

CHAPTER THIRTY-FOUR
CRIMINAL INVESTIGATIONS

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CHAPTER THIRTY-FOUR
CRIMINAL INVESTIGATIONS

I. PURPOSE

The purpose of this directive is to establish guidelines for the operation of Criminal Investigations.

II. DISCUSSION

This Directive shall apply to all members associated with criminal investigations. The function of Criminal Investigations is to accomplish justice by determining the accurate detection of the offender and by making it possible in a trial to sustain the State's burden of criminal proof. The goal of law enforcement is to protect life and property from the criminal element. When crimes do occur it is necessary for law enforcement officials to determine the perpetrator and his/her locations. This criminal investigation becomes an integral and most important part of law enforcement. The personnel responsible for criminal investigations within the Monroe County Sheriff's Office are both patrol and detective personnel. It is the policy of the Sheriff that the Detective be responsible for all detailed investigations relating to death investigations, aggravated assault, serious injuries, robberies, sex crimes, burglaries, missing persons, detention facility crimes, crimes against children, frauds, forgeries, illegal checks, counterfeiting, auto thefts, arson and other document and white collar crimes. Detectives will also conduct latent investigations on all referred offenses. Divisions I, II, III and IV shall have a Criminal Investigation component supervised by a Detective Sergeant answerable to the Division or Station Commander.

III. POLICY AND PROCEDURE

A. Detective Availability

Each Criminal Investigations Unit shall have an "on-call" Detective roster to be left in the Communications Center and with the Division Commander. This shall be the responsibility of the Detective Sergeant. Detectives will respond to all:

- Homicides;
- Aggravated Battery;
- Robbery;
- Sexual Battery (involving adult and juvenile victims)
- Suicide;
- Cases which require specialized skills, knowledge and abilities beyond those of uniformed officers.
- Arson
- Lewd and lascivious acts (juvenile victims)
- Business Burglaries

B. Preliminary Investigations

A properly conducted preliminary investigation maybe sufficient to bring a case to a satisfactory conclusion, thereby eliminating the need for follow-up investigation. A preliminary investigation is the activity that begins when uniformed deputies arrive at the scene of an incident. The activity

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should continue until such time as postponement of the investigation or transfer of responsibility will not jeopardize the successful completion of the investigation. Preliminary investigations are to be conducted by

uniformed patrol deputies, unless the case is reported in person at the Office and is of a specialized nature, (i.e., child abuse, etc.).

1. The first Deputy arriving at an incident scene shall:

- a.** Protect life;
- b.** Render aid;
- c.** Secure and protect the scene by placing crime scene tape around the perimeter of the crime scene and prevent unauthorized persons from entering the scene and
- d.** Secure and protect evidence.

2. The Deputy conducting the preliminary investigation shall:

- a.** Upon arrival at the scene, observe conditions, events and any remarks made by witnesses.
- b.** Determine if an offense has actually been committed, and if so, the exact nature of the offense.
- c.** Determine the identity of the suspect or suspects, and effect an arrest if it can be accomplished either at the scene or through immediate pursuit.
- d.** Furnish other field units, through the communications system, descriptions, method and direction of flight, and other relevant information concerning wanted persons or vehicles.
- e.** Obtain complete identification of all witnesses.
- f.** Determine what information is known by the victim and witnesses.
- g.** Arrange for the collection of evidence by requesting a crime scene detective as per chapter 35 - crime scene reporting, III, A,
- h.** Determine in detail the exact circumstances of the offense.
- i.** Interview complainant, witnesses and suspects and take written statements when appropriate.
- j.** Accurately and completely record all pertinent information on the prescribed report forms.

C. Follow-up Investigations

A properly conducted follow-up investigation may be sufficient to bring a case to a satisfactory conclusion. Not every case can be readily solved. However, by measuring the degree of solvability, and the degree of seriousness, along with proper scheduling and periodic reporting, the investigative workload can be properly managed for successful follow-up investigation.

1. The following steps are presented as a guideline to be followed in conducting a follow-up investigation. (There are steps that may be eliminated in the event they are not found to be necessary. For example, every follow-up investigation may not include a search.)

a. Reviewing and analyzing all previous reports prepared in the preliminary phase:

When conducting follow-up investigations the member conducting the investigation will thoroughly review the initial incident report documenting the incident under investigation, as well as any supplemental reports that

have been written, and any statements taken during the initial investigation. It is based upon this review that the member should develop an investigative strategy for conducting additional investigation of the incident.

b. Conducting additional interviews and interrogations:

Upon completion of the initial case review, members conducting follow-up investigations should make an initial determination of any additional witness, or potential witness, that may need to be interviewed regarding the incident under investigation. In addition if a suspect, or potential suspect has been identified, then an interrogation of the suspect may be appropriate. Any interrogations will be conducted in compliance with agency policy and with due regard for the civil rights of the subject being interrogated. As the investigation progresses, members conducting follow-up investigations should conduct additional interviews of witnesses as new witnesses are identified.

c. Reviewing departmental (Office) records:

Members conducting follow-up investigations should do a search in the agency computer database for information possibly related to the incident currently under investigation. This search is to identify, but not limited to:

- Prior incidents at the same location where the incident currently under investigation occurred.
- Any known suspect from prior incidents as described above.
- To locate any identifiable stolen property from the case under investigation that may have been pawned and entered in the pawn shop database of the agency.
- To identify any potential suspect who may have been field contacted by officers, in the area of and during the time frame, when the incident under investigation occurred.

d. Seeking additional information (from Uniformed Deputies, informants, etc.):

Upon completion of the initial case review, members conducting follow-up investigations should make an initial determination of potential sources of information related to the incident currently under investigation. These sources of information can include, but are not limited to, uniform officers, confidential informants, cooperating defendants, citizens, etc.

e. Collecting physical evidence:

Upon initiating a follow-up investigation the member conducting the investigation should review the initial case reports to ensure that a thorough processing of the initial incident scene was conducted. If additional scene processing is required, the member conducting the follow-up investigation should insure that this processing is accomplished and any additional evidence is recovered. All evidence recovered will be placed into property in compliance with agency policy. In addition, the member conducting follow-up investigations will insure that any evidence recovered that is to be submitted for laboratory analysis, is in fact submitted and submitted in compliance with the guidelines of the agency and the Florida Department of Law Enforcement.

f. Reviewing results from laboratory examinations:

Members conducting follow-up investigations will review all laboratory examination reports related to the incident under investigation to determine if they provide any information; that may identify the perpetrator(s) of the incident under investigation, or provide any additional investigative leads that can be followed.

g. Arranging for dissemination of information as appropriate:

It is the responsibility of the member conducting follow-up investigations to ensure that the internal dissemination of any information related to the incident under investigation is accomplished. Any release of information to the media will be coordinated through the Community Relations Division.

h. Identifying and apprehending suspects:

When a member conducting a follow-up investigation makes a determination that probable cause exist to arrest a suspect, it is the investigating member's responsibility to complete a probable cause/arrest affidavit, and or apply for an arrest warrant for the suspect. Additionally, it is the investigating members responsibility to insure that any arrest warrant issued is appropriately entered by the agencies Warrants Division, if the original warrant is not served on the suspect. It is also the responsibility of the investigating member to ensure that a diligent effort is made, by the investigating member or others, to locate and arrest the suspect named in the affidavit or arrest warrant.

i. Planning, organizing and conducting searches:

It is the responsibility of the member conducting follow-up investigations to coordinate through their Immediate supervisor any follow-up searches for evidence that may be conducted. Searches are to be conducted with due regard for safety of the members involved and in compliance with the established rule of evidence and criminal procedure.

j. Preparing cases for Court presentation:

It is the responsibility of members conducting follow-up investigations to insure that a complete copy of the initial case report, all subsequent investigative reports, statements, audio/video tapes, arrest affidavits, warrants, etc., are submitted to the State Attorney's Office to facilitate the criminal prosecution of any subjects arrested. In addition, members conducting follow-up investigations will assist the Assistant State Attorney prosecuting the criminal case as requested.

k. Assisting in prosecution:

Members conducting follow-up investigations will assist the State Attorney's Office in any subsequent criminal prosecutions related to the investigation conducted by the member as requested.

l. Determining involvement of suspects in other crimes; and

Members conducting follow-up investigations should conduct a search of the agency computer database to determine if the suspect(s) identified in the incident under investigation are named as a suspect involved in other crimes. This may be accomplished by a simple name search of suspects identified in other crimes or a more complex modus operandi search conducted through the Crime Analysis Division. In serious violent crimes, members conducting follow-up investigations should complete and submit to the FBI a FBI V.I.C.A.P. report on the crime for entry into the nationwide database.

m. Checking suspects' criminal histories, determine is suspect is an habitual offender:

Members conducting follow-up investigations will conduct (either themselves or by others) a search of the NCIC/FCIC computer database to determine what if any prior criminal history any suspect(s) or potential suspect(s) in the incident under investigation may have. This search is done to:

- Determine the potential habitual offender status of the suspect.
- For member safety in determining the potential threat level of the suspect.

2. All follow-ups are to be documented on a Supplemental form and signed by the investigating member.

3. Whether the case follow-up is conducted by a uniformed deputy or detective, the victim, complainant, and/or witness(s) are to be contacted a "second time" within seven days after the report of the original incident and preliminary investigation. After this "second contact", the case may be closed by a supplement report if no information or leads exist, making another follow-up unnecessary or impractical. Contacting a victim, complainant, and/or witness for a second time, after a lapse of several days, may result in the receipt of information leading to the clearance of a case. Maintaining a policy of "second contact" is valuable in building public confidence in the Office as well as indicating that the members of this Office are genuinely concerned about the welfare of the victim and other citizens associated with the case.

4. Assignment of Follow-ups

a. All misdemeanors and Third degree felonies will be assigned to the member who originally received the complaint. Any detective supervisor may assign a case for a detective to follow-up if it requires extensive investigative time and/or resources.

1) The Patrol Sergeants will be responsible for reassigning each case to the original member who received the complaint.

2) The Patrol Sergeant shall maintain a record of all follow-up cases assigned for his/her squad.

3) Each Deputy shall maintain a follow-up case jacket.

4) If the case has not been closed after the original "second contact", a fourteen (14) day follow-up contact report will be conducted after which the supplement report will be generated detailing any additional information developed or closing the case.

5) If at the end of fourteen (14) days, no leads have been developed, the case may be suspended.

6) Deputies shall make a sincere effort to solve all crimes assigned to their investigation.

7) Follow-ups may be completed via telephone when necessary.

b. All Second, First Degree Felonies and assigned misdemeanors, are to be followed-up by a Detective.

1) The Detective Sergeant shall assign follow-up investigations to each detective based on his/her area of expertise, solvability factors and:

a) Documented experiences of the Office;

b) Documented experiences of other law enforcement agencies;

c) Research conducted within the Office; and

d) Research conducted in other law enforcement agencies.

2) The Detective Sergeant shall maintain a record of all follow-up cases assigned.

3) Each detective shall maintain a follow-up case jacket.

4) The Detective Sergeant will review all Detectives' cases weekly and determine which will be closed or followed up.

- 5) Detectives shall make a sincere effort to solve all crimes assigned for their investigations.
 - 6) Follow-up may be completed via telephone when necessary.
5. All cases will receive one of four (4) status designations - Arrested, Exceptional, Unfounded, and Other. These designations are the four (4) that are used by Federal & the State of Florida UCR. For consistency all officers and supervisors need to be familiar with these classifications codes. Additional assistance can be given by the Planning and Research Division.
- a. Arrested / Closed - "Closed by Arrest" when at least one (1) person is 1) arrested, 2) charged with the commission of the offense, and 3) turned over to the court for prosecution (whether following an arrest or court summons served by a deputy). Arrest of a principal, aider, abettor or conspirator permits a clearance by arrest even if charged with a lesser offense.
 - b. Exceptional / Suspended - If all of the following questions can be answered "yes", then the offense may be listed as Exceptional / Suspended.
 - 1) Has the investigation definitely established the identity of the offender?
 - 2) Is there enough information to support an arrest, charge and prosecution?
 - 3) Do you know the exact location of the offender so that you could take him/her into custody now?; and
 - 4) Is there some reason beyond law enforcement control that stops you from arresting, charging and prosecuting the offender?
 - c. Unfounded - A reported offense that investigation shows to be false or baseless.
 - d. Other - Open: An other case that does not meet the requirements of Closed / Arrest, Exceptional / Suspended or Unfounded will be classified as Open.
6. After the seven (7) day contact, the victim of the crime shall be advised by the assigned "follow-up" member of the status of his/her case. Crime victims are to be advised should their case be put into a "Suspended" status.

D. Case File Management

- 1. A case file shall be kept on all cases in which investigative activities are ongoing. The case file shall contain:
 - a. A copy of all preliminary investigative reports (all originals shall be maintained in Central Records);
 - b. All statements;
 - c. The results of examinations of physical evidence;
 - d. Case status reports; and
 - e. All other reports and records needed for investigative purposes.
 - f. Investigative checklist for prosecution.
- 2. Once the case is closed or suspended, these files shall be consolidated and sent to Central Records. Criteria for suspending/inactivating investigative effects shall include:

- a. The absence of further leads or solvability factors;
- b. All assigned follow-up investigations will be reviewed by the Section/Unit Supervisor prior to the suspension of investigative activity.

E. Cold Case Evaluation

1. Cold Case - is defined as a criminal case where all leads have been exhausted and there are no new investigative leads to follow-up on.

2. Review Responsibility

- a. The Homicide Unit Supervisor is specifically responsible for the periodic evaluation of all cold cases involving crimes of physical violence.
 - b. Any detective or detective supervisor may review any cold case when a possibility of reopening criteria exist.
 - c. Any employee has a duty to bring to light any circumstance where a cold case needs to be reviewed and possibly reopened per evaluation criteria.
3. Evaluation Criteria - A cold case may be re-opened and investigated upon learning of new leads, reviewing the evidence and resubmitting evidence for new examination procedures, i.e DNA, or any other new developments that may develop or any other new information that may be relevant to the case and it's resolution.

4. Recording of Investigation Actions - the same documentation and reporting requirements for active investigations shall be followed.

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F. Constitutional Requirements During Criminal Investigations

Sheriff's personnel who are engaged in criminal investigation or law enforcement action shall make certain that all persons are afforded rights and protection guaranteed by the Constitution of the United States. Sheriff's personnel shall not perform their duties in any manner that shall cause a suspect to be coerced to admit or involuntarily confess to a crime. Sheriff's personnel shall not cause any unnecessary delay in arraignment nor shall they fail to inform defendants of their rights against self-incrimination. Sheriff's personnel shall not deprive these persons counsel or contribute to any pretrial publicity that would tend to prejudice a fair trial. To insure such, the following procedures are established:

1. Whenever any member of the Monroe County Sheriff's Office investigating a crime wishes to question an individual who has been placed under arrest, temporarily detained for investigative purposes, or is otherwise not free to leave, such individual shall immediately be read the "Miranda Warning" in the following fashion:

"You have the right to remain silent. Anything you say can be used against you in court.
You have the right to talk to a lawyer for advice before you are asked any questions and to have him/her with you during questioning if you wish.

If you cannot afford a lawyer, one will be appointed for you before any questioning, if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at anytime.

You also have the right to stop answering at anytime until you talk to a lawyer."

(After the warning, ask the following questions and secure an affirmative answer to each to obtain a waiver.)

Do you understand each of these rights I have explained to you?

With these rights in mind, do you wish to talk to me now?

2. Should the suspect state he/she will not answer any questions, all questioning of the suspect will cease immediately.
3. Should the suspect agree to answer questions, but wishes to speak with an attorney or be present, the following shall be followed:
 - a. If the suspect is not in custody, all questioning of the suspect will cease immediately.
 - b. If the suspect is in custody, he/she shall be allowed to contact his/her attorney, or if the suspect wishes an attorney but he/she cannot afford an attorney, the Public Defender's Office shall be contacted by the Deputy handling the case. All questioning of the suspect shall cease until the attorney arrives and confers with the suspect.
4. Should the suspect agree to talk with the Deputy, whether the suspect is in-custody, not in custody, or has an attorney present, the questioning of the suspect shall be deemed an official interrogation. At this point the procedure detailing interrogations and confessions shall be followed.
5. Once arrested and charged with a crime, the suspect shall be taken before the court within twenty-four (24) hours of arrest.
6. No member of the Office shall make any comments regarding any criminal case that could lead to pretrial publicity, which would tend to prejudice a fair trial.

G.Criminal Background Investigation

Background investigations for Criminal Intelligence and Habitual Offender information.

1. Background investigations and habitual offender information shall be the responsibility of each detective.
2. Habitual offender information will be obtained on all identified suspect(s) before an arrest is made, if possible.
 - a. Any suspect identified as an Habitual Offender will be so identified in the case report.
 - b. The investigating detective will consult with the State Attorney's Office and request assistance in case preparation.
3. Habitual / serious offender is defined as defendant for whom the court may impose an extended term of imprisonment, as provided in this section, if it finds that:
 - a. The defendant has:
 - 1) Previously been convicted of a felony in this state.
 - 2) Twice previously been convicted of a misdemeanor of the first degree in this state or of another qualified offense for which the defendant was convicted after the defendant's 18th birthday.

- 3) The felony for which the defendant is to be sentenced was committed within five (5) years of the date of the conviction of the last prior felony, misdemeanor, or other qualified offense of which he was convicted, or within five (5) years of the defendant's release, on parole or otherwise from a prison sentence or other commitment imposed as a result of a prison conviction for a felony or other qualified offense, whichever is later;
 - 4) The defendant has not received a pardon for any felony or other qualified offense that is necessary for the operation of this section; and
 - 5) A conviction of a felony, misdemeanor, or other qualified offense necessary to the operation of this section has not been set aside in any post-conviction proceeding.
 - b. "Habitual Misdemeanant" means a defendant for whom the Court may impose an extended term of imprisonment, as provided in this section, if it finds that;
 - 1) The defendant has at least twice previously been convicted of the same crime committed at different times after the defendant's 18th birthday;
 - 2) The misdemeanor for which the defendant is to be sentenced was committed within two (2) years of the date of the commission of the last prior crime or within two (2) years of the defendant's release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction for a crime, whichever is later;
 - 3) The defendant has not received a pardon on the ground of innocence for any crime that is necessary for the operation of this section; and
 - 4) A conviction of a crime necessary to the operation of this section has not been set aside in any post-conviction proceedings.
 - c. "Qualified Offenses" means any offense in violation of a law of another state or of the United States that was punishable under the law of such state or the United States at the time of its commission by the defendant by death or imprisonment exceeding one (1) year or that was equivalent in penalty to as misdemeanor of the first degree.
 4. When an individual with established or suspected relationships to white collar crime, organized crime, and/or vice activities is found, a background investigation will be completed. When background investigations of individuals are required for licensing or a given permit, the investigation shall be completed.
 5. Potential sources of information can be, but will not be limited to the following:
 - a. Criminal histories
 - b. Motor vehicle registration
 - c. Parole / probation reports
 - d. Property ownership
 - e. Drivers license
 - f. Corporation memberships
 - g. Beverage licenses, state and local
 - h. Other law enforcement agencies
 6. All information collected will be indexed and filed in the Intelligence Unit. Distribution of the material will be on an "as need to know" basis ONLY. All requests for such information must have written authorization from requesting members Division Commander. The Commander of Division IV shall be advised of any "need to

know" questions. He may request authorization of the Undersheriff before allowing the release of the information.

H. Criminal Investigations Procedures

Procedures to be used in criminal investigations.

1. Information obtained from person: victims, witnesses, suspects, other law enforcement members and informants.
2. Members should also be aware that there are many types of individuals are potential sources of information because of their occupational status, profession, or other natural inclinations.
3. Informants - In view of the vital importance attached to the handling of confidential sources of information, the following is established to ensure that all precautionary measures are considered when dealing with such persons. No member shall:
 - a. Use an informant if he/she can get results by any other means.
 - b. Divulge more information than necessary.
 - c. Place entire confidence in information furnished by an informant.
 - d. Make any promises or "Deals" with an informant that cannot be fulfilled.
 - e. Meet a confidential source at the Sheriff's Office, on the street, at a bar, or other place where the element of exposure is great.
 - f. Fail to consider the motive and interest of the informant when estimating reliability.
 - g. Permit the informant to break the law.
 - h. Make payments to a confidential source until the information rendered has proven of value. Each member shall make sure the source understands the arrangement of payments; be exact in all financial transactions; and obtain a receipt for all payments.
 - i. Fail to take notes or make a tape recording of information.
 - j. Fail to verify all information received. Insist on accuracy.
 - k. Permit the informant to take charge of any phase of the investigation.
 - l. Fail to warn the informant that he/she should never disclose the fact of working for the Sheriff's Office.
 - m. Permit a relative or member of his/her immediate family to function in the role of a confidential informant unless approved by the Sheriff.
4. The procedure outlined below is to provide uniformity within the Monroe County Sheriff's Office for the handling of informants and to provide protection of investigative personnel in their official relationships with informants.
 - a. Files
 - 1) All Informants used by Office employees shall be documented and recorded in a master file, once they are documented and approved as outlined below. The master file may include an electronic data base.

a) These files shall be kept in numerical sequence with only the number showing on the file tab.

b) The informant file shall contain at least the following:

- (1)** Information Source Report (See Form 1 at end of Chapter)
- (2)** Informant Interview Report (See Form 2 at end of Chapter)
- (3)** Informant Receipt / Status Report (See Form 3 at end of Chapter)

c) Informant Control Numbers

- (1)** The Intelligence Officer shall issue Informant Control Numbers in sequential order on a yearly basis. Each control number will have three parts: Unit-Numerical-Year. (example; 03-09-87; this would indicate that this informant was first used in Division III, is the ninth informant of the year and he began service in 1987.)
- (2)** When any member refers to informants in official Office reports he shall always refer to the informant by his assigned number and never by name.

d) Accessibility

- (1)** Informant files are subject to inspection by the affected Special Operations Commander, Internal Affairs, Staff Inspections or the Sheriff.
- (2)** During any assigned inspection or internal investigation the files will be made available to the concerned personnel.
- (3)** Informant files are not required to be available to any other person.
- (4)** It is the responsibility of the concerned Commander to insure that all informant information is kept in the prescribed manner and in a secure file.

b. Member's Responsibilities

1) Members initiating the services of an informant will obtain an informant control number from the Intelligence Unit and establish an informant folder. Every effort will be made to document the informant prior to actual use. The following guidelines apply.

a) Prior to utilizing the informant, a check will be made to determine the following:

- (1)** Is he/she currently under indictment or out on bond;
- (2)** Wanted for any criminal offense;
- (3)** On parole or probation; and
- (4)** Present or past informant for any agency or the Office in any capacity.

b) If on bond, the arresting officer may be contacted for additional information and to determine if the informants assistance is possible.

c) Members will not utilize an informant if it is known that he/she is wanted for a criminal offense. Arrangements should be made to surrender the informant. He/she may then be utilized after bond requirements are met.

d) Permission from parole and probation officers is necessary if the informant is in this category.

- e) If it is determined that the informant currently is assisting another agency or Monroe County Sheriff's Office Unit, that agency or unit should be contacted to determine no duplication of effort or compromise of another investigation will occur. If he/she has previously assisted another agency or unit of the Monroe County Sheriff's Office, a contact with the concerned agency / unit will help determine the feasibility of utilizing the informant. The Commander of the Special Operations Division should make every effort to avoid this duplication.
- f) A letter from a parent or guardian giving permission to utilize a juvenile informant must be included in the informant's folder.

c. Forms

- 1) "Information source" shall be completed upon initial development of an informant. (Form 1)
- 2) "Informant Interview Report" should include statements as to motivation, capability and current status. Also, investigators of other agencies contacted in reference to utilizing the informant. (Form 2)
- 3) "Informant Receipt / Status Report" accounts for payments made to informants and expenses incurred during course of the investigation. Members will update this form each time the informant is utilized with a brief narrative summary of pertinent facts. (Form 3)
 - a) Informants will sign their name and number when receiving money for services. Money receipts must indicate date and case number.
 - (1) Refusal to sign by the informant must be documented by the investigating officer on the Informant Status Report. If such is the case, a witness shall sign verifying the above.
 - (a) Whenever an informant is deactivated, the appropriate documentation should be made under "Remarks", of the Informant Status Report and included in the case file.

d. General Procedures

- 1) Informant contacts will be made by at least two members or one member with a covering member close at hand.
- 2) In a situation when only one member is available, the member will notify his supervisor prior to making the contact. If the supervisor is not available, then the investigator shall notify the concerned Unit Supervisor or the Division Commander (or his designee) and again when the meeting has concluded. Appropriate documentation of the meeting is required.
- 3) The investigating officer(s) should take precautions when dealing with informants of the opposite sex, juveniles and with informants whose sexual preferences may make an investigation more susceptible to compromise through alleged improprieties.
- 4) When assistance is requested by other law enforcement agencies or other units of the Monroe County Sheriff's Office and as a part of this assistance Monroe County Sheriff's Office will be utilizing their informants, an informant file will not be necessary. Monroe County Sheriff's Office will use the informant control number of the agency involved. If a number is not available then these contacts will require complete documentation as if the informant belonged to the Monroe County Sheriff's Office.
- 5) Except when assisting another agency / unit and utilizing their informant, a debriefing statement will be taken after each operation and included with the case file.

- 6) When debriefing an informant, any information received relating to violations of law which would be of interest to other agencies or other units of the Monroe County Sheriff's Office, this information should be explored and passed along to the appropriate agency / unit.
 - 7) Debriefing statements will be made a part of investigative report folders.
- e. Blacklisting an informant.
- 1) In the event continued use of an informant would be detrimental to the goals of the Office and/or safety of its members or when an informant is found to be unreliable and in the opinion of the member should not be used further, he will be "blacklisted."
 - 2) This will be accomplished by the member initiating a memorandum to his supervisor detailing the reasons for the "blacklist".
 - 3) No "blacklisted" informant may be utilized without permission of the concerned Division Commander, with notification to the Undersheriff.
 - 4) All concerned units and/or agencies shall be notified of the "blacklist".
- f. Method of payment - Due to the nature of narcotics, vice, gambling and related investigations, it is necessary that an investigator be supplied with appropriate funds to pay informants and cover investigative expenses. A total audit trail is also required by the Office to account for every expense from initial disbursement to the Confidential Informant who receives the funding, therefore, this standard procedure is necessary.
- 1) A request for Special Investigative Expense Account Funds to the Finance Division must be made through the chain of command via the Undersheriff to the Sheriff for approval. [CFA 706 B] **Once approved, the Finance Division will issue a check to the Detective Sergeant. It is the Detective Sergeant's responsibility to deposit and record the funds into the general investigative fund.** [CFA 706 A]
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 - 2) **Each Detective assigned to this unit is provided an investigative fund of up to \$300.00. To replenish the investigative fund or to obtain funds over \$300.00, the Detective must make a written request to the Detective Sergeant on the Investigative Funds Request/Receipt Form. The request will be reviewed by the Detective Sergeant and authorized by the unit Lieutenant.** [CFA 706 C]
Revised 08/17/09
 - 3) **Expenditures from the Detective's investigative fund must be documented on the Informant Receipt Status Report by the Detective stating the purpose / use of the expenditure and the following specific information:**
 - (a) **Date** [CFA 706 C 5]
 - (b) **Case Number and Confidential Information Number (if applicable)** [CFA 706 C 3 & 6]
 - (c) **Amount spent** [CFA 706 C 1]
 - (d) **Authorizing Signatures** [CFA 706 C 2]
 - (e) **Information or material purchased** [CFA 706 C 4]
 - 4) **The unit Detective Sergeant will submit a quarterly reconciliation to report all expenditures and receipts to the Finance Director for audit on AUDIT OF INVESTIGATIVE FUNDS along with copies of an individual audit reconciliation of each Detective's funds.**

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- 5) The unit Detective Sergeant will maintain a file of receipts and have these receipts available for inspection at any time.
- 6) The unit Detective Sergeant will audit the fund monthly and reconcile cash received, expended, and the remaining balance monthly on the INVESTIGATIVE FUNDS MONTHLY RECAP.
- 7) All pertinent forms, receipts, records, and documentation shall be compiled and maintained, along with the fund balance, by the Detective Sergeant who will make them available for inspection and audit by the Undersheriff.
- 8) The Director of the Finance Division will be responsible for control of the process and audit the expended funds. [CFA 706 E]
- 9) The Director of the Finance Division will audit all expenditures on a quarterly basis and submit a report on the audit to the Sheriff. [CFA 706 E]
- 10) The Director of the Finance Division will maintain a file of the original request(s) and a copy of the check available for inspection at any time. [CFA 706 E]

g. Criteria for use of confidential funds.
[CFA 7.06 F]

All expenditures of confidential funds must be in furtherance of the investigation.

Every expenditure, including, but not limited to, drug purchases, supplies, informant payments, and miscellaneous expenses, must be verbally approved by the unit Detective Sergeant.

The unit Detective Sergeant has authority to approve expenditures up to \$50.00.

Any expenditure over \$50.00 must be approved by the unit Lieutenant.

Every expenditure must be accompanied by a receipt, when practical.

All receipts must be attached to the Informant Receipt status Report and submitted to the unit Detective Sergeant on a monthly basis.

- h.** Loss or theft of funds - When the Office suffers a loss or theft of investigative funds, documentation will be prepared as follows:
- 1) A report will be filed under the same case number as the current case. The report will be written by every member involved prior to the end of their shift clearly stating in detail all circumstances of the loss.
 - 2) The Division Commander will be immediately notified. The Division Commander will then make appropriate notifications through the chain of command.
 - 3) An investigation of the loss will be conducted by Internal Affairs.

INTERVIEWS, INTERROGATIONS, ADMISSIONS, AND CONFESSIONS

(Refer to General Orders Chapter 34 - A governing Interview Room Procedures)

- a)** Interviews - Interviews are conducted to seek information from the victim or a witness(es) of a specific incident.
- b)** Interrogations - Interrogations are conducted to match information to a particular suspect in order to obtain a confession or admission. Interrogations also serve as a tool for obtaining information about the facts and circumstances surrounding a crime.
 - (1)** Objectives of an interrogation.
 - (a)** Learn the truth;
 - (b)** Obtain an admission of guilt;
 - (c)** Ascertain the identity of participants, principals and accessories;
 - (d)** Recover evidence and property;
 - (e)** Discover crimes in which the suspect is or has been involved;
 - (f)** Eliminate suspects;
 - (g)** Obtain all the facts, method of operation and circumstances of the crime in question;
 - (h)** Gather information to corroborate or disprove some fact;
 - (i)** Record, report and furnish the results of interviews to the State Attorney's Office for prosecutive opinion; and
 - (j)** Develop intelligence information that might uncover unlawful activities and identify persons and criminal groups.
 - (2)** Members conducting an interrogation shall adhere to the following procedures. Members shall:
 - (a)** Recognize legal rights and ethical and humanitarian principles. Threats or promises of any kind shall not be a part of any interrogation procedure.
 - (b)** Have a plan of interrogation. All material pertaining to the crime and statements of witnesses and victims prior to beginning an interrogation shall be carefully reviewed.
 - (c)** Recognize individual differences of social, economic, and intelligence levels. Members shall adjust their vocabulary to the level of the subject.
 - (d)** Keep in mind that the object of the interrogation is to learn the truth. No case is ever important enough to justify falsification.
 - (e)** Avoid leading questions unless used for motivating purposes.
 - (f)** Do not divulge previously acquired information that would allow the suspect to become aware of the extent of the information possessed concerning the case unless such a disclosure is an interrogative tactic.

- (g) Always terminate an interrogation so that it might be reopened at a later time should it be necessary.
- (h) Tape record interrogations whenever possible.
- c) Confessions and admissions - The following procedures shall be followed during the taking of confessions or admissions.

 - (1) The form of the confession may be oral, narrative, question-and-answer, or combination question-and answer / narrative type.
 - (2) The suspect should not be placed under oath as such precaution reflects a possible form of compulsion.
 - (3) Confessions may be handwritten in pen by the member or suspect and prepared in the first person. In other cases confessions may be typewritten or recorded and later transcribed into written form for the suspect's signature.
 - (4) If a tape recorder is used, it should not be turned on until the member is ready to obtain a concise statement from the suspect.
 - (5) When suspects confess orally to a crime, a written statement should be immediately prepared from the suspect's signature.
 - (6) The suspect shall be advised of his/her constitutional rights prior to giving the confession.
 - (7) The number of persons present at the taking of a confession shall be kept to a minimum to avoid the implication of coercion or duress.
 - (8) If, during the course of an interview or interrogation, the interviewing deputy or deputies are compelled to leave the room, the detainee must remain under direct continuous supervision by another sworn officer. Direct continuous supervision means personal observation, not use of video cameras or other electronic surveillance equipment.
 - (9) All indefinite answers shall be clarified.
 - (10) The confession statement should not include any crime other than that for which the suspect is charge unless it is tied closely with the case.
 - (11) Confessions should be as brief as possible and commensurate with all relevant details involved.
 - (12) Any alterations, changes, corrections, or erasures necessitated in a statement shall be made in the suspect's own handwriting or made by the member and initiated by the accused to show that the suspect is aware of them.
 - (13) Each page of the confession statement shall be signed by the suspect.
 - (14) At the conclusion of the confession statement, the suspect shall say in his/her own handwriting, if possible, that the statement has been read and is acknowledged to be true.
 - (15) The member shall witness the statement with signature, date and time.

4) Collection, preservation and use of physical evidence. Refer to Chapter 54 and 91.

5) Surveillance. Refer to Chapter 42.

INVESTIGATION FEES

It shall be procedure for all officers to include in all criminal investigation reports the time spent by each officer on the case. Anytime spent by support staff on the case and any expenses related to the investigation shall be itemized on an affidavit.

A \$25.00 per hour fee for investigative personnel costs shall be charged to allow the investigating agency(s) to capture some of the expenses in criminal cases.

1. The Courts have requested that the officer(s) submit the investigative time in affidavit form (i.e., it must be sworn to).
 - a. Sworn Non-Arrest - Examples: Complaint Affidavits, Notice to Appear, etc. Place the amount of time spent in your investigation on the last line of the narrative space.
 - b. Arrest Affidavits - Road Patrol or other short-term investigation. Place the amount of time spent in your investigation on the last line of the narrative space.
 - c. Long-term investigation wherein total investigation time is not complete at the time of signing the arrest affidavit, then prepare an Affidavit of Costs for Investigation form.
 - d. Supplemental Costs - These are costs which occur after the arrest affidavit, etc. was prepared. Please utilize the Affidavit of Costs for Investigation form. Include both your original costs submitted and supplemental costs for one inclusive total for the case.
 - e. Traffic Citations - These forms are not sworn to, therefore, an Affidavit for Cost of Investigation will be necessary. If an arrest is accomplished, then an Arrest Affidavit can be utilized.

POLYGRAPH

The purpose herein is to establish guidelines in the administration of polygraph examinations in conjunction with investigations conducted by the Sheriff's Office.

Polygraph examinations by qualified examiners are accepted nationwide as an investigative aid. It should not be used to circumvent good investigative procedures, or when sufficient physical or oral evidence is available to establish the facts. The polygraph is a scientific instrument, which records physiological changes that occur in the human body when a person is asked questions of a relative nature.

1. Testing - Who may or may not be tested.
 - a. Persons who may be tested.
 - 1) An individual who knows right from wrong.
 - 2) Generally children above the age of seven years are testable, but in each case involving young children, the final decision to test will be made by the polygrapher.
 - b. Persons who should not be tested.

- 1) Any person with a history of heart problems, or presently under a physician's care or taking medication for heart problems.
 - 2) Women who are pregnant.
 - 3) Persons with epilepsy.
 - 4) Persons with mental conditions.
 - 5) Persons with physical problems, which may affect the results of the polygraph examination, must have a letter from his/her physician stating that he/she is physically able to take the examination. This letter must be obtained by the case detective / deputy who is responsible for insuring the letter is authentic.
- c. Polygraph examinations shall only be conducted by examiners who have successfully completed a course of training at an American Polygraph Association certified school or American Association of Police Polygraphists recognized school.
2. Requests for testing - criminal.
- a. Requests for polygraph examinations should be submitted by memorandum through the chain of command to the Division Lieutenant. The request shall include the following:
 - 1) Person's name and date of birth.
 - 2) Type of case and case number.
 - 3) Brief summary of the issue to be tested.
 - 4) Person's relationship to the investigation (suspect, witness, victim, etc.)
 - 5) Affirmation that all investigative procedures have been exhausted prior to request.
 - b. Responsibility of the Deputy requesting a polygraph.
 - 1) Suspects shall be interviewed regarding the issue to be tested prior to the polygraph examination.
 - 2) Provide the polygraph examiner a copy of the case file and all pertinent information, to include a list of specific issues to be addressed, at least seven (7) days prior to the scheduled examination.
 - 3) The deputy shall have the subject sign a polygraph consent form prior to taking the polygraph. In the event the subject to be tested is a juvenile, the form must be signed by the juvenile's parents or legal guardian.
 - 4) The deputy shall be immediately available during the examination in the event a subject confesses to the issue being tested.
 - 5) If the subject to be tested cancels an examination appointment, the deputy shall immediately notify the polygraph operator.

TEMPORARY ASSIGNMENT TO CRIMINAL INVESTIGATIONS

- 1) Temporary assignments afford members an opportunity to gain experience and firsthand knowledge of the duties and responsibilities associated with various positions through the agency. [CALEA 16.2.3 a]

- 2) Certified law enforcement personnel may request to be temporarily assigned to the Criminal Investigations Division by routing a memorandum expressing an interest in the assignment, via chain of command, to their Division Commander. [CALEA 16.2.3 a]
 - a) Selection of deputies for temporary assignment to the Criminal Investigations Division shall be based on the following criteria: [CALEA 16.2.3 c]
 - 1) Supervisory recommendations
 - 2) Training and education
 - 3) Length of patrol service
 - 4) Quality of work
 - 5) Report writing skills
 - 6) Manpower allocation
 - 7) Disciplinary record
 - b) Commanders of the Patrol Operations Bureau and the Investigative Operations Bureau, or their designee shall review the requests based upon the recommended criteria and make recommendations to the Sheriff who shall have final approval authority. [CALEA 16.2.3 d]
 - c) Temporary assignment to the Criminal Investigations Division will be for a minimum of 30 days. [CALEA 16.2.3 b]

CLASSIFICATION OF POSITION

Certified positions in the criminal investigations component are the same as those used in the patrol component for:

1. Rank titles (i.e., Road Deputy / Detective Deputy, Road Sergeant / Detective Sergeant)
2. Salary schedules.

SEARCH WARRANT PROCEDURES

1. **Drafting the warrant:** Any member seeking to obtain a search warrant in furtherance of a criminal investigation shall follow F.S.S. 933 in making such application. The following procedure should be followed.
 - a. Define the need for the search
 - b. Draft a Probable Cause affidavit in the existing format,
 - 1) Provide case facts
 - 2) Clearly state the "Probable Cause" justifying the search
 - c. Draft the Search Warrant for the Judges signature in the approved format
 - 1) In detail describe the location or item to be searched (i.e. vehicle, container, etc..)
 - 2) Provide precise driving or other directions to locate the item so that it cannot be confused with any other similar location.
 - 3) List the items that are believed to be located and collected for evidence.
 - 4) Photo copy of signed warrant to be left with the subject or at the property.
 - 5) Draft an "Inventory" to list all the items that we secured from the scene. A copy of the Inventory must be left with the subject or at the location.

2. **Approval process:** Prior to making an application for or obtaining a search warrant, a supervisor will review the merits of the case and completeness of warrant draft. The drafted warrant shall then be submitted to the appropriate State Attorney's Office for approval. This shall be accomplished prior to the warrant being submitted to a judge for review and signature.

3. **Execution of warrant:** As provide by Florida Statute, all search warrants will be executed within ten days of the date of issue and appropriate return made to the Clerk of the Courts, including a detailed inventory return of any items seized in the execution of the search warrant. Members who obtain search warrants will utilize appropriate assistance in the execution of such search warrants. All members executing search warrants will wear appropriate clothing identifying them as law enforcement officers; such as raid jackets or uniforms. Uniform officers should be utilized if and when possible to gain the initial entry to the location to be searched. Any search warrant execution that is considered high risk, IE: weapons are known or suspected to be present, suspects are known to be violent, etc., will be executed by the members of the SWAT Team.
 1. **Areas to be searched:** Members obtaining search warrants will adhere to the appropriate limitations placed upon the scope of the search by the search warrant itself and appropriate case law. Members will only conduct a search in those areas as allowed by, or specified in, the search warrant and applicable case law.
 2. **Return:** As required by Florida Statute, a return on all search warrants obtained will be made within ten days of the warrant being issued. The return will include a complete inventory of all items seized, if any, and the original search warrant and application affidavit for the search warrant. In addition, the member executing the warrant will sign, date and time, the original search warrant indicating the search warrant was served and by who. (Example: Warrant served 8/24/99 at 10:00 a.m. by _____.)