

# WINTER HAVEN POLICE DEPARTMENT

## GENERAL ORDER 42.1

### CRIMINAL INVESTIGATIONS

**ACCREDITATION STANDARDS:** CALEA –42.1.3, 42.2.1, 42.2.7, 42.2.10; CFA –5.05, 15.01, 15.03, 15.05, 15.06, 15.07, 15.10, 15.18, 31.02

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**LAST REVISED DATE:** August 20, 2018

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### POLICY

It shall be the policy of the Winter Haven Police Department to utilize the integrated resources of investigative and patrol functions to maintain an effective criminal investigative function to arrest, convict perpetrators and to recover stolen property. All members of the Winter Haven Police Department shall comply with all applicable constitutional requirements.

### PURPOSE

The purpose of this General Order is to establish and delineate responsibilities for the criminal investigations function within the Department.

## **SCOPE**

This General Order shall apply to all Department members.

## **DISCUSSION**

The Department is committed to the investigation of all criminal activity. The members responsible for criminal investigations are both uniform and investigations members.

While an effective criminal investigative process involves a coordinated effort among many components within the Department, the primary responsibility rests with the Investigations Division.

## **PROCEDURE**

### **I. Uniform Services Responsibilities**

- A.** It shall be the responsibility of officers to conduct preliminary investigations of all types of crimes.
- B.** *Preliminary Investigations:* A properly conducted preliminary investigation may be sufficient to bring a case to a satisfactory conclusion, thereby eliminating the need for follow up investigation. A preliminary investigation of all criminal activity begins when uniformed members arrive on scene of an incident. The preliminary investigation should continue until such time as postponement of the investigation or transfer of responsibility shall not jeopardize the successful completion of the investigation.

The first officer arriving on scene of an incident shall protect life, render aid, secure and protect the scene, as well as evidence. (CFA 15.10b)

- C.** The officer conducting the preliminary investigation shall:
  - 1.** Determine if a criminal offense has been committed, the exact nature of the criminal offense and the location that the criminal offense took place.
  - 2.** Observe all conditions, events and remarks. (CALEA 42.2.1a)
  - 3.** Locate and identify all witnesses. (CALEA 42.2.1b)
  - 4.** Interview victim(s), witness(s), complainant(s) and obtain their statement(s), if statement(s) can be obtained. (CALEA 42.2.1d)
  - 5.** Maintain and protect the crime scene and collect or arrange for the collection, of all evidence. (CALEA 42.2.1c)
  - 6.** Determine the identity of the suspect or suspects, interview the suspect(s), and effect an arrest is possible. (CALEA 42.2.1d)
  - 7.** Furnish other agencies description(s), method and direction of travel and any other relevant information concerning the suspect or suspect vehicle.
  - 8.** Accurately and completely record all information in a case report.

- D. Supervisors may authorize patrol officers to participate in follow up work in conjunction with an Investigations member who has assumed case agent status.
- E. Patrol officers shall conduct follow up investigations on misdemeanor cases. This does not preclude patrol officers from seeking assistance or guidance from Investigative Services members.
- F. Patrol supervisors shall be responsible for ensuring that preliminary investigation reports are complete. All pending felony investigations are forwarded to Investigative Services supervisors for case assignment.

## **II. Case Management**

- A. The Investigative Service Bureau Sergeant's shall maintain a record keeping system to document and track all assigned cases. This shall include any cases inactivated by the reviewing supervisor. This system shall, at a minimum, document the following: (CALEA 42.1.3a) (CFA 15.01a)
  - 1. Case number of the assigned case.
  - 2. Date the case was assigned.
  - 3. Detective the case was assigned to.
  - 4. Victim.
  - 5. Crime committed.

## **III. Case Assignment**

- A. The Investigative Services Bureau Lieutenant shall be responsible for ensuring reports submitted from patrol are forwarded to the appropriate investigative unit supervisor, who shall be responsible for determining if cases shall be assigned to a detective or inactivated at the time of review.
- B. The decision to conduct an investigation and assign to a detective shall be based on solvability factors, investigative procedures required, totality of the circumstances and the gravity of the offense. The following are guidelines in determining solvability factors:
  - 1. Suspect information:
    - a. Known suspect.
    - b. Known location of suspect.
    - c. Suspect unknown but identifiable.
    - d. Suspect described or composite completed.
    - e. Vehicle identified.
    - f. Modus Operandi indentified (M.O.).

2. Victim information:
    - a. Cooperative victim.
    - b. Victim location/whereabouts known
  3. Physical evidence:
    - a. Was any evidence present?
    - b. Scene was processed and evidence collected.
    - c. Is stolen property traceable?
  4. Investigative information:
    - a. Witness(s) identified.
    - b. Statements are consistent.
    - c. Active leads present.
- C.** The following cases are automatically assigned for follow up investigation:
1. Homicide/death investigations.
  2. Sexual battery.
  3. Robbery.
  4. Aggravated battery.
  5. Auto theft.
  6. Missing juvenile.
  7. Child abuse.
  8. Elderly abuse.
  9. Arson.
  10. Missing and endangered persons.
- D.** *Priority Codes:* Priority codes that are most appropriate to the case to be assigned shall be written in the proper space on the Detective Assignment Sheet by the assigning supervisor. The priority code levels are as follows:
1. *Priority A:* Has positive solvability factors or is a serious incident. Has a high clearance rate potential and requires immediate follow up investigation.
  2. *Priority B:* Has positive solvability factors but not an unusual incident. Has medium clearance rate potential and requires follow up investigation.
  3. *Priority C:* No positive solvability factors, routine incident. Low clearance potential and requires no follow up investigation. These cases require a contact

with the victim which may be accomplished by a letter.

- E.** On assignment of a Priority A or Priority B case, a detective shall conduct a thorough and complete investigation and document this investigation by a supplement report. The following timelines shall apply:
  - 1.** Detectives must submit a supplement report on each case assigned to them within fourteen days of assignment. This supplement report shall include investigative efforts performed to date and the results of these efforts.
  - 2.** If an investigation continues, another supplement report shall be submitted no later than twenty-one days after the first supplement report, either clearing the case or inactivating the case, no further leads.
  - 3.** For an investigation to continue past twenty-one days, approval from their supervisor shall be obtained.
  
- F.** When a detective or supervisor receives a Priority C case, the detective or supervisor shall:
  - 1.** Review the report for M.O. or intelligence information and forward any such information to the Intelligence Detective, if applicable;
  - 2.** Ensure that serialized stolen property has been entered into NCIC/FCIC;
  - 3.** Make contact with the victim to ensure that the facts in the original report are correct and no new information has been developed. A letter may be utilized for this contact; and
  - 4.** Complete a supplement report documenting the above actions.

#### **IV. Case Files**

- A.** On all cases in which investigative activities are on-going, a case file shall be maintained by the assigned detective. The case file shall contain: (CFA 15.01a)
  - 1.** A copy of all preliminary offense/incident reports. (CALEA 42.1.3c)
  - 2.** A detective lead sheet that shall document what detective activity has taken place. (CALEA 42.1.3c)
  - 3.** All statements. (CALEA 42.1.3c)
  - 4.** The results of examination of any physical evidence. (CALEA 42.1.3c)
  - 5.** All other reports or records needed for investigative purposes. (CALEA 42.1.3c)
  - 6.** Case number (CALEA 42.1.3a)
  - 7.** Date assigned (CALEA 42.1.3a)

8. Detective assigned (CALEA 42.1.3a)
  9. Case status. (CALEA 42.1.3a)
- B.** An administrative designation of “active,” “closed no further leads (inactive),” “unfounded,” “exceptionally cleared,” or “cleared by arrest” shall be assigned to each case. Criteria for these designations is as follows: (CALEA 42.1.3b)
1. Active indicates that the case is assigned to a detective and investigative efforts are active or on-going.
  2. Closed No Further Leads indicates that all available leads have been exhausted but the case has not been brought to a satisfactory conclusion and investigative efforts may be resumed at a later date. The case is administratively closed with a designation of “No Further Leads”.
  3. Unfounded indicates that the case has been investigated and it was determined that a crime did not occur.
  4. Exceptionally cleared indicates that the case has been satisfactorily concluded by means other than a custodial arrest (i.e. complaint affidavit, waiver of prosecution, etc.).
  5. Cleared by arrests indicates that the case has been satisfactorily concluded by the custodial arrest of the suspect.
- C.** Investigative case files within the Investigations Division shall be secured when not actively being investigated. An Investigations Supervisor shall have access to these files should they be needed by other members authorized to review the file. (CALEA 42.1.3d) (CFA 15.01c)
- D.** Once a case is cleared by any of the above described administrative designations, the original file shall be forwarded to the Records Division. The original file sent to records must contain all information of the detective’s case file. The investigating detective may maintain a copy of the case file in their records.
- E.** The case files in the Records Division shall be available for review by detectives and other law enforcement officers, for the purposes of crime analysis, investigative purposes, or any legitimate law enforcement purpose. Investigative files shall be maintained in accordance with Florida State Statute 119, public records laws. (CALEA 42.1.3d) (CFA 15.01a,b)
- F.** Records shall be maintained and purged in accordance with Florida State Statute 119 and 257, and in compliance with General Order 82.1. All unsolved homicides shall be kept in the Records Division indefinitely. (CALEA 42.1.3e)

**V. Investigations Responsibilities**

- A.** Detectives shall have the responsibility of conducting follow up investigations of all cases as assigned by an Investigations Supervisor.

- B.** All criminal cases shall be followed up at least one time in order to ensure that the facts are properly recorded and to determine if additional information is available.
- C.** Cases shall be assigned to detectives based on expertise and training for the following:
  - 1. Homicide/death investigations.
  - 2. Burglary.
  - 3. Theft/auto theft.
  - 4. Economic crimes.
  - 5. Child abuse/neglect and sex crimes.
    - a. When investigating crimes of sexual violence the Sexual Battery Investigative Checklist (whpd-163) shall be completed.
  - 6. Crimes against persons (i.e. robbery, aggravated battery, etc.).
- D.** Procedures to be followed when conducting follow up investigations are as follows:
  - 1. Reviewing and analyzing all previous reports prepared in the preliminary investigation. (CFA 15.10d)
  - 2. Reviewing any past Department records that would assist in solving the case.
  - 3. Conducting additional interviews.
  - 4. Seeking additional information from uniformed officers, other agencies, informants, etc.
  - 5. Preparing search warrants per legal guidelines and collecting physical evidence.
  - 6. Requesting and/or reviewing results from laboratory examinations.
  - 7. Arranging for dissemination of information as appropriate.
  - 8. Planning, organizing and conducting searches.
  - 9. Identifying, preparing arrest warrants per legal guidelines and apprehending suspect(s).
  - 10. Checking suspect(s) criminal history.
  - 11. Determining suspect(s) involvement in other crimes/cases.
  - 12. Preparing case for court prosecution.
  - 13. Assisting in the prosecution.

- E.** All follow up investigations shall be documented on a supplement report and a lead sheet by the investigating detective.
- F.** The victim or complainant shall be contacted by the assigned detective (second contact) within five business days of being assigned the case. If there are any changes in the case, the detective shall contact the victim or complainant within five business days of the change in the case. These "second contacts" may be made either in person or by telephone.
- G.** The initial case report, when properly prepared, serves as a checklist for most investigators. For major crimes or complicated investigations, detectives shall use a check list to help ensure that critical areas are not overlooked. Checklists to be used are as follows:
  - 1. Sexual Battery Investigation Checklist (whpd-163); (CFA 18.12b, c, d)
  - 2. Aggravated Child Abuse Investigation Checklist (whpd-165);
  - 3. Death Investigation/Homicide Investigation Checklist (whpd-166);
  - 4. Missing Persons Investigation Checklist (whpd-209);
  - 5. Person Crimes Investigation Checklist (whpd-215); or
  - 6. Robbery Investigation Checklist (whpd-228).

Investigative checklists shall be completed by the investigating detective and maintained in the case file. Supervisors shall review checklists to ensure that proper investigative steps are taking place. (CFA 15.10d)

- H.** The polygraph/computerized voice stressed analysis (CVSA) is a supplement to and not a substitution for a complete and thorough investigation. The effectiveness of a polygraph examination depends on the quality of the investigation. When a detective decides to utilize a polygraph examination, the following shall apply: (CFA 15.05)
  - 1. The case detective shall arrange an appointment with the polygraph/CVSA operator for the administration of the examination.
  - 2. The detective shall withhold from the suspect key case information which would normally be known only by the suspect (i.e. type of weapon used, method of entry, evidence that may have been left behind, etc.).
  - 3. All polygraph/CVSA examinations shall be administered by a certified polygraph/CVSA operator. The certified polygraph/CVSA operator shall make the final decision whether or not the subject is suitable for examination. (CFA 15.05)
  - 4. The polygraph/CVSA may be used at any time during the investigation.
- I.** After a case has been assigned to a detective for twenty business days and no further investigative leads have developed and laboratory results are not pending, a case may be inactivated. Within five business days of the inactivation the detective shall contact the victim or complainant by person, telephone, or inactivation letter.

## **VI. Detective Callout**

- A.** It shall be the responsibility of the Investigative Services Bureau Lieutenant to establish and maintain a callout roster for detectives and crime scene. This roster shall be distributed to all personnel monthly.
- B.** The Investigative Services Bureau Captain shall establish and maintain a callout roster for supervisors assigned to the Investigative Services Bureau.
- C.** It is the responsibility of all supervisors to ensure that they have a copy of the detective and crime scene call out schedules for each month. These copies should be readily available to all supervisors if the need to call a detective or crime scene out arises.
- D.** Listed below are crimes/incidents when a detective and/or crime scene shall be notified and/or called out.
  - 1.** Homicide.
  - 2.** Suicide.
  - 3.** Suspicious death (just the fact that a doctor shall not sign a death certificate does not constitute a suspicious death).
  - 4.** Sexual battery on an adult when one of the following is present:
    - a.** Injury to the person;
    - b.** Weapon involved;
    - c.** Occurred within the last 48-hours; or
    - d.** Another crime occurred in conjunction with the sexual battery (i.e. kidnapping, false imprisonment, etc.).
  - 5.** Any sexually related crime involving a child.
  - 6.** Any of the following robberies:
    - a.** Any commercial robbery;
    - b.** Armed home invasion robbery; or
    - c.** Any robbery involving a firearm.
  - 7.** Aggravated battery with serious injuries.
  - 8.** Aggravated assault when shots are fired.
  - 9.** Fire with serious injury or death has occurred.
  - 10.** Officer Involved shooting.
  - 11.** Missing persons that are endangered.
- E.** On-duty supervisors shall respond to the scene of any call for service that may require a detective and/or crime scene. This applies to normal duty hours for investigations and during call-out hours. Once on scene, the supervisor shall obtain all information

available about the crime, suspect(s), and scene before contacting the on call Investigative Services Supervisor.

- F. Detectives and/or crime scene shall respond to all requests for call-out from a supervisor.

## VII. Interviews

- A. Interviewing is a conversation for the purpose of obtaining and/or developing information. All Interviews shall be conducted in accordance with established state and federal law. There are two types of interviews:
  - 1. *Custodial Interview* – Any interview or contact between a law enforcement officer and a suspect, where either the suspect is not free to leave or the law enforcement officer's actions would lead a reasonable person to believe that they are not free to leave.
  - 2. *Non-Custodial Interview* – Any interview or contact between a law enforcement officer and a suspect, where either the suspect is free to leave or the law enforcement officer's actions would lead a reasonable person to believe that they are free to leave.
- B. It is mandatory to advise a suspect of their Miranda Warning for all custodial interviews. This should be documented on a Winter Haven Police Department Rights Waiver form (whpd-08). (CFA 15.06)
- C. When conducting interviews, the following shall be adhered to: (CFA 15.06)
  - 1. No attempt shall be made to obtain a confession or statement by force, coercion or promise.
  - 2. Ensure that suspects are not subjected to unusually long interview periods without allowing for reasonable breaks.
  - 3. Do not deny a suspect of necessities such as water, food, or the use of restroom facilities.
  - 4. Do not subject a suspect to an inhumane atmosphere, physical abuse or the threat of abuse.
  - 5. If a suspect invokes the right to counsel or silence, the interview shall cease. If a suspect voluntarily reinitiates an interview, the officer shall advise the suspect Miranda Warning and may resume questioning.
- D. When possible, all statements (i.e. victim, witness, suspect, etc.) shall be tape recorded or obtained in writing.
- E. When necessary, witnesses may be subpoenaed to provide information. Witness subpoenas shall be processed and coordinated through the State Attorney's Office.
- F. Interviews of persons with Autism or Autism Spectrum Disorder: Pursuant to Section 943.0439, F.S, when a victim, suspect, or defendant diagnosed with autism or an autism

spectrum disorder, or the individual's parent or guardian, requests a professional be present at all interviews, members shall: (CFA 15.18)

1. Make a good faith effort to ensure that a professional, as defined in this General Order, is present at all interviews of the individual.
2. Advise the individual making the request for a professional that all expenses related to the attendance of the professional at the interview shall be the responsibility of the requesting individual, parent or guardian.
3. Ask the individual making the request for a professional, if they have a particular professional they would like to request. If the individual making the request does not have or know of a particular professional to contact, members may contact agencies/organizations for assistance in obtaining a professional.
4. If a good faith effort has been made to locate a professional and all attempts were unsuccessful, the individual may be interviewed without a professional present.
5. Training shall be conducted via PowerDMS for all affected agency members and any new members, periodic refresher training shall be conducted during in-service training or via PowerDMS.

#### **VIII. Interview Rooms**

- A. It shall be the procedure of the Winter Haven Police Department to operate and maintain all rooms utilized for interviews in a safe and properly controlled environment. It shall further be the procedure to ensure that those utilizing the interview rooms have the skills, knowledge and ability to operate and control the designated rooms. Suspect, detainee or prisoner shall be monitored at all times (e.g CCTV) and shall not be left unattended for more than ten minutes while in any secure location within the Department other than the Temporary Detention Facility.(CALEA 42.2.10b, )
- B. Interview rooms are designated rooms where statements from victims, witnesses and/or suspects are obtained relating to criminal investigations. This shall include all rooms utilized for interviews, polygraph and/or CVSA examinations where it is likely that the interview could turn into an interrogation and arrest of a person.
- C. The officer/detective conducting the interview shall control access to the interview room shall be identified and verified. These individuals may be subject to a pat-down for weapons and contraband. (CFA 31.02b)
- D. Weapons: (CALEA 42.2.10a) (CFA 31.02c)
  1. While conducting interviews, all agency-issued or approved firearms shall be properly secured in a holster.
    - a. When using the Temporary Detention Facility interview room, all firearms must be removed and placed in the lock box.
  2. If an officer/detective chooses to enter an interview room unarmed, their firearm

must be secured in a lock box or trunk of an agency vehicle.

3. Officers/detectives shall use discretion when wearing any nonlethal weapon(s) in the secure interview room. If the decision is made not to wear the nonlethal weapon(s) within the secure interview room, the weapon(s) shall be stored in a secure area.

**E.** Security (CALEA 42.2.10b)

1. Each monitoring room shall have access to a 911 – capable telephone, cellular telephone or an agency-issued portable radio for summoning assistance, if needed. (CALEA 42.2.10d) (CFA 31.02h)
2. The officer/detective conducting the interview shall ensure that the suspect/detainee/prisoner and the interview room have been properly searched for contraband and weapons prior to placing them in the interview room, for the protection of all individuals and to prevent an escape attempt. (CFA 31.02a,d,i)
3. Any personal item(s) or property removed from an individual shall be secured for safekeeping, prior to placing the individual in an interview room. Upon conclusion of the interview, the personal item(s) or property may be returned to the individual, transported with the individual to the Polk County Jail, or submitted as evidence, in accordance with General Order 84.1 Property and Evidence Control. (CFA 31.02e)
4. Officers/detectives utilizing an interview room shall ensure a physical inspection is completed prior to and upon completion of the room being utilized. Members who discover problems with an interview room shall immediately report them to the on duty supervisor for corrective action. (CFA 31.02i)
5. All sworn law enforcement personnel who are the subject of a criminal investigation shall be directed by a supervisor to remove and secure all weapons and firearms, prior to entering any interview room.
6. Interview rooms shall have fire evacuation routes, emergency procedures, and emergency exits marked and posted throughout the building, in accordance with local fire codes. All fire equipment by type and location shall be clearly accessible to all members utilizing an interview room. (CFA 31.02g)
7. Suspects/detainees/prisoners shall remain under the interviewing officer/detective's control during any medical or emergency situations. In the event of a building evacuation (e.g. power failure, bomb threat, or fire), the interviewing officer/detective shall be responsible for the control of the suspect/detainee/prisoner while removing them from the building. (CFA 31.02f)

- F.** The nature and severity of the offense under investigation shall govern the number of officers/detectives present inside the interview room. Under normal circumstances, no more than two officers/detectives should be present during the interview/interrogation of a suspect. (CALEA 42.2.10c)

- G.** The standard interview room may contain the following furniture: (CALEA 42.2.10e)

1. Table/desk;
  2. Chair for each occupant; and/or
  3. Additional equipment and/or furniture may be brought into designated interview rooms as deemed necessary.
- H. Reasonable requests made by subjects for access to restrooms, water and/or comfort breaks can be granted upon request. (CALEA 42.2.10f)

## **IX. Field Interviews**

- A. Field interviews are a means of collecting, preserving, and disseminating information about suspicious activity of individual and/or vehicles. Officers making temporary stops of individuals or vehicles for the purpose of conducting an investigative interview may detain a person if the officer has reasonable suspicion that the person is committing, has committed, or is about to commit a crime. The right to detain pertains to both pedestrians and vehicles and may be exercised on reasonable suspicion of any crime. (CFA 15.07a)
- B. Reasonable suspicion is more than a “hunch” and must be based on identifiable circumstances but does not rise to the level of probable cause that is necessary to affect an arrest. Reasonable suspicion coupled with an officer’s experience may justify a belief that a person to be stopped has committed, is committing, or about to commit a crime. Elements that may establish reasonable suspicion include but, are not limited to the following: (CFA 15.07a)
1. The person fits the description of a suspect wanted for committing a crime.
  2. The vehicle fits the description of a vehicle used to commit a crime.
  3. The person flees at the sight of a law enforcement officer.
  4. The person or vehicle is seen leaving the area of a crime.
  5. The person is behaving or maneuvering a vehicle in a manner which indicates criminal activity.
  6. The time of day or night.
  7. The type of neighborhood or physical surroundings.
  8. The officer’s prior knowledge of the person or their criminal record.
- C. A person or vehicle that has been stopped based on the above may only be detained for a reasonable amount of time. This should be based on the amount of time it takes an officer to obtain or identify the person and/or obtain an accounting for the person’s presence or conduct. The person should be released as soon as the interview is complete, unless probable cause develops to affect an arrest.
- D. Persons and/or vehicles may only be detained at or near the scene of the stop and

should not be moved to another location without their consent.

- E.** All field interviews shall be documented on a Field Intelligence Report (FIR). The FIR should document the following: (CFA 15.07b)
  - 1. Date and time of encounter;
  - 2. Call/case number;
  - 3. Persons name and description and/or vehicle description;
  - 4. Location of the encounter;
  - 5. Reason for the encounter; and
  - 6. Results of the interview.
  
- F.** Members who have completed an FIR shall forward it to their supervisor for approval. The supervisor shall distribute FIR's in the following manner: (CFA 15.07c)
  - 1. The original copy shall be forwarded to the Records Division, either electronically or by printed copy.
  - 2. A copy of the FIR shall be forwarded to the Investigative Services Bureau Lieutenant. The Lieutenant shall determine the appropriate investigative division or detective for which the information pertains.
  
- G.** Nothing in this section precludes an officer from making consensual contact with any person. Officers are reminded that persons are afforded the guarantee under the United States Constitution the right to refuse to answer questions.

**X. Information Development**

- A.** Case reports and Field Intelligence Reports are basic sources of information. All reports received shall be reviewed by the General Investigations Supervisor to obtain any valuable criminal intelligence, crime patterns, or significant information.
  
- B.** Additional sources of information include, but are not limited to:
  - 1. Criminal intelligence bulletin.
  - 2. Crime analysis data.
  - 3. Neighborhood and civic organization meetings.
  - 4. Intelligence and gang meetings.
  - 5. TIP line.
  - 6. Other Department divisions and units.
  - 7. Local, state, and federal agencies.
  - 8. Intelligence bulletins, Bolo's.
  - 9. Media.
  - 10. Internet social networking sites.
  
- C.** Investigators shall periodically attend roll call, which is conducted for Patrol Officers, to

enhance relationships between these entities and provide for the exchange of information.

- D. All criminal intelligence shall be collected, processed, disseminated and purged per General Order 51.1.

#### **XI. Surveillance**

- A. Surveillance, undercover, and decoy operations shall be conducted in accordance with General Order 43.1.

#### **XII. Habitual/Career Offenders**

- A. The Court Liaison Officer shall be responsible for coordinating with the State Attorney's Office to ensure that all subjects arrested for a felony and who meet the criteria, as defined in Florida State Statute 775.08401, of a violent career criminal, habitual felony offender, habitual violent felony offender, three time repeat violent felony offender, or prison release re-offender are prosecuted pursuant to Florida State Statute 775.08401.

#### **XIII. Confidential Informants**

- A. The development of confidential sources of information by patrol officers and detectives is encouraged. Along with the use of confidential sources is the inherent danger or civil liability, poor control and complaints by the confidential source regarding the officers. The following procedures shall be adhered to by all sworn members that utilize a confidential source.
  - 1. Any officer who intends to use a confidential source shall submit a Confidential Informant File to the Intelligence Unit. The Confidential Informant File shall contain the following: (CFA 15.03b)
    - a. Biographical and background information. (CALEA 42.2.7b)
    - b. Criminal history summary. (CALEA 42.2.7b)
    - c. Payments made to the confidential informant (after approval for use).
    - d. Confidential informant's involvement in operations.
    - e. Code number of each confidential informant (issued by intelligence detective). (CALEA 42.2.7b)
    - f. Summary reports relative to the confidential informant's information.
    - g. Photograph of confidential informant.
    - h. Fingerprints of confidential informant.
    - i. Consent and release of liability form signed, witnessed and dated.
  - 2. The Intelligence Unit shall assign a confidential informant control number to each

confidential informant. The number system shall be in sequential order on a yearly basis (i.e. 95-09). This example would indicate the year the confidential informant began service with the Department and that they were the 9<sup>th</sup> informant documented that year. (CALEA 42.2.7b, d) (CFA 15.03d)

- 3.** The Intelligence Unit shall maintain a master file that shall list all informants that are used by the agency. This master file shall be kept in the secure storage of the confidential informant files. (CALEA 42.2.7a, c) (CFA 15.01a,c, 15.03a,c)
- 4.** Before any sworn member uses a confidential informant, they shall check the following information: (CFA 15.03b)
  - a.** Has the informant been charged with a crime?
  - b.** Has the informant been proven to be reliable?
  - c.** Does the informant expect the charges pending against them to be lessened, dismissed or the sentence to be reduced?
  - d.** Does the informant expect to be paid for information?
  - e.** Does the informant expect to work for officer(s) for immunity for crimes committed?
  - f.** Is the informant's information reliable?
  - g.** Can the informant be dependable and reliable?
  - h.** Can a deal be made ethically and legally?
  - i.** Check with the State Attorney's Office for approval of the informant and to determine if the informant has charges pending or on probation/parole.
- 5.** All of the above must be completed before an informant can be used in an operation or paid for information.
- 6.** Confidential informant files shall be maintained by the Intelligence Unit. These files shall be stored in the Investigative Services Bureau in a secure filing cabinet, which shall be locked at all times, except when in use. The files shall be kept separately from any other files. Confidential informant files shall not be removed from the Investigative Services Bureau or any information disseminated from any file without approval from the Chief of Police or a court order. The following persons shall have access to confidential informant files: (CALEA 42.2.7c) (CFA 15.01b,c, 15.03b,c)
  - a.** The Chief of Police, Investigative Services Bureau Commander or Investigative Services Bureau Lieutenant.
  - b.** Sworn members with written authorization from persons listed above.
- 7.** Confidential informants shall never be mentioned in official Department reports by name. (CALEA 42.2.7d) (CFA 15.03d)

- 8.** Sworn members shall be responsible for updating any information in the informant's file. This may include payments to informants, documentation of reliability or any arrest/charges that occurred after documenting the informant.
- 9.** It is the responsibility of the contact officer or detective to control a confidential informant. The contact officers and detectives shall take all possible steps to ensure the following: (CALEA 42.2.7f) (CFA 15.03f)

  - a.** Confidential informant's involvement with suspects shall be limited.
  - b.** Confidential informant's information is verified through other investigative resources.
  - c.** A confidential informant that shall handle money or contraband must be aware that they may have to testify in court.
  - d.** If an informant is working with another agency, contact the agency to ensure that there is not any duplication of efforts and to establish the reliability of the informant.
  - e.** Two officers shall be present when meeting with a confidential informant, especially if the informant is of the opposite gender.
  - f.** Meetings with informants shall be in such a place or way that the informant shall not be exposed to revealing their identity or association with law enforcement.
  - g.** Relationships between sworn members and informants shall be ethical and professional in nature.
  - h.** Sworn members shall not knowingly permit any illegal act by an informant.
  - i.** If the confidential informant's services may be in consideration for pending charges (i.e. reduced charges, etc.), the informant must be made aware that any reduction in charges is at the discretion of the State Attorney's Office. At no point will a member make any promises, of a reduction in charges, to the confidential informant.
- 10.** Juvenile confidential informants can be a valuable asset when gathering information. The use of a juvenile informant shall require approval from the sworn member's bureau commander. Juvenile informants shall be utilized in accordance with the following guidelines: (CALEA 42.2.7g) (CFA 15.03g,h)

  - a.** The sworn member must meet with the juvenile and their parent/legal guardian. Approval from the parent/legal guardian must be obtained to utilize a juvenile informant.
  - b.** The juvenile informant and the parent/legal guardian shall read and sign the Code of Conduct for Confidential Informant form.

- c. The juvenile's confidential informant file shall be stamped/marked "Juvenile".
  - d. All other confidential informant guidelines shall remain in effect.
- 11. Sworn members shall receive training on the Department guidelines for recruiting, registering and using confidential informants. (CFA 15.03i)
- 12. In accordance with Florida State Statute 914.28, known as "Rachel's Law" effective July 1, 2009, an annual review of actual agency confidential source practices shall be conducted to ensure conformity with the agency's policies and procedures and Florida State Statute 914. This review shall be conducted by the Investigative Services Bureau Commander. (CFA 15.03j)

**XIV. Confidential Funds/Payments (CALEA 42.2.7e) (CFA 15.03e)**

**A. Maintaining, Requesting and Disbursement of Confidential Funds**

- 1. The Investigative Services Bureau Commander shall be responsible for the confidential funds system used for: (CFA 5.05a)
  - a. Investigative expenses.
  - b. Confidential informant funds.
- 2. A record shall be maintained by the Investigative Services Bureau Commander on all cash received and disbursed from this fund. These records shall include:
  - a. Cash available;
  - b. Cash on hand;
  - c. Expenditure by case; and
  - d. Monthly expenditure summary.
- 3. The Investigative Services Bureau Commander shall maintain on-hand cash fund to be used by sworn members for authorized expenses during an on-going investigation. This fund shall be secured and locked.
- 4. Sworn members wishing to request investigative funds shall submit a Request for Investigative Funds (whpd-106a) form to the Investigative Services Bureau Commander. Once the request for funds has been approved, the Investigative Services Bureau Commander shall meet with the requesting sworn members to issue the funds. The approved funds may be issued in cash or by check for large requests. The issuing of funds to sworn members shall be documented by receipt as follows: (CFA 5.05b)
  - a. Original receipt shall be placed in the confidential funds disbursement journal attached to the approved Request for Investigative Funds form;
- 5. Sworn members receiving investigative funds shall track these funds on the Confidential Funds Expense Report form (whpd-106b). Entries on the expense report shall include: (CFA 7.06c)

- a. Amount and purpose of payment;
- b. Date;
- c. Sworn member's name;
- d. Confidential informant's control number;
- e. Original receipt (white) of funds issued, which shall be attached to the form; and
- f. Information on material purchased:
  - 1) If information, refer to the intelligence report number or case number.
  - 2) If property and/or contraband refer to Department case number.

**6.** Authorized expenses are: (CFA 5.05f)

- a. Payment to confidential informants for information.
- b. Funds to purchase evidence (i.e. contraband, drugs, stolen property, etc.).
- c. Expenses incurred by sworn members during an investigation that were necessary and reasonable in order to continue the investigation.
- d. Sworn members who incur investigative expenses are responsible for justifying to the expenses to the Investigative Services Bureau Commander.

**7.** Audits of investigative money shall be conducted on a quarterly basis. (CFA 5.05e)

**B.** Confidential Informant Payment Guidelines

- 1. No final agreement of payment or offer of payment shall be made to a confidential informant without the approval of the sworn member's immediate supervisor.
- 2. Payments in excess of \$200.00 for confidential informants shall require approval of the Investigative Services Bureau Commander or the Chief of Police. (CFA 5.05d)
- 3. All payments made to a confidential informant shall be made directly to the informant.
- 4. Confidential informants shall be paid in amounts appropriate based on the following criteria:
  - a. Nature and complexity of the case.
  - b. Impact of the case/arrest on the community.
  - c. Past reliability and work record of the confidential informant.
  - d. Confidential informants willingness to testify in court.

**C.** Documenting Payment to Confidential Informants

1. All payments of money to a confidential informant shall be documented in the confidential informant's file.
2. All payments to a confidential informant shall be recorded on a Receipt of Investigative Funds (whpd-325). Copies shall be distributed as follows:
  - a. The original copy shall be attached to the Confidential Funds Expense Report; and
  - b. A copy shall be sent to the intelligence detective to be placed in the informant's file.
3. The above listed receipts shall contain the following:
  - a. Description of evidence or information received;
  - b. The amount of payment;
  - c. Date payment was made;
  - d. Signature of the informant or the informant's control number;
  - e. Signature of the sworn member making the payment;
  - f. Signature of the sworn member other than the paying sworn member as a witness to the payment;
  - g. Approving supervisor's signature; and
  - h. Case number.
4. If a correction needs to be made on a receipt for payment to an informant, the error shall be crossed out with a single line and initialed by the sworn member making the correction/completing the receipt.
5. Cumulative or anticipatory receipts shall not be permitted. Receipts shall only be issued for the money paid at the time.

**XV. Task Force**

- A. The use of a task force shall be approved by the Chief of Police. The Chief of Police shall approve the assignment of sworn member to any task force.
- B. The use of a task force may be appropriate when:
  1. A major investigation requires more resources than normally available from an individual unit or department/agency.
  2. A series of major crimes have occurred which have crossed the boundaries of multiple jurisdictions.
  3. A crime problem is so extensive or widespread that a large scale police operation with specific objectives is required.
- C. When a task force is used to investigate a crime problem, the group shall be issued in writing:
  1. A statement identifying the purpose;

2. A written agreement, chain of command and designated responsibilities; and
  3. A statement of accountability for both supervisors and line personnel and a list of available resources.
- D. The productivity of a task force shall be evaluated and the results forwarded to the Chief of Police. The Chief of Police shall then determine if the task force is to continue or be disbanded.

**XVI. Definitions**

- A. *Confidential Source/Informant* – An individual who furnished or is in a position to furnish valuable information or resources pertaining to criminal matters or interest to the Department.
- B. *Autism*-A pervasive, neurological based developmental disability of extended duration which causes severe learning, communication, and behavior disorders with age of onset during infancy or childhood. Individuals with autism exhibit impairment in reciprocal social interaction, impairment in verbal and nonverbal communications and imaginative ability, and a markedly restricted repertoire of activities and interests.
- C. *Autism Spectrum Disorder*- Any of the following disorders as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association: Autistic disorder, Asperger's syndrome, and Pervasive developmental disorder not otherwise specified. (Sections 627.6686 and 641.31098, F.S.)
- D. *Professional*- A psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker, or related professional. The professional must have experience treating, teaching, or assisting patients or clients who have been diagnosed with autism or an autism spectrum disorder or related developmental disability or must be certified in special education with a concentration focused on persons with autism or an autism spectrum disorder in accordance with Section 943.0439 F.S.

APPROVED   

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**Charles E Bird**  
**CHIEF OF POLICE**