



Florida Highway Patrol Policy Manual

SUBJECT Investigative Responsibilities	POLICY NUMBER 22.01	ISSUE DATE 02/01/1996
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22.01.01 PURPOSE

To define and delegate investigative responsibilities to the operating components of the Florida Highway Patrol in order to promote mutual cooperation and coordination, and to avoid duplication of efforts within the Department.

22.01.02 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.

22.01.03 DEFINITIONS

- A. **MAJOR OFFENSE** – A real or suspected crime of such severity that it creates, or seems likely to create, an intense public demand for identification, apprehension and prosecution of the offender; a crime which necessitates a substantial commitment of resources for a prolonged period of time; or a crime which requires the application of complex or unusual investigative techniques. Generally, such cases will be investigated by the appropriate Traffic Homicide Unit or the Bureau of Criminal Investigations and Intelligence, unless otherwise approved by the Director.

Examples of offenses and investigations included within these parameters are:

1. Death investigations, including traffic homicides.
2. Sexual assaults or other sex related offenses.

3. Bank robberies, home invasions and armed robberies.
4. Sophisticated burglaries - safe jobs, alarm circumventions, etc.
5. Arsons.
6. Financially based crime, i.e., bank fraud, forgeries.
7. Investigations involving trafficking in controlled substances.
8. Organized criminal activities/offenses.
9. Kidnappings.
10. Investigative activities initiated to preserve the integrity of the Division.

B. PRELIMINARY INVESTIGATION – The activities undertaken by a member(s) who responds to the scene of a crime, include:

1. Responding to immediate needs - rendering aid to the injured, noting such facts as the position of victims or injured subjects, spontaneous statements, unusual actions or activities; notifying headquarters with an assessment of the scene.
2. Determining that a crime has been committed.
3. Initiating enforcement action - arresting or pursuing the offender (if applicable) and/or dispatching apprehension information.
4. Securing the crime scene and protecting evidence - limiting access, identifying and isolating witnesses, and protecting all evidence, especially short-lived evidence (impressions in sand or mud, etc.).
5. Determining the need for investigative specialists and arranging for their notification, including:
 - a. Traffic Homicide Investigator(s)
 - b. Bureau of Criminal Investigations and Intelligence Investigator(s)
 - c. Coordination with responding Traffic Homicide or Bureau of Criminal Investigations and Intelligence Investigator(s) to determine the need for:

- 1) Crime Scene Technicians
- 2) Personnel from Other Municipal, County, State or Federal Law Enforcement Agencies
- 3) Other Investigative Resources

Once specialists are requested, the scene must be preserved intact to the maximum extent possible until such personnel arrive and assume responsibility for the scene.

6. Initiating an investigation - arranging for collection and preservation of evidence, photography, crime scene sketches and interviewing of witnesses, victim(s) and suspect(s). Normally, preliminary investigations should be pursued to the point where a temporary discontinuance of the process would not hamper or jeopardize the outcome of the case.
7. Compiling a thorough and accurate report of activities - data recorded should be sufficient to:
 - a. Identify evidence and stolen/recovered property, witnesses and elements of offenses. The accompanying narrative must also reflect the extent of member involvement and identify other law enforcement personnel involved in the activity or investigation.
 - b. Facilitate determination of whether or not a follow-up investigation should be undertaken.
 - c. Sustain effective prosecution (if applicable).
 - d. Protect the integrity of the agency.

C. **COMPREHENSIVE INVESTIGATION** – Activities undertaken by a member (s) facilitating the identification and apprehension of a criminal offender and maximizing the probability of successful prosecution. Thus, while the definition incorporates many of the elements of a preliminary investigation, it also includes compilation of all investigative reports, statements, items of evidence, data prepared by forensic scientists and other material needed for effective prosecution.

- D. **COLD CASE** – A “Cold Case” is any criminal investigation that has not been resolved or which has a case closing status of “All Leads Exhausted.” A cold case may include Traffic Homicide Investigations with unidentified suspects and unidentified fatal victims or a Bureau of Criminal Investigations and Intelligence case which remains unsolved after all leads have been exhausted. Many cold cases have applicable “Statute of Limitations.” Information may be developed on a cold case where the applicable statute of limitations has expired. The case will be reopened, investigated if warranted, and updated with the appropriate case closing.
- E. **FUNCTIONAL AUTHORITY** – Assuming the responsibility to direct the efforts of other member(s) and technicians who are engaged in an investigation, including those present at a crime scene, in order to facilitate timely and efficient case processing and to assure collection and preservation of all items of evidence.
- F. **CHIEF INVESTIGATOR** – The Bureau Commander of the Bureau of Criminal Investigations and Intelligence.
- G. **EXCULPATORY EVIDENCE** – Evidence that is favorable to the accused; is material to the guilt, innocence, or punishment of the accused; and/or may impact the credibility of a government witness, including a law enforcement officer or other agency employee.

22.01.04 OBJECTIVES

- A. To implement and maintain standards that promotes efficient use of personnel.
- B. To establish procedures that will result in the identification of perpetrators and originators of crime and organized criminal activity, their arrest and their successful prosecution.
- C. To develop and use effective investigative techniques, and efficient and reliable methods of evidence collection and preservation.
- D. To initiate appropriate involvement and enforcement activity for cases which are brought to the attention of Division members.
- E. To promote coordination, cooperation and the maintenance of harmonious relations between the operating components of the Division and between the Division and other law enforcement agencies.
- F. To properly review the case files and evidence to determine if new techniques exist that were not previously available that may help solve a Cold Case.

22.01.05 RESPONSIBILITIES

- A. All members of the Florida Highway Patrol will:
1. Recognize the Division's responsibility and obligation for the prevention and suppression of criminal activities, as outlined in Section 321.05, Florida Statutes.
 2. Be alert for criminal activity within the area of their assignment. Cooperate fully in criminal investigations and intelligence operations as they pertain to the performance of assigned duties and responsibilities.
 3. Recognize that nothing stated herein relieves any member of the Division from the specific responsibility for taking immediate, positive, enforcement action in each situation which comes to their attention where laws relating to criminal activity are being violated. However, when the circumstances existing at the scene of the incident/offense are such as to require the application of specialized investigative techniques or when the demands placed upon the responding member clearly exceed the scope of the investigative authority delegated to him/her, the member will immediately initiate appropriate notification procedures, as listed herein.
 4. Any member that becomes aware of any exculpatory evidence shall notify their immediate supervisor. The supervisor shall ensure the information and evidence is provided to the prosecuting authority having jurisdiction.
- B. Uniformed members of the Division who encounter or respond to the scene of alleged criminal activity will:
1. Render first aid and obtain medical assistance for the injured if required and remain alert for spontaneous statements and dying declarations.
 2. Conduct preliminary investigations concerning offenses referred to or within the jurisdiction of the Department.
 3. With supervisory approval, conduct comprehensive investigations for crimes not defined as major offenses in those instances in which intervention by any investigative component has not been requested.

- a. In attempting to determine whether additional investigative effort is warranted, members/supervisors shall consider whether or not any of the following information factors are available:
- 1) Has a reliable witness to the incident been located?
 - 2) Is the suspect known or can he/she be identified?
 - 3) Has an identifiable description of the suspect/vehicle been obtained?
 - 4) Was any physical evidence recovered?
 - 5) Will recovered evidence tie the suspect/vehicle to the incident under investigation?
 - 6) Has a consultation with the State Attorney and Department legal team been made?
 - 7) Are there any statute of limitation issues?
- b. If a negative response is obtained to each of the questions referenced in Section "a" immediately above, further investigative effort will not, in all likelihood, be successful. Consequently, unless contrary instructions are received from supervisory personnel, the member shall advise the victim:
- 1) That the investigation has been concluded and that information leading to the identification of the offender has not been developed.
 - 2) That further investigative effort is not likely to be productive and the case will be closed.
 - 3) That if further information is developed, the case will be reopened, and the victim will be advised of the outcome.
- c. Follow-up reports on all open investigations shall be submitted at 30-day intervals.
- d. If no new information is received after a period of one year, the case will be classified as a cold case.

4. Upon the discovery of any major offense or in compliance with instructions provided by supervisory personnel:
 - a. Protect the scene and identify/detain witnesses.
 - b. Arrange to have a crime scene technician dispatched to the scene.
 - c. In accordance with existing arrangements established at the district/troop level, obtain immediate assistance from investigative specialists assigned to:
 - 1) The Bureau of Criminal Investigations and Intelligence
 - 2) The Traffic Homicide Component
 - 3) Federal, state, county or municipal law enforcement agencies

NOTE: No portion of this provision shall be construed to limit a member's discretion to request technical or investigative assistance, when in the judgment of the member present at the scene, such intervention is warranted.

5. Be responsible for preservation of the scene and functional authority over that scene until the member is relieved. The first member is relieved of that functional authority after certain criteria are met.
 - a. Supervisor/investigative specialist arrives on the scene; and
 - b. Supervisor/investigative specialist has been thoroughly briefed as to the situation and what has been done; and
 - c. Supervisor/investigative specialist clearly advises the member he/she is aware of the facts and is assuming responsibility for the crime scene.
6. Support statewide criminal activity analysis by providing copies of investigative reports pertaining to actual/suspected criminal activity for review by members of the Bureau of Criminal Investigations and Intelligence.

C. The Bureau of Criminal Investigations and Intelligence will:

1. Assume functional authority for conducting comprehensive investigations of major offenses which are referred to the jurisdiction of the Florida Highway Patrol.
2. Provide investigative assistance as requested by other Division/Department components and other law enforcement agencies.
3. Proactively investigate criminal activities within the State of Florida.
4. Maintain a capability for conducting analysis of criminal activity through examination of the origins, activities, personnel and incidents of crime for purposes of providing tactical and strategic crime related information internally and externally.
5. Conduct such other investigations as the Director may require.
6. Fulfill statutory responsibility for initiating and conducting proactive investigations in accordance with legal mandates.
7. The Chief Investigator or his/her designee will maintain a list of the cases investigated by the Bureau of Criminal Investigations and Intelligence which, by definition, are Cold Cases.
 - a. The Chief Investigator or their designee will assign the cold cases to investigators as appropriate.
 - b. The Chief Investigator or their designee will maintain all cold case work files in a secured and locked location when not assigned to an investigator.

D. The Traffic Homicide Coordinator will:

1. Provide periodic lists of cases that have achieved cold case status to the Traffic Homicide sergeants.
 - a. The Traffic Homicide sergeants will make necessary assignments to investigators for periodic review of cold cases.
 - b. The Traffic Homicide sergeant will maintain all cold case work files in a secured and locked location when not assigned to an investigator.

2. All criminal crash related cases that are unresolved require a follow up at 30-day intervals as per FHP Policy 17.04.

22.01.06 PROCEDURES

- A. Subject to approval of the Director, Troop Commanders and the Division's Chief Investigator may establish procedures to obtain the services of crime scene technicians and investigative specialists for major offenses which are investigated by their subordinates.
- B. If an investigation reaches cold case status, the assigned investigator will maintain the case unless the investigator promotes, transfers, retires, leaves the Department or the Director or his designee requests the case be reassigned.
- C. Cold Case Investigative Procedures and Considerations:

The success of cold case investigations is often enhanced by the use of new technology; an analysis of a case should include an inspection of all the evidence in order to verify that the evidence still exists and is adequate for use. Additional steps should include:

1. Interview with victim or victim's family, if applicable. Oftentimes, the victim or family may not wish to relive the events and may not wish to willingly participate in the investigation.
2. Examine the entire case file, evidence, and other exhibits associated with the case.
3. Talk to the investigator previously involved (if applicable) with the case and obtain their notes if available.
4. Identify any informational gaps or deficiencies.
5. Obtain information on statements that do not have a corresponding interview report.
6. Examine old information such as witness lists, lead sheets and suspect information.
7. Consider the possible application of new technology and laboratory testing methods to old evidence.
8. Re-interview formerly reluctant or uncooperative witnesses.

9. Obtain voluntary or court-ordered submissions of non-testimonial evidence from suspects such as fingerprints, DNA, handwriting, etc.
10. Publicize the current investigation in an attempt to generate new leads and information.
11. Consult with the Office of the State Attorney to review the case and to utilize as another contact for legal issues.
12. All Cold Cases investigative reports will be updated and closed with the appropriate case closing.