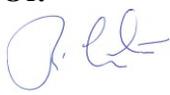




# ***SOUTH MIAMI POLICE DEPARTMENT***

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<b>CFA STANDARD:</b> 15 <b>SUBJECT:</b> <i>Criminal Investigation - OPERATIONS</i>	<b>NEW (X) RESCINDS (X)</b>  <b>AMENDS (x) OTHER ( )</b>	<b>By Order Of:</b>    <b>Rene Landa, CHIEF OF POLICE</b>	

**CFA STANDARDS:** 15.02, 15.03, 15.05, 15.06M, 15.08M, 15.09M, 15.10M, 15.11M, 15.13M, 15.14M, 5.05M

**SECTIONS:**

- 19.2.1                    **Criminal Investigations Procedures**
- 19.2.2                    **Preliminary Investigations Steps**
- 19.2.3                    **Follow-up Investigations Steps**
- 19.2.4                    **Patrol Roll-Call Attendance**
- 19.2.5                    **Polygraph/Computerized Voice Stress Analysis**
- 19.2.6                    **Informants**
- 19.2.7                    **Robbery, Burglary, and Theft Investigations**
- 19.2.8                    **Sexual Battery Investigations**
- 19.2.9                    **Assault/Battery Investigations**
- 19.2.10                   **Surveillance, undercover, & decoy operations, raids**
- 19.2.11                   **Photographic identification arrays and live lineups**
- 19.2.12                   **Conducting showups**

**RESCINDS:** All existing orders in conflict.

**PURPOSE:** To establish departmental policy and provide guidelines for information development; interviews and interrogation; procedures for the collection and the preservation and use of physical evidence; execution of suspect background investigations, search warrants, and surveillance.

**SCOPE:** All departmental employees.

**POLICY:** It is the policy of the South Miami Police Department and the Criminal Investigations Division (CID) to provide administrative and operational programs that result in efficient and effective criminal investigations. The role and responsibility of the CID is to conduct preliminary, follow-up, and special investigations. Included within this process is the objective of establishing an information base of criminal activity encompassing the identification and apprehension of offenders.

## **DEFINITIONS:**

**CID:** Criminal Investigations Unit; comprised of GIU and SIU.

**Discerning Level of Confidence:** Any comment made by the witness/victim during the entire process shall be carefully documented word-for-word. Any non-verbal communication or action of the witness/victim shall also be noted in the administrator's notes. For example, "Upon viewing the photograph number four, the witness stated, 'That's the one. He's the one who told me he was going to kill me,' and the witness/victim began crying."

**Filler Photos:** Photographs of persons other than the suspect, used to complete a photo array and bring the total number of photos in the array up to a minimum of six photos.

**GIU:** General Investigations Unit.

**Independent Administrator:** Personnel conducting a photographic lineup not associated with the case, nor knowing who in the lineup may be the subject and/or person of interest.

**Live Line-up:** A live presentation of individuals, before an eyewitness, for the purpose of identifying or eliminating suspects. Live line-ups may present the persons in the line-up simultaneously, or sequentially. Live line-ups are sometimes called "physical line-ups."

**Major Offenses:** Major Offenses include death investigations, sexual assaults or sex related felony offenses, robbery investigations, sophisticated burglaries, arsons, organized crime activities, kidnappings, and home invasions.

**Photo Array:** The group of photographs utilized in a photographic line-up. A photo array may be presented to the witness simultaneously or sequentially. The process of conducting a photographic line-up is often called the "photo array."

**Photographic Line-Up:** Showing photographs to an eyewitness for the purpose of identifying or eliminating suspects. Photographic line-ups may be presented simultaneously, or sequentially.

**Show-Up:** An identification procedure in which an eyewitness is presented with a single suspect within a short time following the commission of a crime for the purpose of determining whether the eyewitness identifies the individual as the perpetrator.

**SIU:** Special Investigations Unit; formerly VIN Unit (Vice, Intelligence and Narcotics), and Crime Suppression Team (CST)..

## **PROCEDURE:**

### **19.2.1 Criminal Investigations Procedures**

Detectives will fairly and impartially investigate all cases assigned to them. They will conduct each investigation in a professional, businesslike manner. Upon assignment of an investigation, detectives will contact victims and witnesses promptly to determine the circumstances surrounding the incident, and then conduct the investigation accordingly. Procedures used during an investigation may include:

- A. **Information Development:** Information may be developed from an unlimited number of sources. These may include witnesses, victims, neighbors, friends, other public agencies, other law enforcement agencies and informants. All information will be gathered in compliance with the policies and procedures contained in this policy.
- B. **Interviews and Interrogations:** Interviews will be conducted with persons who may have knowledge about a certain aspect of a criminal investigation. Interrogations may be used for suspects and those persons directly involved in a criminal investigation. Interviews, interrogations, and access to counsel will be conducted in conformance with the state and federal guidelines established to protect the rights of an individual, as outlined in General Order 1.2.[CFA15.06M]

It is important to remember that, in the course of an investigation, officers are not to enter into plea negotiations with a suspect. Plea negotiations are handled by the State Attorney's Office and generally do not involve police officers. Input or recommendations during plea negotiations are more appropriately made by the prosecutor and victim.

This does not mean that police officers should not present the facts of the case, including facts relating to the surrounding circumstances, the defendant's conduct, statements, expression of attitude, etc.

- C. **Collection, Preservation and Use of Physical Evidence:** Physical evidence may be searched for, collected and preserved by the designated officer and/or crime scene investigator when investigating any crime or crash scene, in compliance with General Order 35.1, 35.2, and 35.3. Officers will be mindful of physical evidence that is collected from a crime or crash scene and ensure that it is used in the development of the case.
- D. **Execution of Suspect Background Investigations:** The South Miami Police Department CID will generally conduct suspect background investigations in connection with on-going criminal investigations. This section does not apply to background investigations in the selection process for purposes of employment with the police department.
  - 1. Various avenues of information are available in conducting a suspect background investigation. Some potential sources include:

- a. Financial institutions;
  - b. Business associates;
  - c. Former employers;
  - d. Informants;
  - e. Utility companies;
  - f. Public records;
  - g. Intelligence reports;
  - h. Criminal history (FCIC/NCIC);
  - i. Other law enforcement agencies;
  - j. Pawn shops;
  - k. Florida Criminal Justice Network (CJNet); and
  - l. Internet related resources.
2. All information obtained in a suspect background investigation will be incorporated into the criminal case file for official use only in connection with the investigation.
  3. Information obtained in a suspect background investigation may be forwarded to the appropriate agency, distributed to the proper personnel within the department, or kept as part of the criminal case file in the Records Unit, whichever is appropriate.
  4. Suspect background investigation records will be placed in the permanent case file and are subject to the departmental records retention schedule as outlined in G. O. 34.1, Section 34.1.2.
- E. Surveillance: Surveillance may be conducted in the investigation of a crime when it is necessary to observe suspects or conditions in an inconspicuous manner. Surveillance may assist in creating and obtaining additional information involving the investigated crime, to gather additional intelligence information, or to allow the observation of new crimes being committed. For further information, see G.O. 20.1.5.

## **19.2.2 Preliminary Investigations Steps**

The steps listed below will be followed by officers when conducting a preliminary investigation:

- A. Providing aid to the injured.
- B. Protecting the crime scene to insure that evidence is not lost or contaminated.
- C. Determining if an offense has actually been committed and if so, the exact nature of the offense.

- D. Determining the identity of the suspect or suspects, and effect an arrest if it can be accomplished at the scene or through immediate pursuit.
- E. Furnish other units, through the communications center, descriptions, method and direction of flight, and other relevant information regarding wanted persons or vehicles.
- F. Complete an area canvass to identify potential witnesses and locate additional evidence.
- G. Obtain complete identification of all witnesses.
- H. Determine the need for investigative specialists and assistance. If one is unavailable contact should be made with the CID supervisor or the Staff Duty Officer, who will determine if a response is needed.
- I. Compiling a thorough and accurate report of activities.

### **19.2.3 Follow-Up Investigations Steps**

When the preliminary investigation is insufficient to bring a case to a satisfactory conclusion, a follow-up investigation will be conducted, provided the follow-up criteria described in General Order 19.1, Section 19.1.2 apply. The follow-up investigation will be conducted by a detective. All follow-up information will be documented on the appropriate report forms.

Follow-up investigations are an extension of the preliminary investigation. The follow-up investigation will include all investigative functions necessary for that particular case. Investigative functions include the following:

1. Identification and apprehension of the offender.
2. Reviewing and analyzing all previous reports and arranging for the analysis and evaluation of evidence.
3. Conducting additional interviews where necessary.
4. Seeking additional information (i.e. from patrol officers, informants).
5. Conducting searches for additional physical evidence.
6. Recovery of stolen property.
7. In-depth interviewing of victims and witnesses.

8. Interrogation of suspects.
9. Checking suspects' criminal history and determining the involvement of the suspect in additional crimes. Checking the victims' and witnesses' criminal history will also be done in all cases as a matter of routine in order to give a full picture of all parties in the case being investigated and to help find those fugitives with outstanding warrants.
10. Recording information obtained.
11. Preparation of the case for court presentation.

### **Responsibilities for Conducting Follow Up Investigations**

- A. In those cases for which the Patrol Supervisor determines no need for specialized investigative assistance, the Patrol Division will conduct a complete follow up investigation of the incident.
- B. In those cases for which investigative assistance is requested and provided, the Criminal Investigations Division will conduct a comprehensive follow up investigation of the incident.
- C. Follow up investigation of most misdemeanor crimes can be completed by the Patrol Division. Misdemeanor offenses should be referred to the Criminal Investigations Division for follow up only when the following conditions exist:
  - a. The offense appears to be part of a pattern of such offenses.
  - b. Follow up is required in widely separated locations outside the geographic boundaries of the district in which the offense occurred.
  - c. Domestic violence cases in which the subject has not been arrested.
  - d. Resources are unavailable for thorough investigative follow-up.
- D. The Criminal Investigations Division will encourage participation by patrol officers in follow up investigations, when such participation is deemed mutually beneficial by the Patrol and CID Lieutenants for the purpose of bringing the case to a speedy and successful conclusion or for enhancement of the professional capabilities of the patrol officer.

#### **19.2.4 Patrol Roll Call Attendance**

Periodic attendance at roll call meetings may be required of the detectives by the CID Lieutenant. The detectives may also attend these sessions, as they deem necessary to enhance relationships and aid in the exchange of information. Detectives are encouraged to attend roll calls whenever schedules permit, to interact with patrol officers and share information.

#### **19.2.5 Polygraph/Computerized Voice Stress Analysis**

- A. A detective wishing to utilize any technical aid, such as a polygraph examination or Computerized Voice Stress Analysis (CVSA), for the detection of deception in a criminal investigation, will seek the approval of the CID Lieutenant, who would then make the request via the chain of command. [CFA15.05]
- B. If it is agreed that a polygraph examination is warranted, arrangements will be made with the designated *certified* polygraph examiner. [CFA15.05] If a CVSA examination is warranted, arrangements will be made with the Miami-Dade Police Department's Homicide Bureau, who will administer this examination based upon the availability of their *certified* personnel.
- C. The requesting detective will ensure that a complete copy of the case investigation is forwarded to the polygraph/CVSA operator in time for a complete review prior to the examination. The requesting detective will comply with the instructions of the polygraph/CVSA operator regarding the arrangements for the examination.
- D. The polygraph/CVSA is an excellent aid to law enforcement investigations. Officers must remember, however, that the results are a supplement to, not a substitute for a thorough investigation.
- E. The final results of a polygraph/CVSA examination will be based mostly on the thoroughness of the investigation prior to having the person take the examination. The best time to use the polygraph/CVSA is when the investigation has narrowed down to one or several individuals who, after being interrogated, still maintain their truthfulness and innocence. In an official criminal investigation, the examination may be administered to: Suspects, victims, and/or witnesses.
- F. Polygraph/CVSA examinations will not be administered to a person once he/she has been formally charged with a crime, except when a stipulation and agreement is made by the State Attorney's Office.

## 19.2.6 Informants

The South Miami Police Department recognizes the use of informants as a means of gaining information relative to criminal activity. Informants are generally defined as those people who provide information regarding criminal activity to a law enforcement agency, and people who may become involved in a criminal investigation because of or through the use of that information. People supplying information out of concern for the welfare of the community and with no intention of becoming involved in an investigation will not be considered an informant for the purposes of this section.

Contact with informants and the documentation of informant records will be conducted in the following manner:

- A. The SIU will maintain a master file of informants.[CFA15.03(a)] This file will be kept secure in the SIU office (CI Filing Cabinet). [CFA15.03(c)]
- B. Any person who accesses an informant's file shall complete a log entry on the Confidential Informant Log, to include the date of access, CI file number, reason for access, accessing person's signature, and the CID Lieutenant's signature. This log sheet shall be maintained by the CID Lieutenant in the secured confidential informant filing cabinet (CID Lieutenant's Office). [CFA15.03K]
- C. Informant files will contain an individual assessment of each prospective confidential informant, including: [CFA15.03(b)]
  1. Confidential Informant Interview Report;
  2. Criminal History Record, if any;
  3. Payments made to the informant;
  4. Information received from the informant;
  5. A record of the informant's involvement in the operation;
  6. Photograph; and
  7. A signed "Confidential Informant Policy and Consent Agreement form.
- D. The informant file will consist of a letter-size folder with only the confidential informant number (CI #) visible on the front portion of the folder. The CI number will be assigned by the SIU and will be the next sequential number available, beginning with CI # 1.
- E. Requirements and duties in establishing an informant file and protecting informants' identities are as follows:
  1. When an officer wishes to establish an informant file, he/she will obtain a "**Confidential Informant Interview Report**" and the next open number available from the SIU. The informant control number will be used in all reports concerning the informant in order to protect the informant's identity. [CFA15.03(d)]

2. A photograph should be obtained and the **Interview Report** completed, as well as approval from the Chief of Police, prior to actual use of the informant.
  3. The **Interview Report** will be completely filled out for a paid or unpaid confidential informant, whether that individual is used regularly or only one time.
- F. A records check will then be made by the officer to determine the following:
1. Is the informant currently under indictment or out on bond?
  2. Is the informant wanted for any offense? Officers will not utilize an informant when it is known he/she is “wanted”. Arrangements should be made to surrender the informant, and he/she may be utilized when bond requirements are met.
  3. Is the informant on probation or parole? Permission must be obtained from the sentencing judge before that informant can be utilized.
  4. Is the informant a current or past informant for any other agency or the South Miami Police Department? If it is determined that the informant is assisting another agency, that agency should be contacted to determine that no duplication of effort or other investigation is compromised. If the informant has previously assisted another agency, contact should be made with them to determine the feasibility of utilizing the informant.
  5. When assisting other police agencies and utilizing their informants, an informant file will not be needed unless the informant is to be paid with South Miami Police Department Investigative Funds.
    - a. Informant files will be kept in a locked area designated for this purpose within the Criminal Investigations Division.
    - b. Informant files are subject to inspection only by the CID Supervisor, the Accreditation Manager, and the Chief of Police or his designee. Informant files are not required to be available to any other person.
- G. Procedures for disbursement of informant money and other confidential investigative expenses will be in accordance with the following:[CFA 5.05M]
1. The Office of the CID Lieutenant will be responsible for disbursement of Investigative Funds and all documentation pertaining to same. All cash disbursed from the Investigative Fund will require signed “Petty Cash” receipt upon disbursement to personnel.[CFA 5.05M(a)]
  2. All requests for expenditures in excess of two hundred dollars (\$200.00) will be pre-approved by the CID Lieutenant or his designee before

disbursement. This approval can be obtained verbally, in person or via telephone, or by any other means possible, but will be documented. [CFA 5.05M(b)]

3. Receipts for cash will include: [CFA5.05M(c)1-6]
    - 1) The amount of the payment
    - 2) Employee's name
    - 3) Informant's name or other identifier
    - 4) The purpose of the payment
    - 5) Date payment was made
    - 6) Case number associated with payment
  4. Funds exceeding two hundred dollars (\$200.00) that are not utilized within 48 hours of issuance will be returned to the Office of the CID Lieutenant.
  5. Approval by the Chief of Police or his designee will be needed in writing for payments over two hundred dollars. [CFA 5.05M(d)]
  6. A quarterly audit and report of these expenditures will be made to the Chief of Police or his designee. [CFA 5.05M(e)]
  7. Officers representing other agencies assisting with a South Miami Police Department investigation will be required to complete the same paperwork and follow the same procedures when obtaining money from the Investigative Fund.
  8. The expenditure of these funds will be done in pursuit of official law enforcement functions, specifically the purchase of contraband, paying confidential informants for information and other expenses related to criminal, narcotics/vice and organized crime investigations, as authorized by the Chief of Police. [CFA5.05M(F)] [CFA15.03(e)]
  9. A documented annual administrative review of agency practices dealing with confidential informants will take place by the Criminal Investigations Division Lieutenant or his designee to ensure conformity with agency policies, procedures, and Florida Statute. [CFA15.03(j)]
- H. Precautions to be taken with all confidential informants, especially those whose participation may make an investigation more susceptible to compromise through alleged improprieties; [CFA15.03(f)]
1. Informant contact will be made by at least two officers, or one officer with a backup officer, whenever possible and practical.

2. A female informant will not be contacted by a lone male officer without a covering officer within listening distance, unless the lone officer has prior approval of a supervisor. Prior approval will be obtained unless immediate circumstances prevent such approval.
  3. Regardless, the informant meeting will be reported to the CID Supervisor as soon as practical after such meeting takes place.
- I. When using a juvenile as an informant a “Confidential Informant Policy and Consent Agreement” will be completed and signed by the juvenile, ***and a parent or guardian granting permission***. The parent or guardian will be kept fully informed as to the use of the juvenile informant. Officers will not place a juvenile in a position of possible danger or harm through the use of the information obtained.[CFA15.03(g)] Officers will not allow a juvenile to take an active role in any investigation without prior approval from the CID Supervisor.[CFA15.03(h)]
  - J. Only officers who have been trained in the use or recruitment of confidential informants in the agency policy requirements and procedures may directly control or direct investigations involving their use. [CFA15.03(i)]
    - 1)Patrol officers may use informants provided they follow the guidelines set forth in this section and only with prior approval from the Chief of Police. All patrol officers using informants shall take FDLE website based training on “Use and Control of Informants: A Patrol Officer's Primer”. This course has been updated and includes "Rachel's Law" and Section 914.28, Florida Statutes. Certified officers may be awarded two hours of training that can be applied toward the 40 hour mandatory retraining requirement. Copies of the training certificate will be forwarded to the Department Secretary for inclusion in the officer’s file, and to the Training supervisor.
    - 2)All members of CID performing investigations, both GIU and SIU detectives, shall take FDLE website based training on “Use and Control of Informants: A Patrol Officer's Primer”. This course has been updated and includes "Rachel's Law" and Section 914.28, Florida Statutes. Certified officers may be awarded two hours of training that can be applied toward the 40 hour mandatory retraining requirement. Copies of the training certificate will be forwarded to the Department Secretary for inclusion in the officer’s file, and to the Training supervisor.

## **19.2.7 Robbery, Burglary, and Theft Investigations**

When receiving specific types of cases for investigation, such as robbery, burglary, and theft cases, the primary detective will follow the procedures outlined in this General Order. The following will be used as a guideline for more detailed steps in these types of investigations:

1. Contact the victim, confirm the original report, and ascertain all additional information;
2. Locate and interview witnesses;
3. Canvass the neighborhood for additional witnesses (confirm that patrol did a thorough canvass at the time of the original report);
4. Check the victim and witnesses through NCIC/FCIC/Local.
5. Ascertain physical evidence gathered by the Crime Scene Investigator and request evaluation, analysis, and submit standards/eliminations when applicable to the Miami-Dade Police Department I.D. Section in cases which have latent value;
6. Publish description of stolen property when applicable;
7. Interview suspects; attempt to obtain photographs and prints;
8. When applicable, conduct a lineup with the victim and/or witnesses;
9. Follow up all investigative leads;
10. If the investigation has revealed the identity of the offender, contact the State Attorney's Office, obtain warrants, and/or arrest the subject; if unable to locate the subject, issue a message into the FCIC/NCIC. Whenever possible, an arrest will be made with a warrant.
11. Prepare reports and the case file promptly throughout the investigation.

## **19.2.8 Sexual Battery Investigations**

First responding police officers and/or detectives investigating cases involving sexual battery will notify their supervisor immediately upon responding to the scene. All such cases will be investigated by the Miami-Dade Police Department Sex Crimes Bureau. The Miami-Dade Sexual Crimes Bureau is responsible for investigating Sexual Battery cases as defined in FSS 794.011, and Lewd & Lascivious Battery, and Molestation.

- A. The first responding officer will contact the complainant or victim. The first contact with the complainant or victim is of vital importance. The investigator should calm the victim, emphasizing the need for cooperation to successfully handle the investigation. The initial investigatory steps will include: [CFA15.10M(a)]
  1. Determine if the victim needs Fire-Rescue for Injuries.
  2. Determine if the victim needs to go to the Rape Treatment Center (RTC).
  3. Interview the victim and ascertain the nature of the offense;
  4. Ascertain if the subject is known to the victim. Obtain a complete description of the subject and a description of the vehicle, if one was used, and record it on the original offense report.

- B. Miami-Dade Fire/Rescue will be notified for victims in need of immediate medical attention. With the victim's consent, if any type of penetration is alleged, it will be necessary to have the victim examined by a physician at the Jackson Memorial Hospital Rape Treatment Center (RTC). Social workers at the hospital will also advise their patient of an array of counseling services available to victims of such offenses. This examination should be made after conferring with the applicable detective assigned by the Miami-Dade Police Department Sexual Crimes Bureau. {CFA15.10M(b)}
- C. Any evidence or clothing worn at the time of the offense will be secured for the Miami-Dade Police Department's Crime Scene Unit. Preserve the scene as a major crime scene. **Do not place this evidence in plastic bags; such evidence should be placed in paper bags.** {CFA15.10M(c)}
- D. All follow-up investigations and arrest procedures for sexual battery cases within the City of South Miami will be handled by the Miami-Dade Police Department. The officer assigned to the signal will prepare an Offense Report documenting the information relating to the case. If the subject is on the scene, detain him/her but do not question the subject and **do not** read Miranda Rights to the subject (the Miami-Dade Investigator will do this upon arrival). The South Miami Detective on call should be notified as well, and will liaise with MDPD. [CFA15.10M(d)]
- E. If evidence in a sexual offense investigation is held by the South Miami Police Department:
  - i. such evidence is to be submitted within 30 days after receipt, or request by individuals identified in Florida Statute to have it tested;
  - ii. the victim must be informed of the purpose of submitting evidence for testing;
  - iii. Informing the victim must be informed of the right to request testing by a law enforcement agency that collects other DNA evidence associated with the sexual offense if a kit is not collected; and
  - iv. Storage of the evidence must be in a secure, environmentally safe manner until the prosecuting agency has approved its destruction.

### 19.2.9 Assault/Battery Investigations

When responding to incidents of assault and/or battery, specific investigatory steps will include:

- A. Contact the victim, confirm the original report, and ascertain condition of any injury. If the victim is critical or has suffered trauma which may result in death,

or if the victim is transported via life flight helicopter, notify the Miami-Dade Police Department Homicide Section and a supervisor immediately;

- B. Evaluate any physical evidence with the CID/Crime Scene Investigator. Have pictures taken of the victim and crime scene where applicable;
- C. Interview witnesses and/or possible suspects;
- D. After identification of the subject has been determined, file charges with the State Attorney's Office and/or make the arrest.
- E. If the Battery meets the criteria of a Domestic Battery, refer to policy chapter 18.29 regarding Domestic Battery.

**19.2.10      Surveillance, undercover, & decoy operations, raids**

- A. It will be the responsibility of the affected unit Lieutenant to complete an operations plan and submit it to the Chief of Police to approve a surveillance, undercover, decoy, or raid operation. [CFA15.11M(a)]
- B. Surveillance may involve a simple periodic check on a stationary subject or location conducted by one detective, or a continuous long term, multi-person, multi-vehicle operation. The following apply when conducting surveillance:
  - 1. One supervisor will be designated as the coordinator. [CFA15.11M(b)]
  - 2. Procedures for observation, arrests, and tails should be established in advance. The suspect will be identified and plans for contacting the suspect or suspects will be spelled out in advance. [CFA15.11M(F)]
  - 3. All personnel will familiarize and confirm the suspect, vehicles used by the suspect, and the neighborhood or target area.[CFA15.11M(e)]
  - 4. Appropriate surveillance vehicles and equipment will be utilized.
  - 5. All legal problems and/or ramifications will be reviewed by the supervisor in consultation with the State Attorney's Office when needed.
  - 6. A method of routine and emergency communication will be established between participants via hand-held radios, mobile telephones, or other means. [CFA15.11M(c)]
  - 7. The Shift Commander or Patrol Lieutenant should be notified when:

- a. Additional personnel may be needed to transport arrestees, suspects, or prisoners.
  - b. Additional personnel may be needed to establish a perimeter, etc.
8. The Patrol commander of the target area should be kept advised of all ongoing surveillance operations and unusual occurrences. As needed, the supervisor will arrange for relief personnel in long term operations. [CFA15.11M(g)]
9. If the surveillance extends beyond the agency's jurisdiction, outside agencies will be notified as needed.
10. All personnel will be notified when the surveillance is terminated.
11. Surveillance operations will be documented on an after-action plan.[CFA15.11M(g)]
- C. Certain investigations require undercover or decoy operations. When such an operation is warranted, the following apply:
  1. One supervisor will be designated as the coordinator. [CFA15.11M(b)]
  2. Procedures for observation, arrests, and tails should be established in advance. [CFA15.11M(f)]
  3. All personnel will familiarize themselves with the suspect, vehicles used by the suspect, and the neighborhood or target area. [CFA15.11M(e)]
  4. Suspects will be identified and analyzed.
  5. Participants will be chosen from those who best fit the requirements of the particular investigation. Factors to consider when selecting members include the following:
    - a. Ability to infiltrate and remain in the target area;
    - b. Familiarity with procedures and slang associated with the target area;
    - c. Ability to establish rapport with offenders.
  6. Members will not disclose the identity of any undercover detective or officer without the express consent of the member's supervisor.
  7. As needed, detectives will utilize appropriate identification, disguises, or other credentials.
  8. Detectives will be supplied with the proper equipment and expense funds to conduct the operation safely and effectively. All equipment will be

checked to ensure that it works properly. A method of routine and emergency communication will be established between participants via hand-held radios, mobile telephones, or other means. [CFA15.11M(c)]

9. The Shift Commander or Patrol Lieutenant should be notified of the operation to help facilitate when:
  - a. Additional personnel may be needed to transport arrestees, suspects, or prisoners.
  - b. Additional personnel may be needed to establish a perimeter, etc.
  - c. Ensure safe coordination between investigatory and patrol personnel. [CFA15.11M(g)]
10. Evidence will be collected and processed according to agency policy.
11. Surveillance operations will be documented on an after-action plan. [CFA15.11M(g)]

D. Raids or “drug dealer roundups” will be the responsibility of the CID Lieutenant who will complete an operations plan and submit it to the Chief of Police to approve the operation.

1. One supervisor will be designated as the commander of the operation and will act as coordinator with all members involved in the operations plan. [CFA15.11M(b)]
2. Procedures for observation, arrests, and tails should be established in advance. Officers responding to any target locations should receive confirmation prior to the operation that the address they have been given is valid (street address and description of building). [CFA15.11M(e)]
3. All personnel will familiarize themselves with the suspect, vehicles used by the suspect, and the neighborhood or target area. Persons taken into custody will be positively identified or if their identity is in doubt taken to Miami-Dade Police Headquarters for fingerprinting. Interviews of arrestees will be made by the detectives involved in the planning and staging of the operation. [CFA15.11M(f)]
4. Appropriate surveillance vehicles and equipment will be utilized.
5. All legal problems and/or ramifications will be reviewed by the supervisor in consultation with the State Attorney’s Office when needed.

6. A method of routine and emergency communication will be established between participants via hand-held radios, mobile telephones, or other means. [CFA15.11M(c)]
  7. The Patrol Shift Commander or Patrol Lieutenant should be notified of the operation so he can coordinate with his officers in the field and when: [CFA15.11M(d)]
    - a. Additional personnel may be needed to transport arrestees, suspects, or prisoners.
    - b. Additional personnel may be needed to establish a perimeter, etc.
  8. Additional resources from outside agencies may be utilized and should be utilized whenever possible, under the direction of the Chief of Police. Examples are:
    - a. SWAT
    - b. K9
    - c. Motorcycle Unit
    - d. Bomb Squad
    - e. Aviation
    - f. Mobile Command Center
    - g. Corrections
    - h. Additional officers
    - i. Additional equipment
- E. At the completion of all such operations, the appropriate paperwork will be completed. This may require an Offense Incident Report, Arrest Affidavit (if subjects are taken into custody), Inventory and Return Report (if a warrant is served), or other reports as required. An after action plan will be completed to document the efficacy of the original operations plan. [CFA15.11M(g)]

### **19.2.11 Photographic identification arrays and live lineups**

- A. When a detective wishes to conduct a photo lineup for the purpose of identifying a suspect, the following procedure shall be used: [CFA15.13M(a)]
  1. A photographic line-up shall consist of a minimum of six photographs.
    - a. A minimum of five filler photos shall be utilized together with only one photo of the suspect. [CFA15.13M(a)]
    - b. The suspect's photo is to be placed in one of the six positions, as determined by the detective. [CFA15.13M(a)]
    - c. All photographs used in a simultaneous photographic array will be numbered. [CFA15.13M(a)]
    - d. An independent administrator as described by State statute will administer the line-up or array. [CFA 15.13M(b)] "Independent

administrator” means a person who is not participating in the investigation of a criminal offense and is unaware of which person in the lineup is the suspect.

- d. The independent administrator will ensure that no writings or information concerning previous arrests or identifications will be visible to the witness on any lineup.
- e. The lineup must be conducted by an independent administrator. However, in lieu of using an independent administrator, a law enforcement agency may conduct a photo lineup eyewitness identification procedure using an alternative method. Any alternative method must be carefully structured to achieve neutral administration and to prevent the lineup administrator from knowing which photograph is being presented to the eyewitness during the identification procedure. Alternative methods may include any of the following:
  - 1. An automated computer program that can automatically administer the photo lineup directly to an eyewitness and prevent the lineup administrator from seeing which photograph the eyewitness is viewing until after the procedure is completed.
  - 2. A procedure in which photographs are placed in folders, randomly numbered, and shuffled and then presented to an eyewitness such that the lineup administrator cannot see or track which photograph is being presented to the eyewitness until after the procedure is completed.
  - 3. Any other procedure that achieves neutral administration and prevents the lineup administrator from knowing which photograph is being presented to the eyewitness during the identification procedure.
- f. Before a lineup, the eyewitness must be instructed that:
  - 1. The perpetrator might or might not be in the lineup;
  - 2. The lineup administrator does not know the suspect's identity, except that this instruction need not be given when a specified and approved alternative method of neutral administration is used;
  - 3. The eyewitness should not feel compelled to make an identification;
  - 4. It is as important to exclude innocent persons as it is to identify the perpetrator; and
  - 5. The investigation will continue with or without an identification.
- 5. The witness should be instructed to not discuss the results of the line-up with other witnesses.

- g. The eyewitness shall acknowledge, in writing, having received a copy of the lineup instructions. If the eyewitness refuses to sign a document acknowledging receipt of the instructions, the lineup administrator must document the refusal of the eyewitness to sign a document acknowledging receipt of the instructions, and the lineup administrator must sign the acknowledgment document himself or herself.[CFA15.13M(i)]. The photo admonition shall be read to the witness by the independent administrator prior to being shown the line-up or array.[CFA15.13M(b)].
  - h. The independent administrator conducting the array or lineup will be instructed to avoid any conduct that might directly or indirectly influence the witness' decision, and avoid comments or actions that suggest the witness did or did not identify the suspect when the array or lineup is completed;[CFA15.13M(e)]
  - i. The independent administrator will discern the level of confidence in an identification as expressed by the witness. The independent administrator will document the procedure and outcome of the array or lineup, including noting the witness' response and exact words.[CFA15.13M(h)]
2. Photographic line-ups shall consist of contemporary photographs of individuals who are reasonably similar in age, height, weight and general appearance and are of the same sex and race, in accord with the witness's description of the subject.
    - a. Each photo contained within the array shall be of the same size and basic composition. Do not mix color and black and white photographs.
    - b. Do not include more than one photo of the suspect within the array.
    - c. Photos used in the array shall be either all color or all black and white. The inclusion of both color and black and white photos within the array is prohibited.
    - d. Mug shot photos shall not be mixed with other types of photos within the array.
    - e. If any identifying information is included on a photo, it shall be covered or cropped to prevent it from being displayed as part of the array.
    - d. The line-up will be shown under good lighting conditions and under circumstances to minimize any disruption or influence to the process.
  3. All photographs used in a simultaneous line-up shall be numbered prior to being presented to the witness.
  4. Live line-ups are prohibited.

5. Sworn members should randomly change the suspect position in each photographic line up.
6. In circumstances involving the need for multiple witnesses to view a photographic or live line-up, the independent administrator shall ensure:
  - a. The line-up is presented to only one witness at a time;
  - b. Witnesses being presented a line-up at generally the same time and place are kept separated from one another to prevent them from discussing the line-up procedure; and
  - c. Each witness presented a line-up is directed not to discuss the identification procedures or results with any other witness.
7. After reading the standard line-up instructions, the sworn member shall step away from the witness's immediate vicinity and if possible, position himself or herself out of the witness's direct line of sight.
8. The sworn member shall not provide any verbal or non-verbal feedback to the witness concerning the witness's identification process. This includes, but is not limited to, comments such as, "Good job" or "You picked our suspect" or non-verbal actions that confirm or deny whether the witness selected the suspect.
9. The photographs used in a photographic line-up shall be retained in the case file.
10. In any line-up, no person aware of the suspect's identity other than the administering sworn member shall be present.
11. Members conducting eyewitness identification activities shall receive initial training and periodic refresher training (at least once every three years) relating to this policy. All sworn department members shall review and sign for receipt of this policy.

#### **19.2.12 Conducting showups**

- A. When a sworn member wishes to conduct a showup, the following procedure shall be used:
1. Show-ups may be used when circumstances require the prompt display of a suspect to a witness in the investigation of a recently occurred crime. [15.14M(a)]
  2. Show-ups are not intended, nor shall they be used, as a replacement to conducting photographic or live line-ups.

3. When a sworn member has reasonable suspicion warranting the temporary detention of a subject, he or she may use such force which is both reasonable and necessary to either prevent the subject from leaving or to cause the subject to remain in his or her presence.
4. Show-ups shall not be utilized if, prior to the show-up, probable cause to arrest the subject has been established.
5. Sworn members shall not move the detained subject from the original place of detainment for show-up purposes and will take whatever steps possible to limit the suggestiveness of the show-up. [15.14M(b)]
6. Sworn members shall arrange for the witness to be transported to the detained subject's location. If possible, care should be given to shield the witness from being seen by the detained subject.
7. The sworn member shall ensure the witness' description of the suspect is documented before conducting the show-up.
8. The sworn member shall tell the standard show-up instructions to the witness prior to the witness seeing the detained subject: [CFA15.14M(c)]
  - a. *You will be asked to view a single individual.*
  - b. *It is just as important to clear innocent persons from suspicion as to identify guilty parties.*
  - c. *You should not feel you have to make identification.*
  - d. *Regardless of whether you make an identification, we will continue to investigate the incident.*
  - e. *If you make an identification, I will ask you to explain in your own words how certain you are of the identification.*
  - f. *Since this is an ongoing investigation, you should not discuss the identification procedures or results with anyone.*
9. The same subject shall not be presented to the same witness more than once.
10. The sworn member should, as much as possible and while maintaining officer safety, eliminate the inference that the subject has been arrested or is in custody. Examples include removing the subject from the back of a patrol vehicle or concealing the fact that the subject is handcuffed.
11. Multiple witnesses shall be separated and participate in the show-up individually. The sworn member shall take due care in preventing the witnesses from discussing the identification process prior to or after the show-up.
12. The sworn member shall not provide any verbal or non-verbal feedback to the witness concerning the witness's identification process. This includes,

but is not limited to, comments such as, “Good job” or “You picked our suspect” or non-verbal actions that confirm or deny whether the witness selected the suspect.

13. If a positive identification is made, the show-up shall not be presented to any other additional witnesses. If necessary, a photographic or live line-up should be utilized for any additional identification needs.
14. The sworn member shall document, preferably verbatim, any verbal or non-verbal communication made by the witness during the identification process. For example, “Upon seeing Mr. Smith, the witness stated, ‘That’s him! He’s the one who told me he was going to kill me,’ and the witness began crying.”
15. Immediately following an identification, the sworn member shall ask the witness to state, in his or her own words, how certain he or she is of the identification. The sworn member shall take care in precisely documenting the witness’s response within the investigative narrative.
16. The investigator conducting the show-up will avoid any conduct that might directly or indirectly influence the witness’ decision, and avoid comments or actions that suggest the witness did or did not identify the suspect when the show-up, array or lineup is completed;[15.14M(d)]
17. The investigating member will discern the level of confidence in an identification made by show-up, array or line-up as expressed by the witness. [CFA15.14M(e)]
18. The investigating member will document the procedure and outcome of the show-up, array or lineup, including noting the witness’ response and exact words. [CFA15.14M(f)]

## CONFIDENTIAL INFORMANT INTERVIEW REPORT

C.I. Number: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_ City/State: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Business: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Eyes: \_\_\_\_\_ Hair: \_\_\_\_\_

Scars/Tattoos: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Drivers License Number: \_\_\_\_\_ State: \_\_\_\_\_

Employer: \_\_\_\_\_ Address: \_\_\_\_\_ City/State: \_\_\_\_\_

Vehicle Make: \_\_\_\_\_ Model: \_\_\_\_\_ Type: \_\_\_\_\_ Tag Number: \_\_\_\_\_ State: \_\_\_\_\_

Vehicle Make: \_\_\_\_\_ Model: \_\_\_\_\_ Type: \_\_\_\_\_ Tag Number: \_\_\_\_\_ State: \_\_\_\_\_

### MISCELLANEOUS INFORMATION

Criminal History Check: _____	Accurint: <u>Yes ( ) No ( )</u> (Attach Copy)
Drivers License Check: _____	Vehicle Check: _____
Family Member (s): _____	Relationship: _____
Address: _____	City/State: _____
Telephone Number: _____	Business: _____
Family Member: _____	Relationship: _____
Address: _____	City/State: _____
Telephone Number: _____	Business: _____
Interviewed by: _____	Date: _____
Confidential Informant Signature: _____	Parent Signature (Juvenile): _____

## CONFIDENTIAL INFORMANT POLICY AND CONSENT AGREEMENT

- I. I am not an employee, sworn or non-sworn, of any law enforcement agency, and will not represent myself as such under any circumstances.
- II. I have been advised and completely understand that I am in no way authorized to carry a firearm or any other weapon contrary to Florida or Federal law.
- III. I have been advised and completely understand that I have no special rights or privileges as a Confidential Informant and further, that no assistance will be afforded to me by any member of the South Miami Police Department (PPD) if I violate and State or Federal law. I have been warned against participation in any criminal activity.
- IV. I hereby give authority and consent to members of the PPD to attach any electronic or mechanical listening, tracking, and /or recording device to my person, vehicles, or telephone for investigative purposes. I further agree to have any transmissions from such devices, including my voice, recorded and used in any civil or criminal proceeding.
- V. I have been advised and completely understand that any compensation offered to me by members of the PPD is not in any way contingent upon successful prosecution in civil or criminal proceedings. Further, said compensation is not contingent upon any testimony that I may give during said proceedings.
- VI. I agree to abide by the following guidelines under all circumstances:
  - A. Maintain reasonable contact and communication with detectives.
  - B. Notify detectives before contact with any known criminal target.
  - C. Follow all instructions given by the detectives regarding actions before, during, or after contact with possible criminal targets.
  - D. Notify detectives of all instances of legitimate criminal activity.

In consideration of my position as a Confidential Informant of the PPD, paid or unpaid, I have read and completely understand this Policy and Consent Agreement. Further, no other representations have been made to me by any member of the South Miami Police Department. This written agreement is the sole binding instrument and any other agreements - written, verbal, or implied are thereby considered invalid and non-binding. The signature affixed below is my true and lawful name, and the name by which I am commonly known in the community. This consent and agreement is hereby made without coercion, duress, or threats of any kind.

Name: \_\_\_\_\_ C.I. # \_\_\_\_\_

I am the parent or legal guardian of the juvenile named above. I understand his/her desire to assist the PPD and add my consent and agreement as stated above.

Parent/Guardian Signature: \_\_\_\_\_ Date/Time: \_\_\_\_\_

Detective(s): \_\_\_\_\_ # \_\_\_\_\_

\_\_\_\_\_ # \_\_\_\_\_

Supervisor: \_\_\_\_\_ # \_\_\_\_\_ Date: \_\_\_\_\_



South Miami Police Department  
After Action Report

- Special Event  DUI Checkpoint  DUI Saturation  Burglary Detail  
 Robbery Detail  Warrant Service  Narcotics  Other: \_\_\_\_\_

Date: \_\_\_\_\_ Roll Call: \_\_\_\_\_ Event Cleared: \_\_\_\_\_ Hours: \_\_\_\_\_

Event Synopsis:

Event Commander: \_\_\_\_\_ Event Supervisor: \_\_\_\_\_  
 Event Coordinator: \_\_\_\_\_

PERSONNEL BREAKDOWN:

For this operation, the following South Miami Police personnel were utilized:

OUTSIDE POLICE AGENCIES:

Total Officers: \_\_\_\_\_

*Activity Summary*

CATEGORY	TOTALS	CATEGORY	TOTALS
DRUG ARREST		VEHICLES TOWED	
NVDL /DWLS ARRESTS		SMPD OFFENSE REPORTS	
OTHER ARRESTS		SMPD INCIDENT REPORTS	
RECKLESS ARREST		CRASH REPORT	
FELONY ARRESTS		FIELD INTERVIEW CARDS	
MISDEMEANOR		DUI EVALUATIONS	
WARRANTS		GUNS RECOVERED	
		DRUGS IMPOUNDED	
<b>TOTAL ARRESTS</b>	<b>0</b>	STOLEN VEHICLE RECOVERED	
DUI SUMMONS		K-9 SEARCHES	
SAFETY BELT SUMMONS			
CHILD RESTRAINT SUMMONS			
SPEEDING SUMMONS			
DWLS /NVDL SUMMONS			
UNINSURED MOTORIST SUMMONS			
RECKLESS SUMMONS			
RED LIGHT / STOP SIGN			
OTHER TRAFFIC SUMMONS			
<b>TOTAL TRAFFIC SUMMONS</b>	<b>0</b>	<b>OTHER OPERATIONS</b>	<b>0</b>

SUMMARY NARRATIVE:

UNUSUAL OCCURRENCE:

None.

REPORT SUBMITTED BY: \_\_\_\_\_