

# FLORIDA HIGHWAY PATROL POLICY MANUAL

	<b>SUBJECT</b> BUREAU OF CRIMINAL INVESTIGATIONS AND INTELLIGENCE AND INVESTIGATIVE TASK FORCES	<b>POLICY NUMBER</b> 22.04
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**22.04.01      PURPOSE**

To provide for administrative and operational programs that should result in efficient and effective criminal investigations.

**22.04.02      POLICY**

It is the policy of the Florida Highway Patrol to adopt procedures, which will ensure the effective and efficient detection, apprehension and prosecution of those persons who violate federal, state and local laws.

**22.04.03      OBJECTIVES**

- A. To implement and maintain standards that promotes efficient use of personnel.
- B. To implement administrative and operational standards for the Bureau of Criminal Investigations and Intelligence.
- C. To implement administrative and operational standards for Internal and External Investigative Task Forces.

**22.04.04      RESPONSIBILITIES**

- A. The organizational structure of the Bureau of Criminal Investigations and Intelligence, establishes the chain of command as the flow of communications within the Bureau. The rank structure and salary schedules are the same as Patrol Operations.
  - 1. Major/Bureau Commander – The Bureau Commander, Chief Investigator is responsible for commanding and overseeing all actions of the Bureau of Criminal Investigations and Intelligence statewide.
  - 2. Captain/Section Commander - As an Assistant Chief Investigator, he/she is responsible for assisting the Bureau Commander in the efficient operation of an assigned section within the Bureau of Criminal Investigations and Intelligence.

3. Lieutenant/Assistant Section Commander - As a managing investigator, he/she is responsible for the supervision of subordinate personnel and for conducting criminal investigations and administrative investigations as assigned by the Director, Bureau Commander or an Assistant Chief Investigator.
4. Sergeant (LE Investigator II)/Field Office Supervisor - As a supervisory investigator, he/she is responsible for the supervision of subordinate personnel (if any) and for developing and conducting criminal investigations. Administrative investigations may be conducted as assigned by an Section Commander or Assistant Section Commander. Administrative investigations will be commensurate with the rank.
5. Trooper (Investigations Trooper) or Corporal (LE Investigator I) - As an investigator, he/she is responsible for developing and conducting criminal investigations as assigned by the Field Office Supervisor or Assistant Section Commander.

**B. TROOP, DISTRICT, SUPERVISOR, AND ROLL-CALL MEETINGS**

Members assigned to the Bureau of Criminal Investigations and Intelligence will periodically attend troop, district, supervisor, and roll call meetings:

1. To stay updated on memorandums and policies.
2. To enhance relationships between Patrol Operations and the Bureau of Criminal Investigations and Intelligence.

**C. INVESTIGATOR – CALL OUT**

1. Upon request from a Chief, Troop Commander, or appropriate field supervisor, the Bureau Commander or his/her designee shall assign an investigator on an as needed basis.
2. Call out will be based on the need to conduct an investigation not routinely conducted by Patrol Operations and/or any major offense as defined in FHP Policy 22.01.03(A).

**D. INTERNAL INVESTIGATIVE TASK FORCES**

1. The purpose of an investigative task force is to ensure that adequate manpower and resources are available for the investigation of certain major criminal offenses or other criminal activities.
2. When an investigative task force is deemed necessary, the Bureau Commander will:
  - a. Authorize the implementation of the task force.
  - b. Assign a Section Commander (Captain) or Group Commander (Lieutenant) as Commander of the Investigative Task Force.

3. The Investigative Task Force Commander will:
  - a. Have overall authority and responsibility for the operation and be accountable to a Section Commander and/or the Bureau Commander.
  - b. Determine the number of personnel to be assigned to the task force.
  - c. Evaluate the progress of the investigative task force and make recommendations to the Section Commander to determine the feasibility of its continuance.
  - d. Keep the Section Commander and the Bureau Commander apprised of the status of the investigative task force.
  - e. Upon termination of the investigative task force, submit a report through the Section Commander to the Bureau Commander. The report will summarize the results of the investigation and address the positive and negative aspects of the investigative task force and suggest improvements, if any, for future operations.
4. Members of the Bureau of Criminal Investigations and Intelligence assigned to a Florida Highway Patrol Task Force will:
  - a. Be accountable to the Investigative Task Force Commander.
  - b. Identify and provide resources and expertise needed in the investigation.
5. Patrol Operations personnel assigned to a Florida Highway Patrol Task Force will:
  - a. Be accountable to the Investigative Task Force Commander.
  - b. Be responsible for the completion of reports necessitated by their participation/investigation.

E. EXTERNAL INVESTIGATIVE TASK FORCES

1. Requests from outside agencies for FHP participation in an external investigative task force will be directed to the Bureau Commander.
2. Members may request participation in an external investigative task force by submitting a recommendation for participation through the chain of command to the Bureau Commander.
3. The Bureau Commander shall immediately review all requests for FHP participation in external investigative task forces and submit a recommendation to the Director for consideration and action.

**F INTERNAL OR EXTERNAL TASK FORCES INVOLVING OTHER AGENCIES**

When a task force involves personnel from another agency, the Bureau Commander will contact the head of the agency or his/her designated representative to fully define specific responsibilities for each agency. If FHP personnel are to participate in a formal, investigative task force, the following issues must be outlined and approved prior to participation:

1. The stated purpose of the particular task force;
2. The defining authority of each task force;
3. Specific responsibilities of FHP personnel, and;
4. A written agreement (Memorandum of Understanding) must be completed and fully executed prior to participation.

**G. ANNUAL TASK FORCE EVALUATION**

The Bureau Commander will annually evaluate the need for continued participation in all internal and external task forces and shall forward a comprehensive report to the Director.

**22.04.05 PROCEDURES**

**A. BCII CASE MANAGEMENT**

In order to maintain a standardized system for the accountability, immediate retrieval, and status of investigations conducted by the Bureau of Criminal Investigations and Intelligence, it is imperative that each investigator follow the procedures as outlined.

1. Cases will be opened when there is sufficient justification for investigative effort. When sufficient information is received from any source that would require investigative effort to resolve, then a case should be opened and pursued. Investigative reports will be prepared on any case, which requires a significant amount of investigative time and energy.
2. Cases may be initiated independently or assigned by the Bureau Commander or a Section Commander.
3. When an investigation is initiated independently, a case number will be obtained from the appropriate Section Commander. At the time the case number is assigned, the investigator will provide a brief narrative of the investigation to the Section Commander.
4. Once a case is opened, the investigation will be submitted within 90 days. Upon approval of the investigation, a copy of the case report is to be filed in the Bureau of Criminal Investigations and Intelligence Central Case Repository.

- a. In the event that unusual circumstances preclude the submission of a case within 90 days, a case extension will be requested every 30 days until the case is complete. Extensions shall be requested through the appropriate Section Commander and will be approved or denied by the Bureau Commander.
  - b. Case extension requests will contain information as to why the case extended beyond the initial 90-day period and each subsequent 30-day period and what steps are being taken to complete the investigation and close the case.
5. Field Office Commanders and Supervisors are responsible for actively managing all cases assigned within their chain of command and assisting members in completing cases within the least amount of time possible.
6. Criminal investigations are to be closed when all worthwhile investigative leads have been explored or when an arrest has been made and no further investigation is warranted. It is not necessary to keep a case open for pending court trials. If new leads are developed in a case after it has been closed or suspended, then the case can be reopened.
7. Cases shall be suspended when they are inactive due to external agency activities/circumstances out of the member's control (waiting on lab results, state attorney review, etc.). When cases are in a suspended status, the 90-day limit is recalculated once the case is re-activated.
8. Active criminal investigative information is exempt from public disclosure and shall not be disseminated to the public.
  - a. Case files should contain a copy of preliminary reports, witness statements, results of examinations of physical evidence, arrest reports, and records needed for investigative purposes.
  - b. Closed criminal cases may be released to the public as outlined in Chapter 119, Florida Statutes.
  - c. Criminal case files may be purged and destroyed as outlined in Chapter 119, Florida Statutes and subject to the consent of the Records and Information Management Program of the Division of Library and Information Services of the Department of State in accordance with Section 257.36, Florida Statutes.
  - d. All case files dealing with the criminal investigation component must be stored in secure and separate files that must be locked at any time they are left unattended.
9. Florida Statutes set criteria for career or habitual criminals.
  - a. Investigators should identify those cases involving a career or habitual criminal.

- b. Investigators should coordinate with the local state attorney's office when a career or habitual criminal is a suspect in any criminal investigation.

## B. INFORMANTS

1. Bureau of Criminal Investigations and Intelligence personnel, certain external task force personnel, and Criminal Interdiction Unit Canine Handlers and Felony Officers are authorized to utilize confidential informants, providing they have received documented FDLE and FCJIEI approved training in the "Use and Control of Informants" in accordance with Section 914.28, Florida Statutes. Other members are not authorized to utilize confidential informants, but are encouraged to develop information of criminal activity and relay that information to the Bureau of Criminal Investigations and Intelligence. Caution must be exercised in dealing with confidential sources.
  - a. Authorized members should take additional precaution when dealing with informants of the opposite sex and with informants, whose sexual preferences may make an investigation more susceptible to compromise through alleged improprieties.
  - b. Special consideration must be given when using a juvenile as an informant. Permission should be obtained from a parent, guardian or juvenile court prior to using the juvenile as an informant.
2. Authorized members must remember that most informants are criminals, and while friendly working relations should normally be maintained with these sources, it must be stressed that this "friendship" cannot extend beyond the work environment.
  - a. Authorized members shall not give or receive gifts or loans to or from a Confidential Informant.
  - b. The controlling investigator of a confidential source who is involved in criminal activity or who has a criminal reputation will take adequate precautions to protect the credibility and integrity of the Division, the controlling investigator, and the investigation in which the informant is cooperating. These precautions require strict control of the source and a second investigator may have to be present during all contacts with the informant to avoid allegations or illusions of impropriety or misconduct.
  - c. The investigator should protect himself/herself and the agency by informing the appropriate Section Commander of the expected time and place where a source contact is to take place and other pertinent circumstances.
  - d. The controlling investigator will take added precautions with Confidential Informants of the opposite sex and with informants,

whose sexual preferences may bring vulnerability to the investigation.

3. All informants' identities must be kept confidential.
  - a. Files of true names and assumed names of all confidential informants will be assigned a code name or number by the controlling investigator.
  - b. The number is an alpha sequential number assigned from a log by the Bureau Commander.
  - c. All reports and documents shall use the code name or number of the informant.
4. Investigators who develop informants with a criminal history will thoroughly review such history with the appropriate Section Commander and a detailed record will be maintained in the Bureau of Criminal Investigations and Intelligence at General Headquarters and will include a photograph, the fingerprints, and criminal history of the informant.
5. It is important that each investigator be thoroughly familiar with the rules of "entrapment" and avoids being placed in that role while utilizing informants. Therefore, the appropriate Section Commander will facilitate a briefing for the investigator by the Office of General Counsel each time an investigator is approved to use a new informant.
6. When possible, the confidential informant shall be utilized to introduce an officer in an undercover capacity into any criminal investigation.
  - a. The informant's involvement should be minimized or terminated as soon as practical.
  - b. Failure to do so may result in the court ordering that the identity of the source be revealed.
  - c. Extended use of the informant in an investigation must be discussed with and approved by the Bureau Commander.
  - d. A determination that an informant participate in extraordinary activities as part of his/her assignment shall be made, prior to the activity, by the Bureau Commander after consultation with the Office of General Counsel.
7. When confidential expenditures are requested to pay confidential informants, the confidential informants will not be named on any form, but will be designated by assigned case name or number.
8. The payment of informants for information and other expenditures authorized by this Department are:

- a. The purchase of information that should lead to the arrest of a suspect under Department investigation by members of the Florida Highway Patrol.
  - b. Necessary expenses of a confidential informant in the use of personal equipment. This may also include meals, lodging, and temporary living expenses for a short period of time. Such payments shall be in accordance with approved per diem, documented and filed in the case report.
9. Members should refer to FHP Policy 22.14, for more comprehensive information regarding Confidential Informants.