

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

FLORIDA HIGHWAY PATROL



COMMITTEE REPORT

MANAGEMENT REVIEW

CRIMINAL INVESTIGATION ASSISTANCE TO OTHER
AGENCIES

PROJECT NUMBER OI99/00-02-001

OFFICE OF INSPECTIONS

January 7, 2000

COLONEL CHARLES C. HALL

DIRECTOR

FHP PERSONNEL ASSISTING OTHER LAW ENFORCEMENT AGENCIES MANAGEMENT REVIEW

BACKGROUND

Traditionally, the Florida Highway Patrol (FHP) has provided assistance to other law enforcement agencies upon request. One form of assistance that FHP has provided is conducting traffic stops and canine sniffs. Recently, one such operation resulted in adverse publicity for FHP. Colonel Hall formed a committee to conduct a management review of the protocols followed by FHP when assisting other agencies. The committee was charged with reviewing the various aspects of how FHP provides assistance. While the work of this committee was precipitated by the adverse publicity mentioned above, it is not the responsibility or the intent of this committee to investigate or make judgements about how that operation was conducted.

COMMITTEE PROCESS

The committee was comprised of:

- Chief Thomas H. Wells, Chairperson
- Chief Christopher A. Knight
- Captain Cyrus Brown
- Captain Richard Mechlin
- Lieutenant Marty Duncan
- Lieutenant Diane Russo
- Mr. Jon Whitney, Esq.
- Mr. Peter Stoumbelis, Esq.
- Mr. Judd Chapman, Esq.
- Ms. Gabrielle Taylor, Esq.

This committee met over a three-week period to conduct a management review of the various aspects of FHP providing assistance to other law enforcement agencies. The focus of the committee's work was those requests for assistance involving felony criminal investigations.

The committee reviewed existing policies and procedures related to assisting other agencies, notification procedures, and interagency liaison. In the course of its meetings the committee met with four FHP members involved in the drug interdiction program and spoke by telephone with other FHP drug interdiction personnel, State Attorney Offices, and Federal law enforcement agencies.

The work of the committee can best be characterized as brainstorming. The committee endeavored to gather input from many sources and accepted suggestions from all. The committee does not recommend any one single course of action but presents a number of suggestions. The committee recognizes that the authority to implement any of the suggestions rests with Colonel Hall and the Executive Staff.

FINDINGS

The committee determined that there were three general areas to be reviewed: 1) policy, 2) procedures, and 3) training. The findings listed in this document are therefore divided into these three areas. It is recognized that there is some overlap of the findings in all three areas. For instance, implementation of new policy or procedures will require training.

Policy

The committee reviewed existing policies contained in the FHP Policy Manual and the FHP Contraband Interdiction Program Policy and Procedures Manual. The committee feels that while existing policies address assistance rendered to other agencies, they tend at times to be vague and general in nature. The following revisions to existing policies are recommended:

1. Notification of a supervisor anytime assistance is requested is addressed in current policy. The committee recommends that notification, in those cases outside the normal scope of FHP operations, should be expanded to continue up the chain of command to at least the district commander level and that responsibility and accountability for the operation rests with the district commander. Ultimate responsibility for all such operations rests with troop commander.
2. When another agency requests assistance from FHP, the requesting agency should be responsible for any and all arrests. If, for protection of an on-going investigation, FHP personnel are requested to affect and process the arrests, strict adherence to established notification protocols are essential and the local State Attorney should be notified of all information surrounding the arrest including the existence of an on-going investigation. Notification of the State Attorney should take place at the earliest possible time, but no later than immediately after the arrest.
3. Chapter 1 of the Contraband Interdiction Program Policy and Procedures Manual should be revised to be more specific on matters related to agency assists. A copy of a draft revision is appended. If this recommendation is approved, a new policy to be contained in the FHP Policy Manual addressing the broad issue of assisting other agencies may be desirable in order to provide guidance to field supervisors. Such revision may include any worksheets developed to assist supervisors.
4. Agencies that are requesting assistance from FHP should be provided a single point of contact within the FHP district. Troop commanders should designate a supervisory position to serve as the point of contact.
5. The Contraband Interdiction Program Policy and Procedures Manual should be issued to all supervisors.

PROCEDURES

Predicated on the adoption of the above policy issues, procedures must be established to ensure proper implementation and appropriate supervision.

1. Guidelines for information to be gathered from the requesting agency and notification protocols should be developed. A worksheet that could be used for this purpose has been drafted and is appended to this report. The worksheet is designed to ensure that necessary information is communicated to supervisors and district commanders.
2. Procedures to ensure proper interagency communications that specifically address issues related to FHP assisting other agencies *are needed*. This includes on-going contact with other agencies to communicate FHP policy and with the local State Attorney for procedures that office may require FHP personnel to follow.
3. The committee recognizes that many requests, of a routine nature, such as canine sniffs should not evoke the use of these procedures. The committee feels that procedures outlined herein should be limited to instances when FHP personnel are expected to perform tasks outside their "normal scope of operations." This will need to be more clearly defined, such as anytime an FHP member is requested to make an arrest or seizure involving the concealment of an on-going investigation, or withhold the identity of the requesting agency.
4. Generally, task force operations should not be affected by any of the recommendations since they would have a Memorandum of Understanding outlining each agency's responsibilities.

TRAINING

During the committee's meetings the need for training continually became a topic of discussion. Training of all personnel, as well as specific training for supervisors and troop/district commanders, is recommended.

1. The training should involve FHP policy on assisting other agencies as well as specific types of cases that may result in FHP involvement. Not all supervisors and commanders have been involved in drug enforcement operations and they may be unfamiliar with the complexities of such cases.
2. Training is recommended for all personnel on procedures prescribed by the local State Attorney to include notification requirements and the completion of reports and forms. This should include standardized language to be included in arrest documents. It may be advisable to have the troop training coordinator accompany local commanders to the meetings recommended in paragraph 2 of the procedures sections of this document.

3. Training issues must be addressed on an on-going basis. Due to turnover and the infrequent involvement of some personnel in these types of cases, recurring training should be considered.
4. The training issues outlined in this document should be incorporated into the instruction provided to new supervisors and felony team members.
5. Agencies that frequently request FHP assistance should be involved in the development and delivery of training.
6. The FHP Training Academy, in conjunction with the Contraband Interdiction Coordinator, should develop all training outlined above with appropriate lesson plans prepared and distributed to instructors.

CONCLUSION

It should be noted that FHP provides valuable assistance to other law enforcement agencies on a regular basis. The majority of these cases are successful and professionally conducted. The work of this committee found no apparent problems with current procedures. The suggested changes should be viewed as improvements to the current procedures that will ensure proper communications and decision-making, both internally and with other agencies.

The committee would like to thank all that were contacted and provided their views on the subject of FHP involvement in assisting other agencies. A list of individuals that contributed to the committee's work is appended.

ADDENDUM 1

See Highlighted Sections

FLORIDA HIGHWAY PATROL
CONTRABAND INTERDICTION PROGRAM POLICY AND PROCEDURES MANUAL

CHAPTER 1

POLICY AND PROCEDURES
(FINALE DRAFT REVISION)

1.00.00 Introduction to the Manual

This Manual is an official publication of the Florida Highway Patrol (FHP). It is issued with the authority of the Division Director pursuant to Chapter 321, Florida Statutes, and contains the policies, procedures and regulations of the Florida Highway Patrol Contraband Interdiction Program. These policies, procedures, and regulations are established to direct all personnel in performing their sworn duties and responsibilities, and to insure that these duties are being performed uniformly throughout the state. Violation of any of the policies, procedures, or regulations contained in this Manual will be grounds for disciplinary or other remedial action.

1.01.00 Scope

The Florida Highway Patrol Contraband Interdiction Program shall conform with the standard operating procedures identified herein.

1.02.00 Organization of the Contraband Interdiction Team

The following are definitions of terms which are used in this Manual:

A. Definitions:

1. Contraband Interdiction Coordinator - The Director shall appoint a Lieutenant to coordinate the operation of the Florida Highway Patrol Contraband Interdiction Program. The Coordinator shall work in consultation with the troop commanders to ensure the effective, efficient, and professional deployment of all contraband interdiction personnel. The Coordinator shall be assigned to General Headquarters.
2. Contraband Interdiction Team - will consist of a contraband interdiction officer, canine handler and canine working as a unit.
3. Contraband Interdiction Officer - A member assigned to the Contraband Interdiction Program for the purpose of detecting and arresting persons transporting illegal drugs and other contraband on the highways of the state, and protecting life and property of the motoring public from criminal acts.
4. Canine Handler - A contraband interdiction officer trained in the care, handling and training of a canine for law enforcement use.

5. Canine - A working canine procured and trained to execute a number of specific law enforcement related tasks which utilize the canine's speed, agility and sense of smell.
 6. Regional Canine Instructor - Each region shall have one regional canine instructor who is a CJSTC state certified canine instructor and current member of the contraband interdiction program. The Regional Canine Instructor shall be selected by the Contraband Interdiction Coordinator. The Regional Canine Instructor, in consultation with the Contraband Interdiction Coordinator shall ensure all canines within his/her respective region are properly trained and certified according to CJSTC recommendations. The Regional Canine Instructor shall maintain the appropriate canine training records for all of his/her respective region canines and consult with the Contraband Interdiction Coordinator on matters relative to the health, training, retirement, donation, and purchase of canines within the region. The duties of the Regional Canine Instructor will be in addition to his/her assignment in the Contraband Interdiction Program.
 7. Troop Felony Team Coordinator (TFTC) - Each troop shall have a TFTC who is a current member or supervisor of the Contraband Interdiction Program. The TFTC shall be appointed by the troop commander in consultation with the Contraband Interdiction Coordinator. The TFTC will assist the Contraband Interdiction Coordinator in the gathering and dissemination of intelligence information and various other duties as assigned by the Contraband Interdiction Coordinator relative to the contraband interdiction personnel within his/her respective troop.
- B. The Contraband interdiction officer and canine handler shall comply with the standard operating procedures contained in the Florida Highway Patrol Contraband Interdiction Policy and Procedures Manual relating to supervision, team concept, canine utilization, and reporting procedures.
- C. Supervision of Contraband Interdiction Teams
1. The Florida Highway Patrol contraband interdiction team shall be supervised by a supervisor assigned by the troop commander.
 2. The contraband interdiction team supervisor shall be responsible for the deployment, training, discipline, performance and appraisal of the Contraband Interdiction Team(s) in consultation with the Contraband Interdiction Program Coordinator and Troop Commander.
 3. When outside agencies request assistance from the Florida Highway Patrol Contraband Interdiction Team or any part of the team, the contraband interdiction team supervisor will determine if the request warrants the

deployment of the team. If the request is outside the normal scope of operation, the request must be approved by the district commander, troop commander. In addition, when assisting another law enforcement agency, all arrest(s) should be made by the requesting agency. In those rare cases when an agency requests an FHP member to affect and process the arrest(s), the FHP member will complete the arresting documents and investigative reports, indicating that the arrest(s) resulted while assisting the requesting agency. Should the agency, due to an on going investigation, request the agency's name be omitted from any reports, the FHP member shall include the following statement at the conclusion of all arresting documents and investigative reports: *"In addition, as the result of information and intelligence obtained from a proven and reliable confidential source, this officer has probable cause to believe (defendant's name) was engaged in the violation of (arrest charges)".* An exception may be made only when the local State Attorney authorizes the omission of the foregoing statement. The FHP member in cooperation with the requesting agency shall immediately notify the presiding State Attorney's Office of such case(s). The requesting agency shall be advised of this procedure prior to an FHP member affecting any arrest(s) on that agency's behalf.

4. The supervisor shall review all reports for completeness, accuracy, and thoroughness. All reports will be submitted through the chain of command. Case reports concerning civil forfeitures shall be forwarded directly to the appropriate Bureau Chief (four copies), within 10 days of seizure. A copy will be sent to the troop commander. District Commanders shall include a specific recommendation as to forfeiture. When forfeiture is recommended the connection shall be clearly identified.
5. When a contraband interdiction team supervisor is going to be unavailable for any reason, the supervisor shall make the necessary arrangements to notify subordinate personnel concerning the name of a supervisor the team may contact during the absence.
6. The Contraband Interdiction Coordinator is responsible for the overall supervision of the Contraband Interdiction Program.

1.03.00 Selection of Contraband Interdiction Officers

The following procedures shall be used in the selection of Contraband Interdiction Officers:

- A. Members requesting assignment as a contraband interdiction officer must forward their requests, in writing, through channels to the Contraband Interdiction Coordinator via the Troop Commander. Only members with a minimum of two

years of service will be considered for the position of contraband interdiction officer.

1. Members receiving less than “achieves” performance appraisals for the previous two years will not be considered.
- B. The Contraband Interdiction Program Coordinator’s recommendation to the Troop Commander shall be based on a background investigation conducted by the team supervisor and recommendation from the troop commander.
- C. The background investigation shall explore the following areas in which the member must:
1. Have demonstrated a past work history in the area of criminal arrest activity, i.e., drug arrest, auto theft arrests and driver license fraud.
 2. Have the ability to clearly communicate thoughts and concepts in report writing.
 3. Must be articulate, knowledgeable in search and seizure laws and be able to prepare felony cases for court proceedings.
 4. Be able to work independently and with minimal supervision.
 5. Understand that the assignment involves working long and various hours including nights, weekends and holidays.
 6. Have the ability to instruct and communicate with large groups of law enforcement officers.
 7. Have the ability to complete assigned projects accurately and on time.
 8. Have a proven ability to make decisions that conform with Division policies and case laws.
- D. The final selection of troopers assigned as contraband interdiction officers will be made by the troop commander.

1.04.00 Application of Contraband Interdiction Teams

The following criteria are to be used to govern the use of Florida Highway Patrol Contraband Interdiction Teams: The contraband interdiction team supervisor shall make assignments based on available manpower and the best possible use of the contraband interdiction team. The team shall be allowed to patrol throughout the assigned areas, responding to calls that require use of a contraband interdiction team. Authorization to

operate outside of assigned areas must be authorized by the troop commander. Any unusual requests from other agencies will be in the form of an operational plan and referred to the Contraband Interdiction Coordinator. (ie. multi-agency, multi-troop enforcements).

1:05:00 Training

Courses of instruction will be conducted at the Florida Highway Patrol Training Academy regarding search and seizure laws, courtroom testimony, officer survival, evidence handling and collection and report writing. The Contraband Interdiction Coordinator in conjunction with the FHP Academy will develop the curriculum and training for all courses relative to the contraband interdiction program. The Contraband Interdiction Officer will assist with canine training as outlined in Chapter 8 of this Manual.

ADDENDUM 2

Should this worksheet be adopted, procedural guidelines will be developed for its use.

**JOINT LAW ENFORCEMENT AGENCY ASSISTANCE
FELONY CASE ASSISTANCE REQUEST**

FHP Case # _____ Date: _____ Time: _____ am / pm

REQUESTING AGENCY INFORMATION

DRAFT

REQUESTING AGENT/OFFICER: _____ Phone: _____

REQUESTING AGENCY CASE # _____

- | | | |
|--|---|---|
| <input type="checkbox"/> DEA | <input type="checkbox"/> ATF | <input type="checkbox"/> US Customs |
| <input type="checkbox"/> IRS | <input type="checkbox"/> FBI | <input type="checkbox"/> INS |
| <input type="checkbox"/> US Marshal | <input type="checkbox"/> US Border Patrol | <input type="checkbox"/> Secret Service |
|
 | | |
| <input type="checkbox"/> Sheriff's Office _____ | | |
| | (County) | |
| <input type="checkbox"/> Local Police Department _____ | | |
| | (City) | |
| <input type="checkbox"/> Other _____ | | |

OPERATIONAL PLAN

- Yes
- No

OPERATIONAL PLAN ATTACHED

- Yes
- No (Explain in comments)

TYPE OF FHP ASSISTANCE REQUESTED (Check all applicable)

- | | | |
|--|---|---------------------------------|
| <input type="checkbox"/> Traffic Stop | <input type="checkbox"/> Warrant (Federal) | <input type="checkbox"/> Arrest |
| <input type="checkbox"/> Warrant (State) | <input type="checkbox"/> Seizure/Forfeiture | |
| <input type="checkbox"/> Other _____ | | |

ARREST(S) TO BE PROCESSED BY

- FHP
- Federal Agency
- Other Agency _____

Has requesting agency made legal notification?

- Yes
Date: _____
Time: _____
- No (Explain in comments)

If yes, indicate the prosecuting jurisdiction and the contact person notified?

- State Attorney: _____
Phone: _____
- US Attorney: _____

Phone: _____

**PENDING CRIMINAL INVESTIGATION
EXEMPT FROM PUBLIC RECORDS PURSUANT TO S119.07,F.S.
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ADDENDUM 3

The committee, in the course of their work had discussions with the following people. Their input greatly assisted the committee in fulfilling the charge it received from Colonel Hall.

Lt. Colonel Billy Dickson
Chief John Czernis
Lieutenant John Roberts
Sergeant John Fruchey
Sergeant Jorge Santamaria
Trooper Daniel Hinton
Trooper Richard Blanco
Trooper Joseph Mosca
Trooper Alan Major
Trooper Mark Rietman
Trooper Alejandro Rodriguez
Trooper Orlando Saavedra
Trooper Peter Chong-Yen
Trooper Charles Patten
Trooper Charles Johnson
Assistant State Attorney Brad Copley
FBI Division Counsel Peter Wuebbenhorst
FBI Drug Unit Supervisor Jim Livingston