



# TOWN OF MACEDON POLICE DEPARTMENT

<b>General Order:</b> 615	<b>Effective Date:</b> April 17, 2021
<b>Subject:</b> Records	
<b>Reference Standards:</b> 8.1, 8.2, 8.5, 8.7, 8.11, 21.2, 28.1, 50.4	
<b>Rescinds:</b>	
Page 1 of 9	Attachments: 1: The Freedom of Information Law

## I. General procedures

- A. Every event requiring police action or attention will be recorded. Each event will be assigned a complaint report number (CR#), and each CR# will be numbered consecutively.
- B. Reports or forms will:
  1. Be appropriate to the type of activity performed by the officer, the service provided, and/or the information received
  2. Document the subject of the event as completely as possible, and contain all pertinent information available at the time it is recorded
  3. Be completed promptly, accurately, comprehensibly and legibly
  4. Be routed according to established departmental procedures
- C. Whenever possible, all required reports and forms relating to daily activity will be completed and submitted by the end of the officer's tour of duty.

## II. Complaint report numbers

- A. All CR numbers will be generated by the Wayne County E-911 Center.
- B. All reports generated under a specific event will have the appropriate CR# attached to the report. All CR numbers will be prefixed with the year of issuance (ex: 20210xxxx for a 2021 CR#). All CR numbers will be 9 digits in length (ex: 202100123).

### **III. Reports**

#### **A. Standard Incident Reports**

1. The Standard Incident Report is to be completed utilizing SJS for all:
  - a) Crimes and violations of law
  - b) Reportable incidents
  - c) Stolen vehicles
  - d) Missing persons
2. Supplemental/Addendum Reports
  - a) The Supplemental Report will be completed utilizing SJS.
  - b) The Addendum Report will be completed for Domestic Incident Reports or any reports not typically completed utilizing SJS.
3. Property Custody Reports
  - a) Property Custody Reports will be completed in accordance with General Order 480.

#### **B. NYS Motor Vehicle Accident Report (MV104A)**

1. The NYS MV104A report will be completed for any accident:
  - a) Involving death or personal injury
  - b) Whenever public property is damaged
  - c) Whenever private property damage exceeds \$1000
  - d) If requested by either driver or owner involved

#### **C. Arrest Report**

1. The Arrest Report will be completed whenever an arrest is made for offenses other than traffic infractions.
2. An Arrest Report will be completed, regardless of the offense, when an arrestee is remanded to the Wayne County Jail or transported to CAP Court.

#### **D. Field Interview Form (FIF)**

1. The FIF is to be completed to report police intelligence information, suspicious activity, etc.

E. Juvenile Contact Report (JCR)

1. The JCR is to be completed whenever a juvenile is reported as a suspect who violated any NYS law or local ordinance.

F. N.Y.S. Domestic Incident Report

1. The Domestic Incident Report will be completed for all instances of domestic violence in accordance with General Order 442.

G. Alcohol Influence Report

1. The Alcohol Influence Report is to be completed for all DWAI/DWI/DWAID arrests and Zero Tolerance detentions.

H. Mental Hygiene Form

1. The Mental Hygiene Form will be completed whenever a person is taken into custody for evaluation pursuant to the New York State Mental Health Law. A Standard Incident Report must also be completed.

**IV. Report review**

- A. The Patrol Sergeant will review all reports submitted by personnel assigned under their command. All reports will be read and checked for accuracy and completeness.

1. Reports needing updates and/or corrections will be returned to the reporting officer. Updates and/or corrections will be finished by the completion of the officer's next shift when possible.

- B. Based on the report(s) submitted, the Patrol Sergeant will decide if the preliminary investigation requires further action. When further action is required, the Patrol Sergeant will instruct the reporting officer as to what additional actions need to be taken or refer the report to the appropriate agency.

- C. After approving the report, the Patrol Sergeant will submit the report to the approved tray.

1. If the report requires further investigation, it will be filed in the appropriate color folder. An entry will be made on the officer's "Follow-up log" indicating the date, CR #, and nature of the incident.

- D. All case closures will be reviewed by the Administrative Sergeant.

1. When an investigation is closed by the officer, the officer will indicate the date and outcome of the case in the appropriate location on the officer's "Follow-up log."

**V. Notebooks**

- A. The department will maintain a supply of notebooks which will be readily accessible to all officers.

- B. Officers are required to take applicable notes on all calls for service. Officers will be held responsible for documenting all pertinent information related to assigned jobs and calls for service. Such information includes but is not limited to names, addresses, dates of birth, telephone numbers, etc. of the involved parties.
- C. Officers are required to maintain possession of their notebooks.

## **VI. Arrest records and jackets**

- A. Each arrest jacket will contain all the required reports, forms, and information on the individual arrested.
- B. Upon being reviewed by the appropriate Sergeant, the arrest jacket will be submitted to the "approved" tray.

## **VII. Records management**

- A. The Office Manager is responsible for the immediate supervision of records management to include records maintenance, and filing.
- B. Records are retained under guidelines established by the Commissioner of the State Department of Education, LGS-1.

## **VIII. Records security**

- A. The Chief of Police or his/her designee is responsible for general security of police records. Cabinets containing arrest folders are kept in the Records Office of the Macedon Police Department.
- B. Police records are accessible to department personnel only.
- C. Arrest files will only be removed from police headquarters for official police or court business or when properly subpoenaed.

## **IX. Record checks**

- A. Record checks made for official law enforcement agencies and the United States government will be completed within five (5) business days.
- B. Routine inquiries from the public will be completed during regular business hours.
- C. Records checks will consist of the following:
  - 1. Arrest records, which may only be reviewed by authorized personnel
  - 2. A check of SJS
  - 3. A check of any archived systems
  - 4. Laws concerning youthful offenders and expunged records will be followed.

**X. Records retrieval**

- A. Information from written reports submitted to the Records Division can be obtained from the Office Manager. Access to such records is made manually or through the use of the records database systems.
- B. Police personnel can obtain all records necessary for the accomplishment of their official duties directly from such files or records database systems.
- C. Other police personnel, prosecutors, probation officers, etc. on official business may only obtain department records through the Office Manager or through department personnel assisting with an investigation.
- D. Victims, reporting persons, or others directly involved in an incident may obtain copies of department reports by submitting a request for such reports during normal business hours. Certain exceptions may apply.

**XI. Public access to records**

- A. The Freedom of Information Law (FOIL) is to be followed in determining access to records. (Attachment #1)
- B. The public may obtain records according to the FOIL. All such requests will be referred to the Town of Macedon, Office of the Town Clerk prior to the release of any information. Requests must be made on the appropriate form utilized by the Macedon Town Clerk.
- C. Requests involving the Macedon Police Department will then be forwarded to the Office Manager. The Office Manager or his/her designee will then review the requested material and determine if it can be released.
  - 1. The law permits an agency to withhold records that are compiled for law enforcement purposes that, if disclosed would:
    - a) Interfere with law enforcement investigations or judicial proceedings
    - b) Deprive a person of a right to a fair trial or impartial adjudication
    - c) Identify a confidential source or disclose confidential information relating to a criminal investigation
    - d) Reveal criminal investigative techniques or procedures, except routine techniques and procedures
    - e) Endanger the life or safety of others; or
    - f) Are inter-agency or intra-agency materials which are not:
      - (1) Statistical or factual tabulations or data
      - (2) Instructions to staff that affect the public

- (3) Final policy determinations
  - (4) External audits, including but not limited to audits performed by the comptroller and the federal government
- 2. Other specific types of restricted information include, but are not limited to:
  - a) Medical examiner records
  - b) Autopsy reports
  - c) Employee medical records
  - d) Mental health records
  - e) Grand jury records
  - f) Police records regarding:
    - (1) Juvenile arrests
    - (2) A person when charges are dismissed
  - g) Motor vehicle registrations
  - h) Pre-sentence reports
  - i) Public assistance records
  - j) Reports of child abuse
  - k) Reports of drug abuse
  - l) Victims of sex offenses
- D. The Office Manager will determine if the requested information is:
  - 1. Appropriate to be viewed, or copied and released
  - 2. Required to be copied and redacted prior to viewing or release.
  - 3. Restricted and cannot be released.
- E. The Office Manager, or his/her designee will copy and/or prepare requested materials which are appropriate to release.
- F. The Office Manager will copy the file and forward the appropriate records to the Town Clerk.
- G. Within five (5) business days of receipt of a request, the Town Clerk must acknowledge receipt of the FOIL request, or cite extraordinary circumstances resulting in a delay.

H. If approved, the Town Clerk must provide access to records during regular business hours.

## **XII. Sealing criminal records**

- A. Upon receipt of a court order, pursuant to section 160.50 or 160.55 of the Criminal Procedure Law (CPL), the Office Manager will:
1. Search departmental files to determine if any fingerprints, palm prints, photographs, photo proofs, or negatives related to the sealing order are on file. All defendant photographs and fingerprints will be destroyed pursuant to the sealing order, unless otherwise addressed in the sealing order.
  2. Ensure that all written records on file concerning the arrest or prosecution covered by the court order are sealed in compliance with that order. Documents generated from an unrelated action or proceedings are not to be affected by the order.
  3. All such records will be sealed into an envelope and filed in the individual's arrest jacket. Where no arrest jacket exists, the envelope will be kept in a separate file maintained for such documents.
  4. Should the arrest jacket contain records relating to other criminal actions or proceedings, such records are to remain available except that any references mentioned in those documents that may refer to the case currently being sealed pursuant to the court order must be deleted.
- B. All documents are to be sealed in accordance with section 160.50 of the New York State CPL.
- C. Sealed records are only made available to the person specifically named in a court order or to such person's designated agent.
- D. In addition, such records may be made available to the following:
1. The prosecutor in any proceeding in which the accused has moved for an order pursuant to section 170.56 or 210.46 of the CPL.
  2. A law enforcement officer upon ex parte motion in any superior court. If such agency proves to the satisfaction of the court that justice requires that such records be made available to it.
  3. Any state or local officer or agency with responsibility for the issuance of licenses to possess guns, when the accused applied for such a license.
  4. A prospective employer of a person applying to become a Police Officer or Peace Officer, for the purpose of a background investigation.

## **XIII. Administrative records and reporting**

- A. Periodic summaries and reports:

1. The Patrol Sergeant will submit a monthly and yearly report to the Chief of Police. These reports are to include statistics of calls for service, criminal arrests, summonses issued, special events, unusual circumstances, and other requested data for the Road Patrol. The reports are due after the last day of each month, but not later than the end of the 10<sup>th</sup> day of the following month.
2. Personnel in charge of the following specialized units will submit a report to the Chief relative to their specialized unit or duty. These reports are due after the last day of each specified time period, but not later than the end of the first full week of the following month.
  - a) Training Officer
    - (1) Annual report
3. The Office Manager will maintain the required statistical data necessary to complete the monthly Incident Based Reporting (IBR) summary.

**B. Records management systems**

1. The Office Manager will oversee the records management database(s).
2. All entered data will be available to the appropriate personnel.

**XIV. Juvenile records**

**A. Maintenance**

1. All files related to juvenile contacts will be maintained in the Records Office, and kept in accordance with applicable laws, as well as the following provisions:
  - a) All police records relating to the arrest and disposition of any juvenile will be kept in files separate and apart from the arrest records of adults.
  - b) Juvenile records will be withheld from public inspection.

**B. Sealing juvenile records**

1. The Office Manager is responsible for the collection, retention, sealing, and dissemination of all juvenile records.
2. When notified pursuant to §1375.1(1) of the Family Court Act (FCA), that a juvenile record must be sealed, the Office Manager will ensure the sealing of all official records, and papers, including judgments and orders of the court. This will not include public court decisions, opinions, records, and briefs on appeal relating to the arrest, prosecution and probation service proceeding, including all duplicates or copies thereof.

**C. Sealed documents**

1. Documents shall be enclosed in a sealed folder and placed in the individual's



identification folder. This information shall be sealed in the department's juvenile database system.

2. These records will not be made available to any person, public or private agency except as required by law. Per §375.1(3) of the FCA, sealed records shall be made available to the respondent, or his/her designated agent.

By Order of the Chief of Police

*John P. Colella*

John P. Colella (Apr 20, 2021 16:22 EDT)

John P. Colella

Chief of Police

Dated this 17th day of April, 2021