



# Florida Highway Patrol Policy Manual

<b>SUBJECT</b> BUREAU OF CRIMINAL INVESTIGATIONS AND INTELLIGENCE AND INVESTIGATIVE TASK FORCES	<b>POLICY NUMBER</b> 22.04	<b>ISSUE DATE</b> 02/01/1996
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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 promote 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 - Assistant Chief Investigators are 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 - Managing investigators are responsible for the supervision of subordinate personnel and for conducting criminal and administrative investigations as assigned by the Director, Chief Investigator or an Assistant Chief Investigator.
4. Sergeant (LE Investigator II)/Field Office Supervisor - Supervisory investigators are responsible for the supervision of subordinate personnel (if any) and for developing and conducting criminal investigations. Administrative investigations may be conducted as assigned by a section commander or assistant section commander. Administrative investigations will be commensurate with the rank.
5. Trooper (Investigations Trooper) - Investigators are 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 their designee shall assign an investigator on an as needed basis.
2. Call out is 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 staffing and resources are available for the investigation of certain major criminal offenses or other criminal activities.
2. When an internal 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 assistant section 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 is accountable to a section commander and/or the bureau commander.
  - b. Determine the number of personnel 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 are:
    - a. Accountable to the Investigative Task Force Commander.
    - b. To identify and provide resources and expertise needed in the investigation.
  - 5. Patrol Operations personnel assigned to a Florida Highway Patrol Task Force are:
    - a. Accountable to the Investigative Task Force Commander.
    - b. 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 their 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 task force;
2. The defining authority of each task force;
3. The staffing, equipment, and resource requirements;
4. Specific responsibilities of FHP personnel, including any relevant officer safety information;
5. Identification procedures for task force participants;
6. The chain of command for the task force and;
7. A written agreement (Memorandum of Understanding) must be completed and fully executed prior to participation.

Note: If a member becomes aware of any task force directive that would jeopardize any member of the task force's safety, they will immediately notify their Florida Highway Patrol chain of command.

#### 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, 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. Investigators will close criminal investigations when all worthwhile investigative leads have been explored or when the suspect(s) is arrested and no further investigation is warranted. Cases will not remain open pending court hearings. If new leads are developed after a case is closed or suspended, the case may be reopened.

7. Investigators will suspend cases when they are inactive due to external agency activities/circumstances out of their control (waiting on lab results, state attorney review, etc.). The 90-day investigative time limit is recalculated once the case is reactivated.
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 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 gender 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 many informants are criminals, and while friendly working relations should normally be maintained with these sources, it must be stressed that relationships 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 investigator managing a confidential source involved in criminal activity or with a criminal reputation will take adequate precautions to protect the credibility and integrity of the Division, the investigator, and the investigation in which the informant is cooperating. Precautions require strict control of the source and may include, yet are not limited to, having a second investigator present during all interactions to avoid allegations or any appearance of impropriety or misconduct.



- c. The investigator should protect themselves and the agency by informing the appropriate section commander of anticipated meetings to include the time and location and other pertinent circumstances surrounding any contact.
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. Investigators shall use the code name or number of the informant in all reports and documents.
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. The file will include a photograph, 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 an informant in an investigation must be discussed with and approved by the bureau commander.

- d. A determination that an informant participates in extraordinary activities as part of their 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 investigator will identify the confidential informant by their assigned case name or number, not by name.
- 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, Confidential Informants, for more comprehensive information regarding confidential informants.