- 4. The primary officer will continue the preliminary investigation until:
  - a) All useful information has been obtained from the victim, witnesses, neighbors, or other people in the area.
  - b) All useful evidence has been identified and preserved at the crime scene and in the immediate area.
  - c) All necessary reports and forms are completed.
  - d) Relieved by a supervisor or an investigator.
  - e) At the conclusion of the preliminary investigation, ensure that the victim is advised of the current case status of the investigation.
  - f) Provide victim rights information as required by law and current directives.
- 5. Conduct any follow up investigation as required or assigned.
  - a) All follow-up investigations assigned with a "pending investigation" status will be conducted within ten (10) days of assignment and investigative findings recorded on an investigative action report. Ten (10) day follow-up periods for reporting investigative findings will continue until the case status is solved or all leads are exhausted resulting in an "closed by investigation" status.

C. Patrol Supervisor will:

- 1. Monitor the quality of the preliminary investigation process by ensuring officers conduct a thorough preliminary investigation and complete follow up investigations as necessary on assigned cases.
- 2. Review preliminary investigation reports as soon as possible to:

3. Determine investigatory completeness based upon solvability factors and the justification of same (if incomplete, investigation shall be returned for completion).
4. Notify the Chief of Police of all violent felony offenses as listed in section 70.02 of the New York State Penal Law.
5. Request the investigatory services of the Wayne County Sheriff's office or the New York State Police (with permission of the Chief of Police) for the continued investigation of more serious major crimes such as homicide, sexual assault, etc.

#### IV. FOLLOW UP INVESTIGATION GUIDELINES

- A. For the purpose of this order, a solvability factor will be deemed to be present if any of the following factors are apparent at the end of the preliminary investigation process.
  1. The suspect or accomplice has been named (full names, partial names, nicknames, or aliases).
  2. A full description or a distinctive partial description of the suspect or accomplice is available.
  3. Significant data is available about the suspect or accomplice, such as address or locations frequented.
  4. A victim or witness could possibly identify the suspect or accomplice from the photo file or line-up.
  5. Any property associated with the crime is traceable.
  6. The suspect's or accomplice's vehicle license number is known completely or sufficiently known to be traceable.
  7. A good description of the vehicle is known, or a distinctive description of part of the vehicle or its contents is known and traceable.

8. A suspect's latent print suitable for comparison is obtained.
9. Significant physical evidence (either traceable or uniquely distinctive) is developed.
10. Any other significant reason exists in the judgment of the officer or supervisor to believe that the crime may be solved with a reasonable amount of investigative effort (the crime may arouse significant public interest giving rise to the possibility of the public supplying useful information on the case).

## V. SEXUAL ASSAULT INVESTIGATIONS

- A. All members will ensure that victims of a crime, as defined in Article 130 or Sections 255.25, 255.26 or 255.27 of the NYS Penal Law are interviewed in a private setting.
- B. A private setting will be defined as an enclosed room from which the occupants are not visible or otherwise identifiable, and whose conversations cannot easily be heard from the outside of the room.
- C. Only those persons directly interviewing the victim, victim assistance personnel, rape crisis counselor, or other professional providing emotional support to the victim (unless the victim objects to their presence), and when appropriate, the parent(s) or legal guardian of the victim, if requested by the victim, will be present during the interview of the victim.

By Order of the Chief of Police

*John P. Colella*  
John P. Colella (Sep 30, 2019)

John P. Colella  
Chief of Police

Dated this 27th day of September, 2019