

Crimes Against Persons

Chapter 7: Basic Investigations & Victims' Rights

A comprehensive guide to conducting impartial investigations and protecting victims' rights in law enforcement operations.





Course Overview

Unit 1: Basic Investigations

Master the investigative sequence and victims' rights protocols

Lesson 1: The Investigative Sequence

Learn systematic approaches to crime scene response and investigation

Lesson 2: Victims' Rights and Brochures

Understand legal obligations to inform and protect crime victims

Unit 1

Basic Investigations



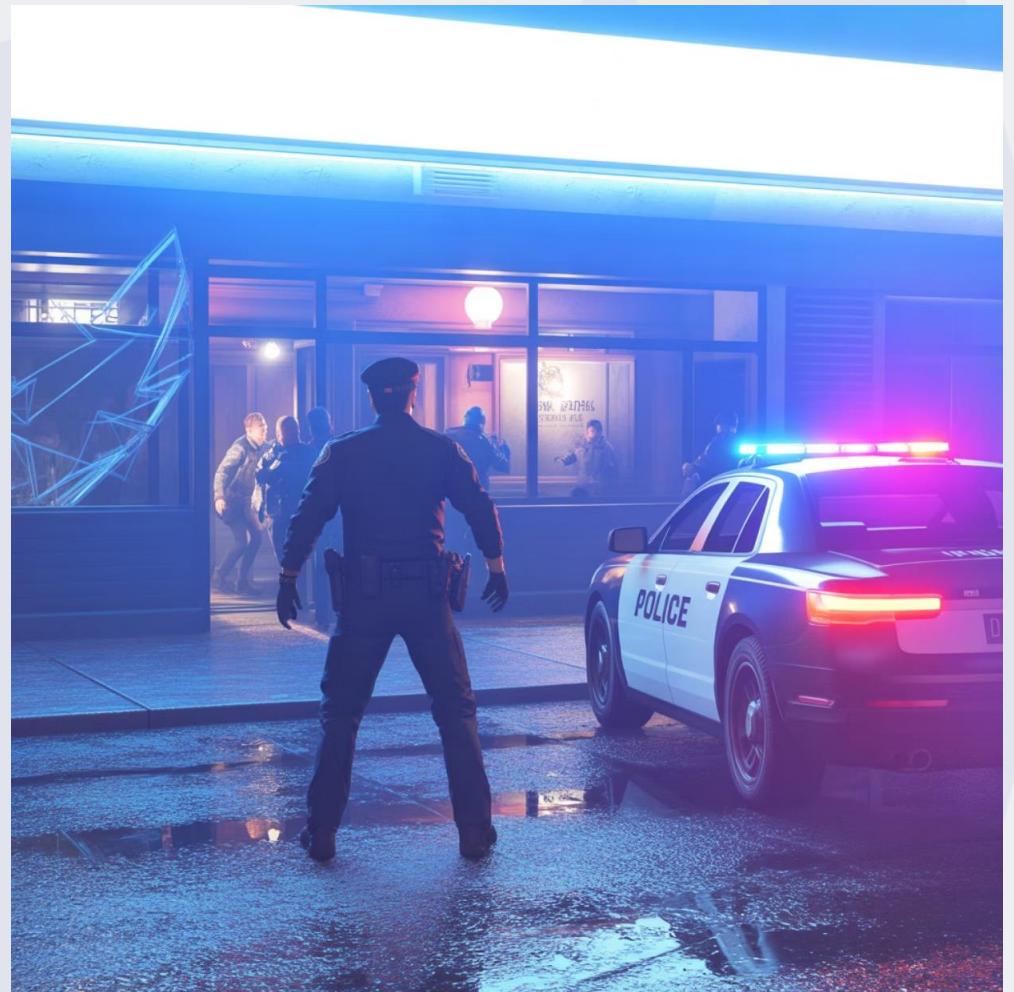
Lesson 1: The Investigative Sequence

Lesson Goal

At the end of this lesson, you will know how to respond to any incident that has the potential for an arrest by following a basic investigative sequence that focuses on fairness in the process and the outcome.

Scenario

You are dispatched to an incident outside of a local bar involving two patrons engaged in a fist fight. Your field training officer (FTO) is busy writing a ticket across town, and you are faced with making the initial contact alone. What steps will you take?





The Foundation of Investigative Work

One of the most important tasks assigned to a law enforcement officer is conducting an impartial investigation to bring a suspect to justice. Objective investigative work is one of the main ways officers earn the public's trust. The quality of an investigation undergoes great public scrutiny, so officers must conduct each investigation with attention to accuracy, detail, and professionalism. You establish a reputation in court and in public based upon the quality of your investigative work.



Preserve Life First

Always prioritize life safety before evidence preservation

Preserve the Scene

Protect evidence and maintain scene integrity for investigation

Professional Approach

Approach all incidents with compassion and a reassuring presence



Your Role at the Scene

The Stabilizer

You may need to assume your role as a stabilizer based on the circumstances of the incident. This involves calming the situation, providing reassurance, and creating order from chaos.

- Use communication techniques to calm situations
- Display empathy and compassion toward victims
- Maintain a reassuring presence
- Control the environment to reduce tension

The Enforcer

Circumstances may require you to assume an enforcer role to maintain safety and control. This involves taking decisive action to protect life and property.

- Deal with immediate threats first
- Maintain Officer safety
- Control access to the scene
- Use appropriate force when necessary



Basic Investigation Sequence

Follow basic investigative steps and use a systematic approach to each investigation. Although each investigative situation is unique, this lesson outlines the basic sequence of events you will follow when you respond to a call involving a potential crime.

Refer to the basic investigation sequence throughout this chapter and the next. Follow the basic steps outlined in Chapter 5 for driving and responding to a scene. This systematic approach ensures consistency, thoroughness, and professionalism in every investigation you conduct.



Scene Safety: Approaching the Entrance

Avoid the Fatal Funnel

When you approach the scene of a building, do not stand directly in front of the door to avoid a fatal funnel situation. This position makes you vulnerable to attack from inside.

Identify Yourself

Immediately identify yourself and state the purpose of your visit. Clear communication establishes your authority and purpose.

Position of Advantage

Move to and maintain a position of advantage, such as somewhere you cannot be attacked from behind. Stay out of doorways.

Visual Assessment

Visually assess the scene, taking note of the number of people present. Observe their hands, body language, and facial expressions.



Scanning for Hazards

Scan the room for hazards as soon as you enter. Your initial visual sweep can identify threats before they become dangerous. Some incident scenes can be chaotic with injured victims, witnesses yelling, and possible suspects on the scene with weapons.

Key Hazards to Identify:

- Possible weapons within reach
- Dangerous pets or animals
- Possible hiding places for suspects
- Number of people present
- Exit routes and escape paths
- Environmental dangers

Ask witnesses or victims if there is anyone present who may have a weapon. Deal with any immediate threats first.





Managing Initial Scene Contact

Your initial response to a call, and how you approach a scene, can influence the level of cooperation you receive from the victim, witnesses, and anyone on the scene. Use communication techniques to calm the situation and maintain control. Keep in mind that no two incidents are alike, and each may require a distinct response.

1

Control Noise

Loud sounds can increase tension and make it difficult to communicate. Turn down noise sources, such as music systems and televisions.

2

Manage Bystanders

Ask bystanders to step away from the immediate scene to reduce distractions and potential interference.

3

Assess Conditions

Determine if anyone is sick, injured, or under the influence of drugs or alcohol.

Medical Assessment and First Aid

Stabilize Before Treating

Determine if anyone is sick, injured, or under the influence of drugs or alcohol. They may appear incoherent or may exhibit abnormal behavior and not respond.

Use first-aid skills to tend to any medical needs. You may need additional assistance from EMS.

Safety Considerations

Encourage the people involved to sit down, but only after you have determined that there are no weapons in the area. Sitting reduces a person's mobility and their access to weapons, exits, or other people.

Reduce scene contamination by controlling who enters the area and establishing a crime scene.





Engaging With People on Scene

1

Maintain Vigilance

Keep watching for any changes and request backup, if needed. The situation can evolve rapidly.

2

Show Respect

Talk to the people involved with sensitivity and respect. Your demeanor sets the tone for cooperation.

3

Stay Neutral

Do not allow yourself to get caught up in the tensions of the scene. Remain neutral and objective.

4

Maintain Safety

Maintain officer safety at all times while using verbal de-escalation techniques to defuse the situation.



Determining If a Crime Occurred



There may be a lot of people present when you arrive at a scene, and those directly involved may not be immediately obvious. Identify who is involved through observation and answers to key questions.



Who is the victim?

Identify the person who has been harmed or victimized



Are there impartial witnesses?

Locate witnesses who observed the crime without bias



What is the relationship?

Determine if the victim has a relationship with the suspect



Assessing Involved Persons

Assess any involved person's physical, intellectual, and emotional well-being, and how likely they are to be violent. Understanding the role of each person involved in an incident provides a foundation for identifying the victim of a crime.

Key Assessment Areas:

- Physical condition and injuries
- Intellectual capacity and comprehension
- Emotional state and stability
- Potential for violence or aggression
- Need for personal space

Keep in mind the concept of personal space. People prone to violence or who have experienced abuse may require more personal space.

Personal Space Considerations

Understanding personal space needs is crucial when dealing with trauma victims and potentially violent individuals. Respect boundaries while maintaining officer safety.



Critical Investigation Questions



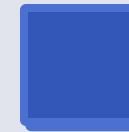
Statements Collection

Did you collect statements from the victim and witnesses? Document all accounts thoroughly and accurately.



Instrumentalities of Crime

What are the instrumentalities of the crime? **Instrumentalities of the crime** are the items used by the defendant to commit a crime.



Physical Evidence

Does the physical evidence support the statements collected? Verify consistency between testimony and evidence.



Documentation

Did you photograph the scene and look for additional evidence? Complete documentation is essential for prosecution.

Separating Involved Parties

Use walls or a doorway to separate and break eye contact between the involved people. This will help them focus their attention on you and can also reduce the potential for verbal insults and physical threats.

Your Behavior Matters

Your behavior can affect the situation, either defusing or escalating it. Be professional at all times, and display empathy and compassion toward the victims.

Maintain Awareness

Make eye contact when talking to people on the scene while maintaining an awareness of your surroundings. Balance engagement with vigilance.





Determining Your Course of Action

Understand your responsibilities for making an arrest, whether you have jurisdiction, and whether to refer to your state attorney's office. Notify your supervisor if you are making an arrest or if you need more resources, such as crime scene technicians, detectives, or medical assistance.

01

Assess Jurisdiction

Verify you have authority to act and understand agency limitations

02

Request Resources

Contact dispatch for crime scene technicians, detectives, or medical assistance

03

Initiate BOLO

If suspect is not on scene, initiate a Be On the Lookout alert

04

Coordinate with Detectives

Provide information gathered and assist as needed or directed

Scene Management and Documentation

Maintain the Scene

Continue to maintain the scene and start a log, which you will learn how to do in Chapter 9. Proper scene management preserves evidence and maintains chain of custody.



Additional Considerations

- Does domestic violence or special classification of crimes apply?
- Does the victim want to prosecute, or will the state press charges?
- Did you complete paperwork detailing all of the known facts?

Your agency may require the victim to agree to prosecute the suspect before you can take any action.

Certain Florida Statutes require an arrest, upon determination of aggressor and/or suspect.



Completing the Investigation

Make the Arrest

If needed, make the arrest following proper procedures and protocols

File Affidavit

Complete and file the affidavit with all required information

State Attorney Referral

Make a referral to the state attorney's office as appropriate

Document Everything

Document the incident following agency policies and procedures

Provide the victim with a case number and the primary officer's name and explain the follow-up procedures. Provide the victim with the appropriate brochures and document this in your report.

Backup Officer Responsibilities

If you are acting as backup, the general role of the backup officer discussed in Chapter 5, applies in an incident that results in an arrest.

Additional duties may also be assigned based on the specific circumstances of the investigation.

Key Reminder

The remainder of this chapter and the following two chapters discuss crime specific procedures in greater detail. This foundational sequence applies to *all* investigations.





Lesson 2

Victims' Rights and Brochures

Lesson 2: Victims' Rights and Brochures

Lesson Goal

At the end of this lesson, you will be able to inform victims of their rights and provide them with the appropriate victims' rights brochures or cards.

Your Responsibility

One of your responsibilities as an officer is to interact with victims and witnesses of crimes. In some cases, being a victim is a person's first experience with the criminal or juvenile justice systems. When someone is a victim of a crime, they have certain rights.





Marsy's Law: Victims' Rights

Marsy's Law requires that officers provide all victims and their families the following information. Victims have the right to:

- **Due Process and Fair Treatment**

Due process and to be treated fairly and respectfully throughout the criminal justice process

- **Freedom from Intimidation**

Freedom from intimidation, harassment, and abuse during all proceedings

- **Timely Notice**

Accurate and timely notice of all of the case's public proceedings, including pleas, trials, and sentencing

- **Protection**

Reasonable protection from the accused and any person acting on behalf of the accused within the judicial process

- **Privacy**

Prevent the disclosure of information or records that could be used to locate or harass the victim or their family



Additional Victims' Rights Under Marsy's Law

Consultation Rights

Consult with the prosecuting attorney concerning any plea agreements, when setting bail, participation in pretrial diversion programs, defendant release, restitution, sentencing, or any other disposition of the case

Post-Conviction Participation

Be informed of all post-conviction processes and procedures, and participate in such processes and procedures

Property Return

Return of property no longer needed as evidence in a timely manner

Restitution

Full and timely restitution for damages and losses incurred

Timely Proceedings

Proceedings free from unreasonable delay to minimize trauma

Legal Assistance

Be informed of these rights and may seek the help of an attorney



Required Victims' Rights Brochures

The following brochures explain these rights and the services available to victims. You can find them in a variety of languages on the FDLE website. Your agency should provide specific versions of the information in the form of brochures or cards that include local contact information for victims.

Documentation Requirement

Because the Florida Statutes mandate distributing this information, document in your report that you gave them to the victim. This is a *legal requirement, not optional*.



Victims' Rights Brochure Content

You must give crime victims a Victims' Rights Brochure or an information card at the crime scene or during the investigation. The brochure provides the following information:

- The availability of crime victim compensation
- Crisis intervention services
- Bereavement counseling
- Social service support referrals
- Community-based victim treatment programs
- The role of the victim in the criminal or juvenile justice process
- The stages of the criminal or juvenile justice process
- The right of the victim to be informed, present, and heard during criminal or juvenile justice proceedings
- If the victim is incarcerated, the right to submit written statements



Domestic Violence Brochure

Victims of domestic violence must also receive a *Notice of Legal Rights and Remedies for Victims of Domestic Violence, Dating Violence, Repeat Violence, Sexual Violence, Stalking* brochure at the earliest opportunity.

Definitions

Definitions of domestic violence, sexual violence, dating violence, repeat violence, and stalking

Florida Law

What Florida's domestic violence law means and how it can help victims

Injunction Violations

What to do if the abuser violates an injunction

Privacy Protection

The victim information that is exempt from public inspection

Additional Resources

Who the victim should contact for more information



Sexual Battery Brochure

Victims of sexual battery must also receive a *Sexual Battery—Your Rights and Services* brochure, published by the Florida Council Against Sexual Violence.

The brochure provides:

- A definition of sexual battery
- The rights of victims and the compensation, resources, and services available to them
- Possible compensation for medical care
- What evidence may be collected





Distribution of Brochures Guide

All Crime Victims

Should receive:

- Victims' Rights Brochure
- Marsy's Law card or brochure

Domestic Violence Victims

Should receive:

- Victims' Rights Brochure
- Marsy's Law card or brochure
- Notice of Legal Rights and Remedies

Sexual Battery Victims

Should receive:

- Victims' Rights Brochure
- Marsy's Law card or brochure
- Sexual Battery—Your Rights and Services

Domestic Violence with Sexual Battery

Should receive:

- Victims' Rights Brochure
- Marsy's Law card or brochure
- Notice of Legal Rights and Remedies
- Sexual Battery—Your Rights and Services

Legally Required Transport

You may also be legally required to transport victims and witnesses of certain crimes, such as domestic violence, sexual battery, or child abuse.

→ Follow Agency Policies

Follow your agency's policies and procedures for transporting juveniles, members of the opposite sex, witnesses, and victims

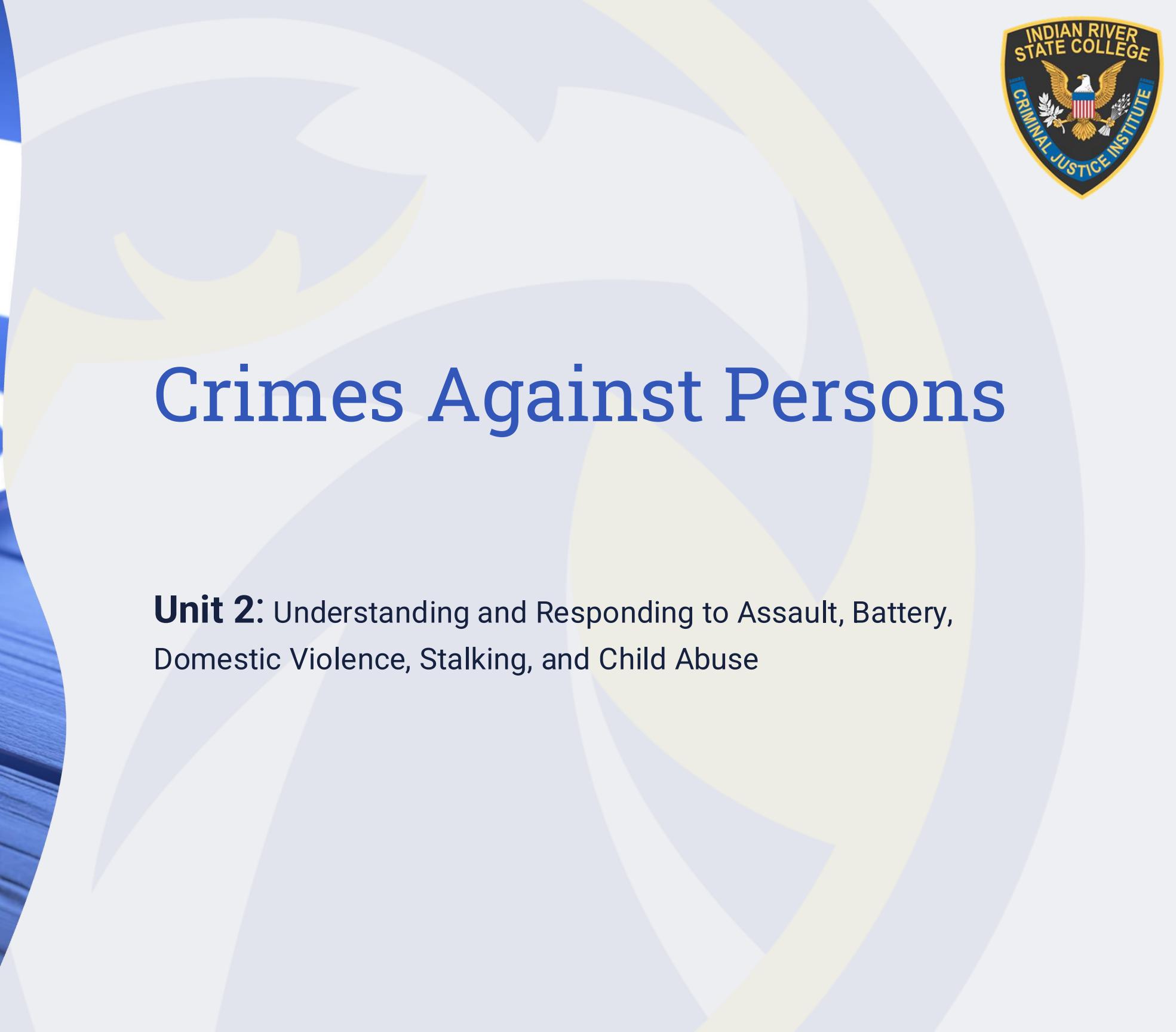
→ Vehicle Check

When you finish transporting a person, conduct a vehicle check after they have exited the vehicle

→ Documentation

Document all transports in your report, including times, locations, and any relevant observations





Crimes Against Persons

Unit 2: Understanding and Responding to Assault, Battery, Domestic Violence, Stalking, and Child Abuse





Unit 2 Overview

Lesson 1

Assault and Battery

Lesson 2

Domestic Violence

Lesson 3

Stalking Crimes

Lesson 4

Child Abuse

This unit covers the most common calls for service involving disputes, fighting, and crimes against persons. Your role is to de-escalate situations, determine if crimes occurred, and take appropriate action to prevent serious harm.

Lesson 1: Assault and Battery

Lesson Goal

At the end of this lesson, you will know how to respond to an incident involving assault and battery and determine when to make an arrest and whether an assault or battery charge merits reclassification.





Think About This Scenario

The Situation

You respond to an incident at a bar. When you arrive at the scene, the bartender tells you that one of their customers walked into the bar with friends and spotted her boyfriend cheating on her with someone else. The customer ran over to the two of them and began yelling obscenities.

Your Response

How are you going to approach this incident and determine if Susan is committing a crime?

Some of the most common calls for service involve disputes and fighting. Your role in these types of incidents is to de-escalate the situation to prevent a serious crime with possible injuries.

Understanding Assault

Chapter 784, F.S., outlines the elements of both assault and battery. An **assault** involves verbal or non-verbal threats. For example, if someone walks up to you within striking distance and suddenly raises their fist in a manner that puts you in fear of being harmed, even if they do not say a word, they commit assault.

A person who commits assault commits a [misdemeanor of the second degree](#).





Elements of Assault

01

Intentional Threat

The suspect intentionally and unlawfully threatened, by either word or act, to do violence to a victim

02

Apparent Ability

At the time, appeared to have the ability to carry out the threat

03

Well-Founded Fear

Created in the mind of the victim a well-founded fear that violence was about to take place

- LE721.1:** Determine if an incident is assault or aggravated assault



Aggravated Assault

Definition

For **aggravated assault**, document that the suspect committed all the elements of assault and in addition, made the assault with a deadly weapon without intent to kill, or with an intent to commit a felony.

A weapon is a deadly weapon if someone uses or threatens to use it in a way likely to cause death or great bodily harm.

Example

Even if a person points a gun at the victim with no intention of firing it, this is aggravated assault if the victim fears the person will shoot them.

A person who commits aggravated assault commits a **felony of the third degree**.



Understanding Battery

Battery Element 1

Actually and intentionally touched or struck the victim against their will

Battery Element 2

Intentionally caused bodily harm to the victim

- LE721.2:** Determine if an incident is battery or aggravated battery



Aggravated Battery

Aggravated battery includes the element of intent or knowing that you will cause great bodily harm. If the victim is pregnant at the time of the battery, whether the suspect knew or should have known they were pregnant, this upgrades a battery charge to aggravated battery.

1

Battery Committed

Suspect commits battery

2

Plus Additional Element

Intentionally or knowingly caused great bodily harm, permanent disability, permanent disfigurement OR used a deadly weapon

Felony Battery

Definition and Elements

For a **felony battery**, document that the suspect actually and intentionally touched or struck a victim against their will and caused significant injury, great bodily harm, permanent disability, or permanent disfigurement to the victim.

When a suspect has one prior conviction for battery, aggravated battery, or felony battery and commits any second or subsequent battery, the charge is reclassified from a misdemeanor battery charge to a felony battery charge.

Felony battery does not involve a conscious intent to cause great bodily harm; however, it does include the intent to touch or strike a victim against their will.



- LE721.3:** Determine if an incident is felony battery

Domestic Battery by Strangulation

Domestic battery by strangulation is a felony battery that is battery against a family or household member or someone with whom the victim is in a dating relationship.

The abuser knowingly and intentionally impedes the victim's breathing or circulation against their will by applying pressure to the throat or neck or by blocking the victim's nose or mouth.





Responding to Assault or Battery

01

Officer Safety First

Your initial focus will be *officer safety* and *de-escalating the tensions* between the people involved in the incident

02

Determine Crime Elements

Determine if a crime actually occurred based on the elements of assault and battery

03

Identify Weapons or Objects

Determine if the suspect used something to commit the crime, such as hands, fists, feet, or an object or weapon

Follow the basic investigative sequence outlined in the first lesson of this chapter. Occasionally there are situations that may not rise to the level of a criminal violation but have the potential for violence. In these instances, your agency may consider obtaining a risk protection order (RPO) on the person who poses the threat for violence.

- LE721.4: Describe how to respond to assault or battery



Reclassification of Offenses

A gold justice scale is positioned in the foreground, slightly to the left. Its arms are balanced, and it sits on a large, ornate base. In the background, a classical-style court building with a prominent clock tower and a blue-tinted facade is visible through a glass window. The building has several columns and a triangular pediment. The overall color palette is dominated by blues and golds.

Under specific circumstances, or when certain elements are present while committing an assault or battery, the crime is reclassified to a more serious class of offense and carries a stronger sentence than the original crime.

Reclassification can occur when the victim is 65 or older or falls into specific protected categories defined by Florida law.



Protected Victim Categories

Education and Public Safety

Employee of a public or private school, sports official

Emergency Services

Emergency medical care provider—ambulance driver, emergency medical technician, paramedic, registered nurse, or physician; firefighter or police explorer

Public Transit and Security

Public transit employee, security officer employed by the board of trustees of a community college

Criminal Justice Personnel

Law enforcement officer, correctional officer, correctional probation officer, federal law enforcement officer, fish and wildlife law enforcement officer

Traffic and Enforcement

Traffic accident investigation officer, traffic infraction enforcement officer, parking enforcement specialist

Reclassification Requirements

Key Elements to Establish

To reclassify the crime properly, establish that:

- The victim was performing job duties at the time of the assault or battery
- The suspect knew or should have known the victim was one of the workers listed in chapter 784, F.S., at the time of the assault or battery





Correctional Facility Incidents

You may respond to an incident at a jail or correctional facility. Assault or battery of a correctional facility employee requires five additional elements to reclassify the crime:

01

Custody Status

The suspect was in custody in a correctional facility

02

Intentional Contact

The suspect intentionally touched, struck, or attempted to touch or strike the victim against their will by throwing, tossing, or expelling blood, saliva, chewed food, semen, urine, or feces at the victim

03

Intent to Harass

The suspect intended to harass, annoy, threaten, or alarm the victim

04

Victim Status

The victim was a correctional facility employee

05

Suspect Knowledge

The suspect knew the victim or had reason to know the victim was a facility employee



Warrantless Arrest Authority



Chapter 901, F.S., allows you to make an arrest for assault without a warrant in the following situations:

Assault in Your Presence

The assault occurs in your presence

Domestic Violence Situation

The assault occurs during a domestic violence situation

Protected Personnel

The assault occurs upon a law enforcement officer, a firefighter, an emergency medical care provider, a public transit employee, or another officer



Warrantless Arrest for Battery

Probable Cause Standard

Chapter 901, F.S., also allows officers to make a warrantless arrest for battery if there is probable cause to believe that a misdemeanor has been committed and that the person accused is the perpetrator of the crime.

Evidence Types

Probable cause may consist of:

- Physical evidence
- Sworn statements

- ❑ **LE721.5:** Determine when an assault or battery charge merits reclassification or a change in the degree of the offense

LE721.6: Describe when you can make a warrantless arrest for assault or battery



Lesson 2: Domestic Violence

Lesson Goal

At the end of this lesson, you will know how to respond to an incident involving domestic violence and determine the appropriate course of action and charges, if necessary.



Think About This Scenario

Timothy is 15 and yells at his mother when he gets angry. One time, Timothy argues with his mother and shoves her into a wall. In fear, she runs into her bedroom, locks the door, and calls the police.

Questions to Consider

Is this domestic violence? How will you respond to this incident? What are some of the first tasks you need to do?



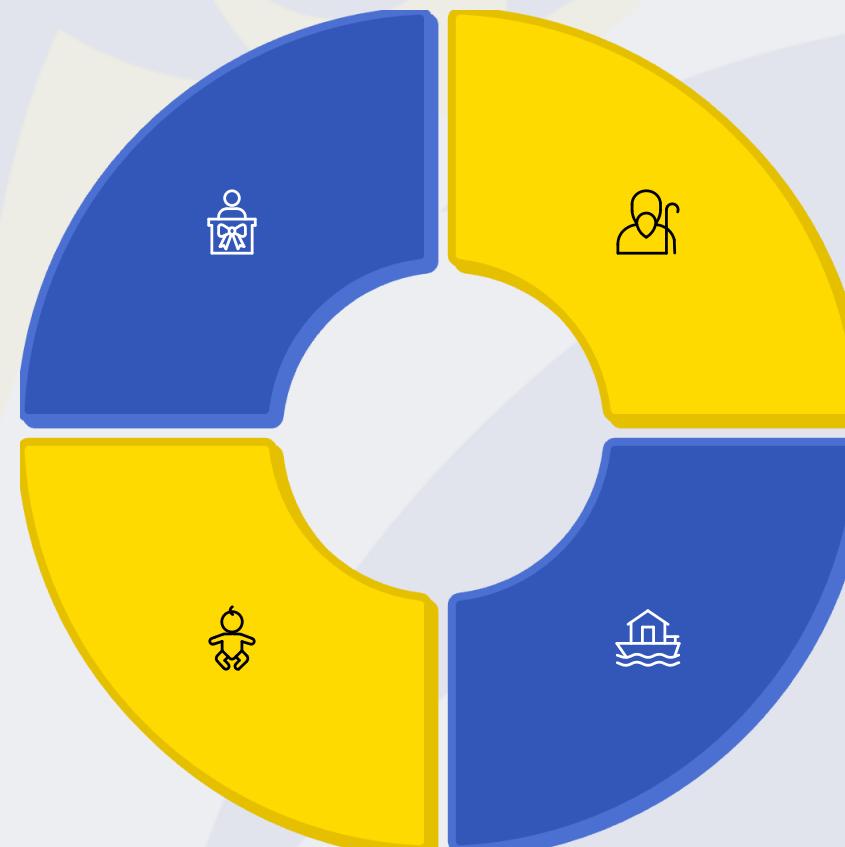


Domestic Violence Criteria

Chapter 741, F.S., defines **domestic violence** as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

- LE722.1:** Determine when an incident meets the criteria for domestic violence

Family or Household Member Definition



Spouses

Current or former spouses

Child in Common

People who are parents with a child in common

Related by Blood or Marriage

People related by blood or marriage

Living Together

People who live together as a family, or who have lived together in the past as a family

With the exception of people who have a child in common, the family or household members must currently live or, in the past, lived together in the same single dwelling unit.

Domestic Violence Charges

Important Distinction

In Florida, when you arrest a person during a domestic violence incident, the actual criminal charge will not be for domestic violence.

Instead, the charge may be assault, aggravated assault, battery, or aggravated battery.

Determining Factor

The relationship between the perpetrator and the victim determines if the incident is domestic violence.





Approaching a Domestic Violence Call

The most dangerous time of a domestic violence call is when you approach, as the abuser may know that you are coming.

When you arrive immediately consider:



Weapons Present?

Are there weapons?



Previous Calls?

Have there been previous calls to this location?



In Progress?

Is the incident in progress?



Abuser Present?

Is the abuser on the scene?

If, after thorough investigation, evidence indicates there is probable cause that an offense occurred, and the involved persons are family or household members, **arrest the abuser**.

Arrest is the preferred response only for the primary aggressor, not for a person who acts in a reasonable manner to protect themselves or a family member from violence.



Determining the Abuser

With your backup officer, obtain each person's statements separately. Try to determine the abuser early on. Consider the following factors to help identify the abuser and make an arrest:

- LE722.2:** Determine the abuser in a domestic violence incident



Factors for Identifying the Abuser

- **Physical Evidence**

Compare physical evidence to statements

- **Injuries**

Compare injuries to statements. Does the injury fit the story of the person who claims self-defense? Typical defensive wounds include bruising or cuts on outer forearms, back, backs of legs, palms, or inside fingers or fingertips

- **Statements**

Compare statements from the victim, witness, and suspect

- **Patterns**

Consider evidence or patterns of assault and coercion; include physical, sexual, and psychological abuse

- **Communication**

Assess the verbal and non-verbal communication of the involved persons

- **Emotional State**

Consider the emotional state, use of physical stature for intimidation, and fearfulness of involved persons

- **History**

Consider past incidents of violence

- **Damage**

Consider violent physical acts, such as damaged property or injured animals

- **Security Devices**

Determine if the suspect has destroyed any security or surveillance devices

- **Damaged Items**

Look for broken or damaged doors, window locks, or cell phones

- **Economic Abuse**

Look for red flags of economic abuse or dependency, such as whether the abuser took the only credit card, checkbook, cell phone, or set of car keys

Dating Violence

Definition

Dating violence is violence between people who have or have had a continuing and significant relationship of a romantic or intimate nature.

The criteria for dating violence is based on:

- A dating relationship within the past six months
- The character of the relationship, including the expectation of affection or sexual involvement
- The frequency and type of interaction occurring over time and on a continuous basis



The decision to investigate, arrest, and charge does not require the victim's consent. You are not liable in any civil action for an arrest based on probable cause, enforcement of a court order, or service of process in good faith arising from an alleged incident of dating violence.

Responding to Domestic Violence

Follow the basic investigative sequence outlined in the first lesson of this chapter. Your initial focus will be officer safety and de-escalating the tensions between the people involved in the incident. An incident that involved domestic violence will require additional documentation and reporting.

- LE722.4:** Describe how to respond to a domestic violence incident





Gathering Information and Evidence

Getting details of the incident from the victim and suspect can be difficult because of the intensity of the situation. If either or both refuse to provide adequate information, turn to witnesses, including children, who were present during the incident. If there are no witnesses, you may need to rely on observable evidence at the scene, such as physical injuries or broken furniture.

Document Everything

Physical evidence is incredibly important in a domestic violence investigation. Photograph and document evidence carefully, or document the lack of evidence

Follow-Up Documentation

It may be necessary for you to return in 24 to 48 hours to document or collect more evidence or information, including photographs of physical injury and property damage

Evidence Solves Cases

Physical evidence can help solve a case involving an uncooperative victim or witnesses. You will learn about evidence collection in Chapter 9

- LE722.5:** Describe how to document evidence in a domestic violence incident



Arrest and Transport Procedures

Arrest Requirements

If you decide to arrest the abuser, tell the victim and the suspect why and where you are transporting the suspect.

An adult suspect arrested for an act of domestic violence must remain in custody until brought before the court for a bail determination.

Liability Protection

Like dating violence, the decision to investigate, arrest, and charge does not require the victim's consent. You are not liable in any civil action for an arrest based on probable cause, enforcement of a court order, or service of process in good faith arising from an alleged incident of domestic violence.

A backup officer may need to transport the victim and any children to a domestic violence center.



When Probable Cause Does Not Exist

When probable cause for arrest does not exist, you and the backup officer will explain the options available to each party separately, such as:



Counseling

Getting counseling



Legal Rights

Acting on information provided in the *Notice of Legal Rights and Remedies* brochure



Social Services

Getting help from local social service agencies



Safe Transport

Arranging for transportation to a domestic violence center or safe location

Important: It is unlawful to disclose the location of the domestic violence center you transported a victim to.



No Contact Order

A **no contact order** prohibits any oral or written communication with the victim (or person named in the order); physical or violent contact with the victim; or presence within 500 feet of the victim's residence, vehicle, or workplace, or a specific place that the victim (or person named in the order) visits regularly.

A no contact order is typically part of the pretrial release conditions imposed on someone arrested for committing a crime against another person, which would typically include incidents of domestic violence.

Chapter 901 F.S., allows you to make a warrantless arrest for a violation of a no contact order if the original arrest was for an act of domestic violence.

- LE722.6:** Describe the role of a no contact order



Injunctions for Protection

Civil Action with Criminal Consequences

Although an injunction is a civil action, its violation has criminal consequences. Law enforcement honors injunctions from other states or countries and can advise a victim to ask the local clerk of the court to reissue the injunction in Florida if the victim is now residing here.

Be sure to let victims know that they can go to the courthouse and file for an injunction. The victim must complete an affidavit, explaining why they need the protection. All forms are free of charge from the clerk of court. A judge reviews the affidavit and grants or denies the request.





Injunctions and Custody Issues

An injunction often involves custody of the victim and respondent's children. The violation of a custody arrangement outlined in an injunction will generally remain a civil matter unless the respondent violates one of the conditions given in chapter 741, F.S.

If you determine the circumstances of the custody dispute are civil in nature, maintain the status quo and document the incident on the appropriate report.

Chapter 901, F.S., allows you to make a warrantless arrest for a criminal act that is in violation of an injunction for protection.

Victims of domestic or dating violence often hesitate to obtain an injunction for fear that the abuser may retaliate. An option for the officer may be to petition the court for a risk protection order, following agency policies and procedures.

- LE722.7:** Describe the role of an injunction in a domestic violence incident



Child to Parent Domestic Violence

Child domestic battery occurs when a child commits an act of violence against a parent, sibling, or other family member living in the home.

When you interview a child and family members, determine if the violent behavior is an isolated event. After gathering essential information, refer the family to appropriate interventions, refer the child to another family member's home or a respite diversion program to "cool off," or make an arrest based on the ongoing risk level of harm to others.

The circumstances surrounding each child domestic battery incident are unique and require an individualized response. Refer families to the Florida Network of Youth and Family Services for local and statewide resources for emergency shelter services and individual and family counseling.

- LE722.8:** Describe how to respond to child to parent domestic violence



Documentation Requirements

1

Written Report Required

Florida law requires you to document any allegation of domestic violence with a written report

2

Explain No Arrest Decision

If you do not make an arrest and do not clearly write the reason why in your report, you and your agency may assume liability should the persons involved re-engage in violence and injury occurs

3

24-Hour Notification

Florida law also requires you to send a domestic violence report to your nearest local, certified domestic violence center within 24 hours of receiving notification of the reporting of the incident

- LE722.9:** Describe how to document a domestic violence incident



Lesson 3: Stalking Crimes

Lesson Goal

At the end of this lesson, you will know how to respond to incidents involving stalking and sexual cyberharassment and determine the appropriate course of action and charges, if necessary.



Think About This Scenario

“

Michael began following his ex-wife, Cheri, soon after their divorce. He leaves notes on her car, parks his truck in front of her house, and repeatedly phones her at work and at home. She tells him to leave her alone but does not report it to law enforcement at first. Michael increases the frequency and intensity of this behavior, so Cheri decides to contact law enforcement as this behavior has occurred every day for over two months.

”

How will you respond to this incident?

Understanding Stalking

Definition and Characteristics

Stalking involves unwanted and repeated attention, contact, or harassment by the suspect toward the victim. It can easily escalate as the suspect progresses to possessive and controlling behavior.

Stalking is not limited to people who have an existing relationship. Sometimes the suspect is a stranger to the victim.

Pattern of Behavior

It can occur as a cluster of incidents in a brief period of time or repeated over a long period of time.





Elements of Stalking

Chapter 784, F.S., outlines the elements of stalking. Stalking occurs when the suspect willfully, maliciously, and repeatedly follows, harasses, or cyberstalks the victim.

Willfully

Intentionally and deliberately

Maliciously

Wrongfully, intentionally, without legal justification or excuse, and with the knowledge that injury or damage will or may be caused to another person or their property

Repeatedly

Multiple instances of following, harassing, or cyberstalking

Stalking may not come to the attention of law enforcement until the situation has progressed to another crime, such as sexual battery, aggravated assault, or murder.



Aggravated Stalking

Aggravated stalking occurs when the suspect willfully, maliciously, and repeatedly follows, harasses, or cyberstalks the victim, and makes a credible threat to the victim.

A **credible threat** is a verbal or non-verbal threat, or a combination of the two, that places someone in reasonable fear for their safety or the safety of their family and friends.

- LE723.2:** Determine if an incident is aggravated stalking

Cyberstalking

Cyberstalk means to engage in a course of conduct to communicate, or to cause to be communicated, directly or indirectly, of words, images, or language by or through use of electronic mail or electronic communication, directed at, or pertaining to a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.



False Anonymity

Some juveniles may have a false perception that they are anonymous on the internet and use social media to abuse others



Escalation

They may use it to respond to or carry on a disagreement that can escalate to bullying and cyberstalking



Other Forms

Other forms of cyberstalking include cyberintimidation and sexual cyberharassment

- LE723.3: Determine if an incident is cyberstalking



Responding to Stalking Incidents

1. Interview the Victim

Interview the victim to gain the facts surrounding the stalking, such as frequency, method, and any electronic device information

3. Determine Elements

Determine if the information meets the elements of stalking, aggravated stalking, or cyberstalking, and if you have jurisdiction based on where the stalking occurred

5. Notify Supervisor

Notify your supervisor based on the complexity of the case, if there are weapons involved, or if you need additional assistance, such as a specialized detective or a victim's advocate

2. Collect Evidence

Ask the victim to provide screenshots of text messages or social media pages, and physical copies of notes

4. Preserve Electronic Evidence

To avoid destroying any information, do not touch any electronic devices, such as a cell phone, laptop, or desktop computer

6. Victim Safety

A backup officer may transport the victim and any children to a domestic violence center

- LE723.4: Describe how to respond to stalking



Lesson 4: Child Abuse

Lesson Goal

At the end of this lesson, you will know how to respond to an incident involving child abuse, neglect, and abandonment while considering the role of the child protective investigator.

Think About This Scenario

Tracy is a 14-year-old middle-schooler, and she is arguing with her father at the dinner table. Her father calls her defiant, and she argues that she is merely sarcastic. As they continue to argue, her father tells her to stand up; he grabs her by the arm and slaps her. Tracy does not notice any marks on herself, but her teacher notices marks on the back of her arm and calls the DCF Abuse Hotline.

Questions to Consider

How will you respond to this incident? What are some of the first tasks you need to do?





Child Abuse Definition

In Florida, a parent has the right to discipline their child in a reasonable manner. Corporal punishment by a parent or legal custodian for disciplinary purposes does not constitute abuse when it does not result in substantial harm to a child.

If a reasonable parent or adult would not engage in a damaging act toward a child for any valid reason, especially when the primary purpose is to cause the child unjustifiable pain or injury, the act is deemed malicious and is child abuse.

Chapter 827, F.S., outlines the elements of child abuse.

- LE724.1:** Determine if an incident is child abuse or aggravated child abuse



Elements of Child Abuse

For **child abuse**, document that the suspect knowingly or willfully abused a child younger than 18 by:

1

Physical or Mental Injury

Intentionally inflicting physical or mental injury

2

Intentional Act

Committing an intentional act that could reasonably be expected to result in physical or mental injury

3

Encouraging Others

Actively encouraging another person to commit an act that results in or could reasonably have been expected to result in physical or mental injury to a child

Types of Physical Injury

Chapter 39, F.S., defines **physical injury** as death, permanent or temporary disfigurement, or impairment of any bodily part. Different types of harm can include:

Musculoskeletal Injuries

Sprain, dislocation, or cartilage damage

Skeletal and Neurological

Bone or skull fracture, brain or spinal cord damage, or traumatic brain injury

Internal Injuries

Injury to any internal organ

Respiratory Harm

Asphyxiation, suffocation, or drowning

Surface Injuries

Burns or scalding, cuts, lacerations, punctures, or bites



Mental Injury and Aggravated Child Abuse

Mental Injury

Mental injury from child abuse is an injury to the intellectual or psychological health of a child. Expert testimony from a mental health professional determines if a child victim cannot function within the normal range of behavior because of child abuse.

Aggravated Child Abuse

For **aggravated child abuse** of a child younger than 18, document that the suspect:

- Committed aggravated battery upon a child
- Willfully tortured a child
- Maliciously punished a child
- Willfully and unlawfully caged a child
- Knowingly or willfully committed child abuse, causing great bodily harm, permanent disability, or permanent disfigurement

Child Neglect

Child neglect occurs when a caregiver fails to provide food, nutrition, clothing, shelter, medicine, and medical services essential for the well-being of a child, regardless of the age. Child neglect is more than a failure to use ordinary care; it is gross and deliberate negligence, committed with disregard for the safety of a child.

For child neglect, document that the suspect was a caregiver for the child and willfully failed to provide the care, supervision, and services necessary to maintain physical or mental health, or failed to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

- LE724.2:** Determine if an incident is child neglect





Caregiver and Legal Custody

Caregiver Definition

In the context of child neglect, a **caregiver** means a parent, adult household member, or other person who is responsible for a child's welfare or who might have legal custody of a child

Legal Custody

Legal custody means:

- A legal status created by a court: the court appoints an entity, whether an agency or an individual (for example, DCF, or a member of a child's extended family), to be a custodian or guardian
- The right to have physical custody of a child and the right and duty to protect, nurture, guide, and discipline a child
- The right to provide a child with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care

Child Abandonment vs. Surrendering an Infant



Abandonment

Chapter 39, F.S., defines **abandonment** as a situation involving a parent, legal custodian, or caregiver who, while being able, makes no significant contribution to a child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with a child, or both.

Baby Safe Haven

A parent does not commit child abuse, neglect, or abandonment if the parent surrenders an infant approximately 30 days old or younger at a hospital, emergency room, EMS station, or fire station or brings an infant to an emergency room.





Baby Safe Haven Law

When the parent leaves an infant at one of the places designated a Baby Safe Haven and expresses an intent to leave the infant and not return, they are not exposing a child to unreasonable risk of harm.

Infant Definition

Chapter 383, F.S., outlines the treatment of surrendered infants and their parents. The Florida Statutes define an ***infant*** as a child a licensed physician would reasonably believe to be about 30 days old or younger

Anonymity Rights

Unless there is actual or suspected child abuse or neglect, a parent has the right to remain anonymous when surrendering an infant

Officer Restrictions

You may not pursue or follow a parent who surrenders an infant to a designated Baby Safe Haven



Abusive Head Trauma

In a child, a traumatic brain injury is an injury to the head and brain of an infant or child younger than 6 years of age, usually as the result of violent shaking or blunt impact. This type of head trauma is a sign of child abuse.

In First Aid, you learn how to recognize and provide emergency care to an infant or child younger than 6 years of age with head trauma and brain injury.

Once the infant or child is in the care of EMS, your role shifts to conducting the initial investigation for child abuse. The role of the parent or caregiver in abusive head trauma is considerable and may be difficult to understand if they seem pleasant and forthcoming with information. Most parents or caregivers do not intend to kill or injure a child, just punish, or get them to stop crying; however, these caregivers are still responsible for their actions.

- LE724.4:** Describe an incident of abusive head trauma



Contributing to Delinquency or Dependency

For contributing to the delinquency or dependency of a child younger than 18, document that the suspect committed an act that:



Causing Delinquency

Caused, tended to cause, encouraged, or contributed to a child becoming a delinquent or dependent child or a child in need of services



Inducing Conduct

By act, threat, command, or persuasion, induced or endeavored to induce a child to commit or perform an act, follow a course of conduct, or live in a manner that causes or tends to cause the child to remain a delinquent or dependent child or a child in need of services

Important: A person 21 years of age or older who impregnates a child under 16 years of age contributes to the delinquency of the child, even if the victim agreed to the act.

- LE724.5: Determine if an incident is contributing to the delinquency or dependency of a child



Responding to Child Abuse, Neglect, or Abandonment

Responding to an incident involving child abuse can be emotionally difficult. When you arrive at the scene, you must determine if there are any injuries and if anyone needs immediate medical treatment. Look for signs of physical abuse, such as bruises, welts, burns, fractures, and cuts.

Sometimes you meet with or escort a child protective investigator (CPI) from DCF to the scene. Due to the hostile nature of domestic calls, you will provide security for the unarmed CPI while they conduct an assessment to determine if a child is in immediate danger.

The Florida Statutes authorize a CPI to remove children from a parent or caregiver's custody and control without a custody order. If this occurs, make sure that the child's removal happens with as little trauma as possible.

- LE724.6:** Describe how to respond to child abuse, neglect, or abandonment



Investigation and Interview Procedures

01

Separate Child from Abuser

Physically separate a child from the alleged abuser to prevent additional harm to the child and to prevent them from seeing or hearing each other

02

Observe Interactions

Pay attention to how a child interacts with any adults or siblings and if their demeanor suggests fear when they are in the room

03

Conduct Interviews

Conduct a thorough interview of all persons on the scene, at a reasonable location of your choice, out of earshot of the child, and considering officer safety

04

Obtain Statements

Interview the parents or caregivers and obtain a statement regarding the allegations of child abuse or neglect. This is a preliminary interview to lock in a statement, dismiss any retaliatory accusations, or establish a suspect's identity

05

Determine Crime

Determine whether a crime has occurred and if abuse or neglect of a child occurred. If it did occur, find out who is responsible

06

Protect Victims

Decide what actions are necessary to protect the victims, which may include removing a child from the environment

- LE724.7: Separate the victim of child abuse or neglect from the suspected abuser



Reporting and Documentation

Contact DCF Abuse Hotline

If the child's life or health is in such danger that they must be removed from their surroundings, or if you reasonably believe a child has been abandoned, abused, or neglected, contact your supervisor and the DCF Abuse Hotline at **800-962-2873**.

Follow the basic investigation process outlined at the beginning of this chapter. Document the incident regardless of whether a crime has occurred.

Procedural Justice

Using procedural justice can help reduce tensions and limit the trauma experienced by all parties. Maintain a professional, impartial, and proactive response. Explain your actions and provide the children with a chance to speak and ask questions.

Keep in mind that both the child and the adults involved in the incident are experiencing trauma. Treating all involved with dignity and respect can de-escalate and calm the situation.



Mandatory Reporting Requirements

Universal Reporting

The Florida Statutes require all individuals to report any suspicion or knowledge of child abuse, neglect, or abandonment by calling the DCF Abuse Hotline

Professional Reporters

Most reporters can remain anonymous; however, statutes require people in certain professions, including law enforcement, physicians, and teachers, to provide their names to the hotline when reporting



Confidentiality

The identity of the person reporting the abuse is confidential information. Include this identifying information in your report, but do not disclose it to anyone involved in the incident



CPI Protection

Do not place the CPI's personal identifying information (date of birth, home address, etc.) in your report as employees of DCF have the same confidentiality protections as law enforcement

- LE724.8:** Describe how to document child abuse, neglect, and abandonment

Crimes Against Persons

Unit 2: Protecting Vulnerable Populations and Responding to Critical Incidents





Course Overview

01

Lesson 5: Abuse, Neglect, and Exploitation

Responding to incidents involving elderly persons or disabled adults

02

Lesson 6: Custody and Confinement Crimes

Interference with custody, luring, false imprisonment, and kidnapping

03

Lesson 7: Missing Persons

Alert systems and investigation protocols for missing or endangered persons

04

Lesson 8: Sexual Offenses

Trauma-informed response to sexual battery and related crimes



LESSON 5

Abuse, Neglect, and Exploitation of an Elderly Person or Disabled Adult



Lesson 5 Goal

At the end of this lesson, you will know how to respond to an incident involving abuse, neglect, or exploitation of an elderly person or disabled adult while considering the role of the adult protective investigator (API).

Scenario: Martha's Call

The Situation

Dispatch sends you to the home of Martha, who is 75 and blind. She called because her dog is not coming when called, but she can hear the dog whining somewhere in the house.

Martha tells you that she lives with her son, and he was angry at her because she wouldn't give him money. She thinks that he kicked her dog before leaving the house.

The Discovery

You find the dog and carry it to Martha, who asks you to call a cab for her. While you are calling for a cab, Martha discovers that credit cards are missing from her wallet.

How will you respond?





Abuse of an Elderly Person or Disabled Adult

Abuse of an elderly person or disabled adult occurs when the suspect knowingly or willfully subjects an elderly person or disabled adult to behavior that could reasonably be expected to result in the physical or psychological harm or death of the victim.

Intentional Physical or Psychological Injury

The suspect intentionally inflicts physical or psychological injury upon the victim.

Acts Expected to Cause Injury

The suspect commits an intentional act that could reasonably be expected to result in physical or psychological injury.

Encouraging Harmful Acts

The suspect actively encourages another person to commit an act that resulted in or could reasonably have been expected to result in physical or psychological injury.

Unlawful Isolation

The suspect intentionally and without lawful authority isolates or restricts access to family members for any length of time that could reasonably be expected to result in physical or psychological injury or to conceal criminal activity.



Aggravated Abuse

Aggravated abuse of an elderly person or disabled adult represents the most serious forms of abuse and occurs when the suspect:

Aggravated Battery

Commits aggravated battery upon an elderly person or disabled adult

Torture or Malicious Punishment

Willfully tortures, maliciously punishes, or willfully and unlawfully cages the victim

Severe Harm

Knowingly or willfully abuses the victim and causes great bodily harm, permanent disability, or permanent disfigurement





Neglect of an Elderly Person or Disabled Adult

Neglect of an elderly person or disabled adult occurs when the suspect willfully fails to provide the care, supervision, and services necessary to maintain the physical or mental health of an elderly person or disabled adult, or fails to make a reasonable effort to protect the victim from abuse, neglect, or exploitation by another person.

- The abuse may be repeated conduct or a single incident that can result in a serious physical or psychological injury, or a substantial risk of death.

The suspect must be the **caregiver** for the victim. A caregiver means a person who has been entrusted with or has assumed responsibility for the care of an elderly person or disabled adult and their property.

Who Can Be a Caregiver?



Family Members

Relatives who have taken on caregiving responsibilities



Legal Guardians

Court-appointed or voluntary guardians



Household Members

Adult household members and neighbors



Healthcare Providers

Medical professionals and facility staff



Facility Employees

Employees and volunteers of care facilities

Observing Signs of Neglect

Your observations might determine whether a caregiver is providing adequate care. Consider these essential elements:

Basic Needs Assessment

- Food and nutrition
- Clothing appropriate for weather
- Shelter and living conditions
- Adequate supervision

Medical Care Assessment

- Access to medicine
- Medical services availability
- Treatment of existing conditions
- Overall health maintenance

These observations are essential to determining the well-being of the elderly person or disabled adult.





Exploitation of an Elderly Person or Disabled Adult

Adults who are elderly or disabled can be more dependent on others because of limitations and unique needs. This dependence, along with physical or mental vulnerability, places them at an increased risk of being financially exploited by friends, family, and other trusted individuals.

Given the nature of the relationship between the victim and the suspect, victims may have difficulty identifying a crime has occurred and are often reluctant to report crimes committed against them. Look beyond the surface of a situation to understand the dynamics that may be occurring.

Understanding Fiduciaries

The elderly person or disabled adult may have a fiduciary, or someone who is legally responsible for managing their health and well-being or makes decisions regarding their property and finances.



Guardian

Manages personal care and makes healthcare decisions



Trustee

Manages financial assets and property held in trust



Agent Under Power of Attorney

Acts on behalf of the person based on legal authorization

- Important:** Do not assume that an exploitation situation is a civil matter. When you determine the incident shows signs of the crime of abuse, neglect, or exploitation, consider the ongoing abuse, neglect, or exploitation a criminal matter, not just a family matter. Contact your supervisor for guidance.



Elements of Exploitation

Exploitation of an elderly person or disabled adult occurs when the suspect either:



Property or Asset Theft

Takes or attempts to take a victim's property, funds, or assets



Abuse of Special Relationship

Abuses a special relationship between them and the victim that results in an unauthorized seizure or other qualifying social, financial, or physical hardship or neglect suffered by the victim

The elements of exploitation may appear similar to fraud or theft but should be charged as exploitation because of the victim's vulnerability and the suspect's relationship with them. Exploitation frequently occurs with abuse or neglect of an elderly person or disabled adult, which is something to be alert for when responding to these types of calls.



Initial Response to Elderly or Disabled Adult Incidents

You may encounter suspected abuse, neglect, or exploitation when responding to a wellbeing check or domestic violence incident.

01

Assess Immediate Safety

Determine if there are any injuries to the victim or other household members, and decide whether anyone needs medical treatment.

02

Look for Physical Signs

Look for signs of physical abuse, such as bruises, welts, burns, fractures, lacerations, and abrasions.

03

Evaluate the Environment

Remember, signs of abuse, neglect, or exploitation may not be obvious. If the victim is in immediate danger and an API is not present, contact your supervisor.



Critical Assessment Questions



Caregiving Evidence

Does it appear that someone is taking care of the person?



Hygiene Indicators

Do you smell urine or feces on the person or in the room?



Food Safety

Do you smell rotting food? Can you find enough food in the kitchen and refrigerator?



Medical Care

Is the person receiving regular medical care?





Adult Protective Investigator (API)

Sometimes you will meet with or escort an API to the scene. Should the API have reason to believe a situation presents a risk of death or serious injury and is unable to obtain consent for access to a premise, they can conduct an emergency forcible entry without a court order.

Your Role

- Keep the API safe and secure while they conduct a social services investigation
- Conduct a criminal investigation to determine if a crime has occurred
- Always document the incident even if you do not find evidence of a crime

API's Role

- Decide whether to remove the victim from the home
- Determine when and where to place the person in protective custody
- Conduct emergency removal without a court order when authorized

If an emergency removal occurs, help the API lawfully conduct their duties and ensure the safety of everyone involved.



Gathering Information

Take extra time to be sensitive to the person's needs; observe carefully, speak clearly, and have patience. Victims may be embarrassed, afraid, angry, or confused.

Separate Parties

Physically separate the victim from the suspect during interviews

Assess Capacity

Determine if the victim's disability or vulnerability affects their ability to communicate or their capacity or memory

Document Response

Document their emotional and mental response, including the inability to recall details or provide an accurate account

Evaluate Consent

If the victim tells you that they consented to the alleged criminal activity, this should not end your investigation as they may lack the capacity or be unduly influenced

Interview the primary caregiver to get a statement about the allegations.



Determining Course of Action

After the initial interviews and assessment of the scene, work with the API to determine the best course of action to ensure the victim's safety.



Injunction Options

Tell the victim, their guardian, or someone acting on behalf of the victim that they may consider filing an injunction for protection against exploitation of a vulnerable adult or a domestic violence injunction.



Legal Assistance Resources

If the victim is elderly and needs legal assistance, refer them to the Florida Senior Legal Helpline at 888-895-7873, or if disabled, refer them to Disability Rights Florida at 800-342-0823.

Chapter 415, F.S. authorizes you to provide transport, or arrange for transport, of an elderly person or disabled adult to the appropriate facility.

Reporting Requirements

Like child abuse, the Florida Statutes require everyone to report any suspicion or knowledge of the abuse, neglect, or exploitation of vulnerable adults, disabled adults, and elderly persons by calling the DCF Abuse Hotline.

Protect Reporter Identity

Always protect the identity of the reporting person during this type of investigation. If the initial report came from the Abuse Hotline, the API may not reveal the reporting person to you because of confidentiality laws.

Anonymous vs. Required Reporting

Most reporters can remain anonymous; however, statutes require people in certain professions, including law enforcement and physicians, to provide their names when reporting.





LESSON 6

Interference With Custody, Luring or Enticing of a Child, False Imprisonment, and Kidnapping





Lesson 6 Goal

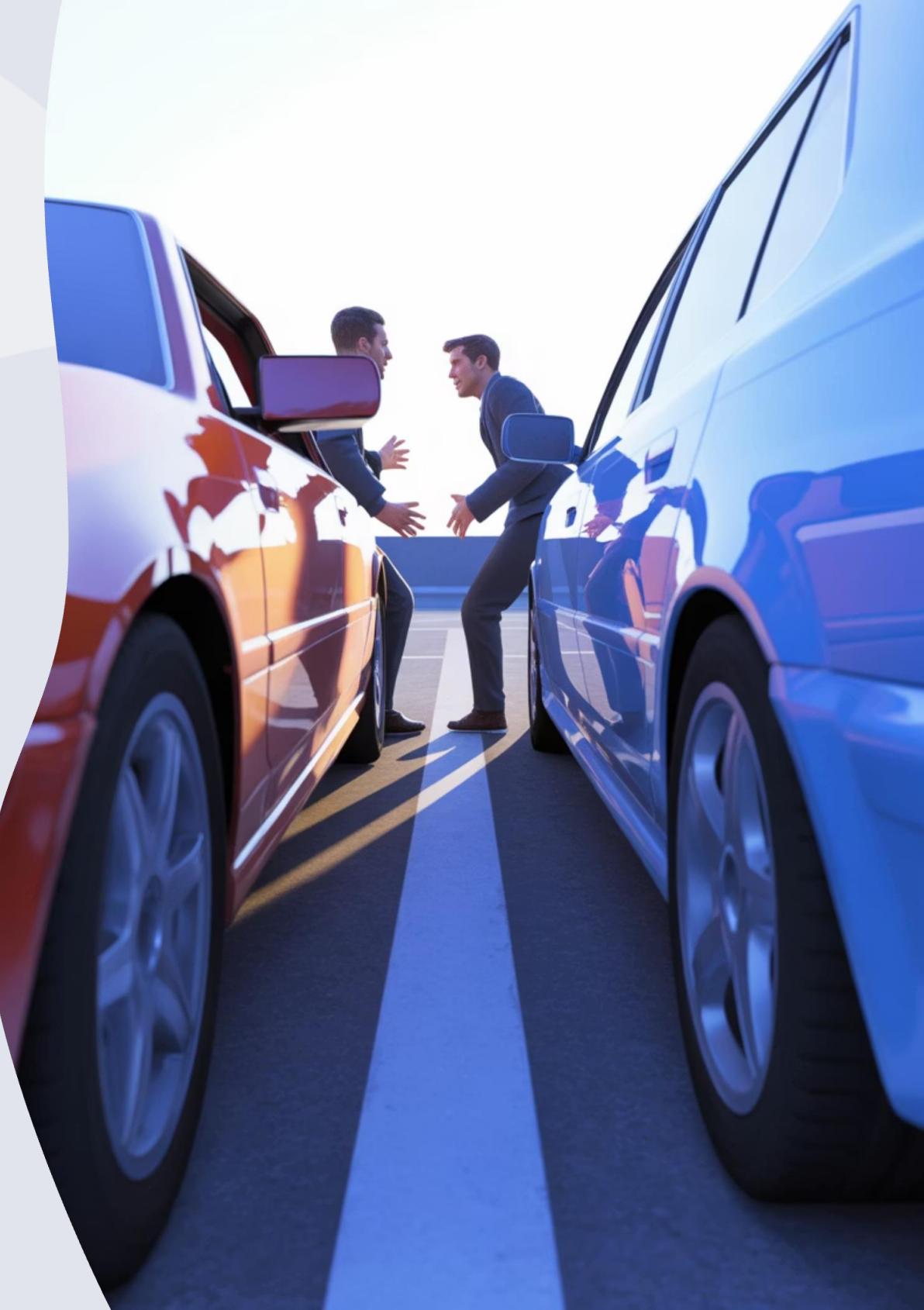
At the end of this lesson, you will know how to respond to an incident involving a child custody dispute, interference with custody, luring or enticing of a child, false imprisonment, and kidnapping while using multiagency resources as appropriate.

Scenario: Custody Dispute

While on patrol, you observe a woman who is parked alongside another car with her children in the back seat. A man gets out of the other car, and the two began to argue. After a lengthy argument, the woman gets back into her car and drives away with the children in the back.

The man sees you across the parking lot, walks over to your patrol car, and reports to you that his ex-wife just interfered with a custody agreement.

How should you respond?





Interference With Custody

Chapter 787, F.S., outlines the elements of interference with custody, luring or enticing of a child, false imprisonment, and kidnapping.

To establish probable cause for ***interference with custody***, document that the suspect:

- **Knowingly or Recklessly Took or Enticed**

Knowingly or recklessly took or enticed, or aided, abetted, hired, or otherwise procured someone else to take or entice, a minor or incompetent person from the custody of the parent, guardian, public agency, or any other lawful custodian

- **Parental Interference**

Is the parent, whether natural or adoptive, stepparent, legal guardian, or relative who has custody and who took a minor or incompetent person with malicious intent to deprive the other person of their right to custody

- The parent or guardian must have knowledge of the court order regarding custody or receive notice of the pending proceeding to meet the elements of interference with custody.



Exceptions and Additional Elements

The law does not apply to a parent fleeing with a child and who is the victim of domestic violence, believes that they are about to become a victim of domestic violence, or believes that their action was necessary to preserve the child from danger.

- ❑ It is unlawful for any person, in violation of a court order, to lead, take, entice, or remove a minor beyond the limits of the state, or to conceal the location of a minor, with personal knowledge of the order.

Follow your agency's policies and procedures regarding interference with custody incidents. Document these incidents even when you do not make an arrest. If a child is later reported missing, there will be records of interference with custody incidents that may be able to provide investigative information.

Conflicting Court Orders From Different States

You may encounter a child custody situation in which parents have separate, conflicting court orders issued from different states. The Florida order will not necessarily be the proper and enforceable one.

Recall that you may not enforce a court order issued by another state or jurisdiction unless the court domesticates—or follows a process to recognize and adopt—an out-of-state or county court order through a petition process.

These cases involve application of the Uniform Child Custody Jurisdiction and Enforcement Act and can be legally complex. Do not attempt to determine which order is enforceable; instead, contact your supervisor to determine how to proceed.





Luring or Enticing a Child

The difference between interference with custody and luring or enticing a child is that interference with custody does not involve the intention to commit other crimes while ***luring or enticing a child*** requires the suspect to have the unlawful intention to commit other crimes, such as sexual battery.

Age Requirement

The suspect is 18 years of age or older

Intentional Act

Intentionally lured or enticed, or attempted to lure or entice, a child younger than 12 years of age

Location and Purpose

Into a structure, dwelling, or conveyance for other than a lawful purpose



False Imprisonment

False imprisonment is often associated with domestic violence. For ***false imprisonment***, document that the suspect forcibly by threat or secretly confined, abducted, imprisoned, or restrained the victim against their will without lawful authority.

- Confining a child younger than 13 years of age against their will and without the consent of their parent or legal guardian is also false imprisonment.



Kidnapping

The difference between false imprisonment and kidnapping is that kidnapping includes the intent to commit other felonies. False imprisonment does not require an intention to commit any crime other than the confinement, abduction, restraint, or imprisonment. Kidnapping can also involve moving the victim.

For ***kidnapping***, document that the suspect forcibly by threat or secretly confined, abducted, imprisoned, or restrained the victim against their will without lawful authority and acted with intent to do at least one of the following:



Elements of Kidnapping Intent

1

Ransom or Hostage

Hold the victim for ransom or reward or as a shield or hostage

2

Felony Commission

Commit or help with the commission of a felony

3

Bodily Harm or Terror

Inflict bodily harm upon or terrorize the victim or another person

4

Government Interference

Interfere with the performance of any government or political function

For an incident to be kidnapping, the confinement, abduction, or imprisonment must not be slight, inconsequential, or merely incidental to the other crime committed. Kidnapping is often associated with armed robbery and sexual battery crimes.

Kidnapping: State and Federal Violations

Kidnapping is both a state and federal violation. Kidnapping a child younger than 13 years of age is a life felony when committed with any of the following crimes:

- Aggravated child abuse
- Sexual battery
- Lewd or lascivious battery, molestation, conduct, or exhibition
- Child prostitution
- Exploitation of a child
- Human trafficking





Initial Response

If you determine an incident is interference with custody, luring or enticing of a child, false imprisonment, or kidnapping without a significant threat to the victim's well-being, follow state and agency guidelines. Notify your supervisor and command staff immediately. Contact dispatch and issue a BOLO.

If the approximate location of the suspect or victim is known, request assistance and specialty support, such as:



Specialized Units

Canine, air, and additional specialized support units



Multi-Agency Support

Fire department, FBI, and FDLE



Alert Systems

An AMBER Alert, if applicable



CART

A child abduction response team

Be aware of potential evidence and investigative leads when working these types of crimes. You can lose leads if evidence is not appropriately gathered and preserved early on, in the investigative process.



LESSON 7

Missing or Missing Endangered Persons



Lesson 7 Goal

At the end of this lesson, you will know how to respond to an incident involving a missing or missing endangered person and when to begin the process for activating an AMBER Alert, Silver Alert, Purple Alert, or Blue Alert.

Scenario: Missing Child

You respond to a call involving a mother, who frantically tells you that her 6-year-old daughter never came home from school. She tells you that she called the school and was told that her daughter got on the bus, but the babysitter confirmed that her daughter never arrived at the house.

The mother provides you a physical description of her daughter and what she was last seen wearing and carrying with her.

How will you respond to this call?



Definitions: Missing Persons



Missing Child

A person younger than 18 whose temporary or permanent residence is in Florida, whose location is not known, and who is reported missing to a law enforcement agency.



Missing Adult

A person 18 or older whose temporary or permanent residence is in Florida, whose location is not known, and who is reported missing to a law enforcement agency.



Endangered Person Definition

An **endangered person** is any one of the following:

Missing Child

A missing child younger than 18 years of age

Young Adult

A missing adult younger than 26 years of age

Adult in Danger

A missing adult older than 26 years of age and believed to be in danger or the victim of criminal activity

Alert-Eligible Adult

A missing adult 18 years of age or older who meets the criteria for a *Silver Alert* or a *Purple Alert*

Diminished Capacity

Depending on agency policies, a person with diminished, developmental, or intellectual capacity, regardless of age



Missing Child Alert

In order to issue a Missing Child Alert, the following four criteria must be met:

01

Age Requirement

The child must be younger than 18.

02

Danger Assessment

The law enforcement agency's preliminary investigation must conclude that the child is in danger of serious bodily injury or death.

03

Available Information

Descriptive information or a photograph of the child must be available.

04

Agency Approval

The agency of jurisdiction must approve the issuance of the Missing Child Alert.

AMBER ALERT

A missing child alert may evolve into an AMBER alert. FDLE, along with state, local, and private partners, operates the statewide Florida AMBER Alert with the purpose of publicly broadcasting critical information about an abducted child as quickly as possible via radio, television, road signs, text messages and alerts, and the internet.





AMBER Alert Criteria

An AMBER Alert must meet five criteria:

1

Age

The child must be younger than 18 years of age.

2

Abduction

There must be a clear indication of abduction.

3

Agency Recommendation

The local law enforcement agency of jurisdiction must recommend the activation.

4

Detailed Description

A detailed description of the child, the abductor, or the vehicle to broadcast to the public (use a photo when available) must be available.

5

Life in Danger

The law enforcement agency's investigation must conclude that the child's life is in danger.

Follow your agency's policies and procedures for initiating an AMBER Alert.



SILVER ALERT

The statewide Silver Alert aids local law enforcement in the rescue or recovery of a missing adult who suffers from dementia, Alzheimer's disease, or other mental disability. Under the plan, the local investigating agency activates the Silver Alert and notifies the media, issues neighborhood telephone alerts, and uses other technologies to communicate with people who live in the community.

If the missing adult uses a vehicle during the incident, law enforcement can activate the statewide dynamic messaging system and other advisory methods through the Missing Endangered Persons Information Clearinghouse (MEPIC), which coordinates with the Florida Department of Transportation (FDOT) and the Florida Highway Patrol (FHP) to broadcast vehicle information about the missing person to motorists and the public.



Silver Alert Qualifications

To qualify for a Florida Silver Alert, the subject must be 60 years of age or older, or a person aged 18 to 59 who lacks the capacity to consent, and the person must have an irreversible deterioration of intellectual faculties that has been verified by law enforcement.

The incident must also meet the criteria for FDLE, FDOT, or FHP to activate dynamic message signs:

- **Local Alert Activation**

Local law enforcement has already activated a local or regional alert by contacting a media outlet in their own and surrounding jurisdictions.

- **Credible Threat**

Local law enforcement's investigation must conclude that the disappearance poses a credible threat to the person's welfare and safety.

- **Vehicle Description**

There must be a description of the vehicle and a license plate number to display.

- **Verification**

Local law enforcement must verify the vehicle and license plate information.

- **FCIC Entry**

A local law enforcement agency must have entered the missing person into FCIC and issued a statewide BOLO to other law enforcement and 911 centers.

Additional Silver Alert Resources

The Florida Department of Elder Affairs is another resource for local law enforcement to aid in the rescue or recovery of cognitively impaired missing persons. It can provide an email alert notification through the Aging Services Network; this includes area agencies on aging, community-care lead agencies, providers, and volunteers.





PURPLE ALERT

The statewide Purple Alert aids local law enforcement in the rescue or recovery of a missing adult who has one or more of the following:

Mental or Cognitive Disability

A mental or cognitive disability that is not Alzheimer's disease or a dementia-related disorder

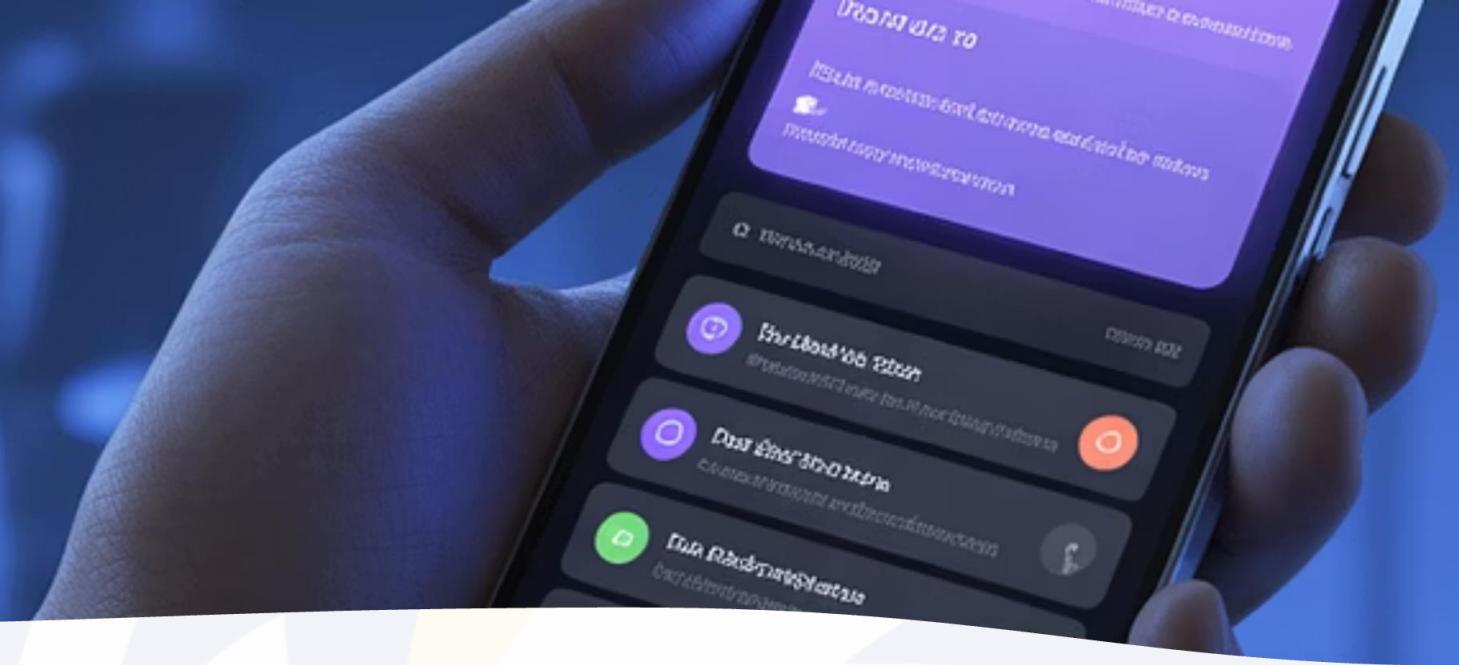
Intellectual or Developmental Disability

An intellectual or developmental disability

Other Disabilities

Another physical, mental, or emotional disability that is not related to substance abuse

Local law enforcement may broadcast an alert if the missing adult's disappearance indicates a credible threat of immediate danger or serious bodily harm to themselves, and they cannot be returned to safety without law enforcement intervention. The missing adult must not meet the criteria for activation of a Silver Alert.



Purple Alert Activation Process

Law enforcement must notify the media in the jurisdiction where the missing adult is believed to or may be located and may broadcast the alert on lottery terminals. Your agency may also open a case with MEPIC and, if a vehicle is involved, coordinate with FDOT and DHSMV to activate dynamic messaging signs.



BLUE ALERT

The Florida Blue Alert uses technologies employed by the AMBER Alert to notify the public of critical information when a law enforcement officer has suffered serious bodily injury, is killed, or is missing while in the line of duty, and the suspect poses a serious threat to the public.

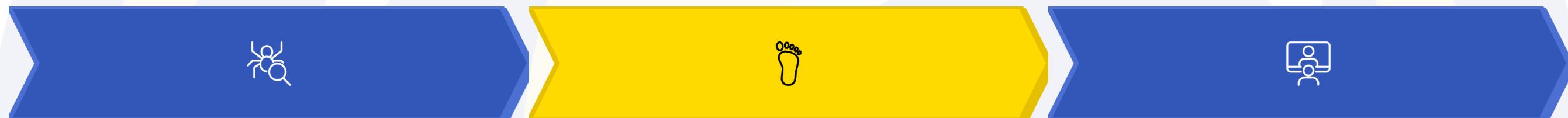
In some of these cases, more information is available for broadcast, such as a detailed description of the suspect's vehicle, other means of escape, or the license plate of the suspect's vehicle.

Under the Blue Alert Plan, FDLE, DHSMV, FHP, and FDOT immediately broadcast important information about the suspect when this information could prevent further harm or help apprehend the suspect. Law enforcement issues a Blue Alert to the public through the Emergency Alert System broadcasts on television, radio, and dynamic message signs located along highways.



Respond to a Missing Person Incident

As soon as you determine that the person is missing, contact your supervisor. MEPIC provides specific guidelines for conducting a missing persons investigation.



Initial Search

The initial search should include buildings and areas where someone last saw the missing person. Make sure the person is not inside the residence, especially when searching for children, who may hide in closets and small crawl spaces.

Evaluate Personal Spaces

Evaluate the contents and appearance of the missing person's room, home, car, and other personal spaces to learn if items are missing. Hairbrushes, drinking glasses, toys, and other items are sources of fingerprints, DNA, and scent.

Electronic Evidence

Look for diaries, computers, cell phones, game systems, and other electronic devices that may contain evidence and useful information.



Expanding the Search

If the missing person is not in the building, conduct a neighborhood canvass. Consider how far the missing person could travel based on their physical condition and where they were seen last. Secure the area where someone last saw the person, and control entry and exit points if the situation seems to be a criminal abduction or if you suspect foul play.

- Children with ASD, especially those who are severely affected, might wander or escape from a safe environment and seek bodies of water in nature (streams, ponds, lakes) or swimming pools.

Should you find the missing person alive, make sure they receive necessary medical attention and contact the assigned investigator.



Additional Resources for Missing Persons



National Center for Missing and Exploited Children (NCMEC)

Works with law enforcement, families, and professionals on issues related to missing and sexually exploited children. NCMEC has a missing children hotline that serves as the national clearinghouse for information related to these issues.



A Child Is Missing, Inc.

Offers free assistance to law enforcement to help recover missing people, including children, teens, and the elderly. After providing this organization with the missing person's information, a recorded message will be developed and sent to homes and businesses within the requested radius. Your agency may use this assistance during an AMBER or Silver Alert to supplement strategies for locating a missing person.



Child Abduction Response Team (CART)

A multi-agency team that assists law enforcement to provide an organized and planned response to an abducted, missing, or endangered child. Rapid response is critical to the safe rescue of a child. Call one of FDLE's regional operation centers to obtain CART assistance.



Supportive Trauma-informed Care



Supportive of-Counseling
Trauma-informed Care

LESSON 8

Sexual Offenses



Lesson 8 Goal

At the end of this lesson, you will know how to respond to incidents involving a sexual offense against a child, an adult, or an elderly or disabled adult using a trauma-informed response.



Sexual Battery

Sexual battery is one of the most underreported crimes because the victim may be embarrassed or may actually have a continuing relationship with the suspect. A victim may also feel that the suspect will take revenge if the crime is reported, or they may feel like law enforcement cannot apprehend the suspect. Sexual battery victims might also fear further victimization or fear that they will not be believed during the investigation and in subsequent courtroom proceedings.

Sexual battery is non-consensual oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, it does not include an act done for a medical purpose.



Understanding Consent

Consent does not include coerced submission and does not mean that the victim failed to offer physical resistance. The law also recognizes certain categories of people who are incapable of giving consent; these categories include the following incapacities as defined in the Florida Statutes:

Mentally Defective

A person who has a mental disease or disorder that renders them temporarily or permanently incapable of judging their conduct

Mentally Incapacitated

A person temporarily incapable of judging or controlling their own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without their consent or due to any other act committed upon them without their consent

Physically Helpless

A person who is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act

Physically Incapacitated

A person who is bodily impaired or handicapped and substantially limited in their ability to resist or flee



Sexual Battery of a Child

The crime of sexual battery of a child is a felony with varying criminal degrees depending on the following factors:

- Age and mental and physical capacity of the victim
- Type of force used
- Threat or use of a deadly weapon
- Type of injuries received
- Relationship of the child to the suspect



Initial Response to Sexual Battery

Sexual battery victims experience a significant amount of trauma, so it is important to follow a trauma-informed approach when responding to a sexual assault. Listen and make observations to put the victim at ease and pave the way for an investigator.

The Sexual Battery Victims' Access to Services Act provides victims of sexual battery access to medical intervention, advocacy, crisis-intervention, and recovery services. Chapter 794, F.S., requires you to provide or arrange for transportation of victims of sexual battery to an appropriate medical facility or a rape crisis center.



Preserving Evidence

The victim's body and clothes contain valuable evidence. Gaining that evidence is a priority for the investigation.



Discourage Contamination

Discourage the victim from using the restroom, showering, washing their hands or face, or discarding any clothing or feminine hygiene products.



Explain Importance

Inform the victim why it is important to collect and maintain evidence, even if they are uncertain if they want to participate in the prosecution process at the time of the initial investigation.

Follow your agency's policies and procedures when arranging for a sexual battery exam and collecting a victim's clothing. Only medical personnel can perform medical intervention, in the form of an exam, using a sexual offense evidence kit or rape kit.



Collaborating With Victim Advocates

Once you arrange for medical intervention, contact a victim advocate following your agency's policies and procedures. Coordinate with the advocate to attend to the victim's emotional needs and to encourage the victim to cooperate with the process. The advocate should be able to accompany the victim to a medical facility or rape crisis center.



Reporting Requirements for Sexual Battery

Documenting sexual battery includes a forensic report, a medical report, and a criminal report.

01

Forensic Testing

Agencies must submit a sexual offense evidence kit or other DNA evidence for forensic testing to the statewide criminal analysis laboratory system within 30 days of receiving it.

02

Medical Report

Qualified medical personnel should provide the victim's medical report to law enforcement when complete, and it must be included in your final report.

03

Criminal Report

It is your responsibility to write the initial criminal report, and your initial and final reports must include a chronological description of what occurred as well as any actions you took to help the victim and gather evidence. Document the victim's appearance, condition (for example, bruises, scratches, and defensive wounds), and emotional state.



Lewd and Lascivious Offenses

Lewd and lascivious conduct is any sexual act considered to be highly offensive and contrary to common standards of behavior. The Florida Statutes provide the following definitions related to these offenses:



Sexual Activity

The oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual activity does not include an act done for bona fide medical purposes.



Consent

Actively agreeing to do something or giving permission for something to happen; it is intelligent, knowing, and voluntary consent, and does not include submission by coercion. Consent does not mean the failure by the alleged victim to offer physical resistance to the offender.



Coercion

The use of exploitation, bribes, threats of force, or intimidation to gain cooperation or compliance.

Lewd and lascivious offenses may include battery, molestation, conduct, or exhibition. The level and classification of the offense varies depending on the age of the victim. Another consideration is whether the victim is a vulnerable adult.



Unlawful Sexual Activity With Certain Minors and Child Sexual Offenses

Chapter 794, F.S., addresses sex offenses involving a person 24 years of age or older who engages in sexual activity with a minor aged 16 or 17. Notify your supervisor regarding the type of crime and complexity of the case, and request additional assistance and a victim advocate.

The Department of Justice classifies child pornography as a form of child exploitation that can be prosecuted on the federal level. The Florida Statutes define **child pornography** as any image depicting a minor engaging in sexual conduct and includes children posing in a lewd and lascivious manner or performing a sexual act. It is illegal to produce, possess, or distribute child pornography.

- Critical:** If you respond to a call involving child pornography on a computer or an electronic device, under no circumstance should you touch the device or attempt to find more images on it. Recovery of electronic data involves complex and highly specialized expertise, and you may inadvertently eliminate or spoil evidence by trying to do it yourself.

Many predators and pedophiles use chatting and email to coordinate traveling to meet child victims. They may also use computers to solicit sexual performances by children. A sexual performance can include a play, motion picture, photograph, dance, or any other visual representation exhibited before an audience.



Sexual Offenses Committed by Juveniles

Juvenile sexual abuse is any sexual behavior a minor engages in that occurs without the consent of the other person, without the other person's being in a position of equality with the minor, or because of coercion. Juvenile sexual offender behavior ranges from non-contact sexual behavior to varying degrees of direct sexual contact.

Non-contact behavior can include making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs. If you determine that an image was possessed by a minor or sent from a minor to other minors, this is sexting. **Sexting** occurs as a crime when a minor uses a computer or other electronic device, such as a cell phone, to transmit or distribute a nude photograph or video to another minor. Sexting is a crime even if both minors consent to the act.

Except as required by agency policies and procedures and restrictions on juvenile interviewing, your investigation will not be different from investigating an adult. If you have reasonable cause to suspect that a child is the victim of a known or suspected juvenile sexual offender, contact the DCF Abuse Hotline. Follow your agency's policies and procedures for the best approach to responding to these types of sexual offense incidents.

Be aware that many sexual offenders and predators on probation or parole cannot have any pornography in their possession and may be court ordered not to have a computer at all. Do not allow the suspect, if present, to touch the computer or any electronic device. Contact your supervisor and ask for help.



Human Trafficking & Death Investigation

A comprehensive guide to responding to crimes against persons, covering human trafficking recognition, death investigation procedures, and robbery response protocols for law enforcement officers.





Training Overview

Unit 2: Crimes Against Persons

01

Lesson 9: Human Trafficking

Recognize labor and sex trafficking, identify child victims, and apply victim-centered approaches to investigations.

02

Lesson 10: Respond to a Death

Understand manner and cause of death, work with the Medical Examiner, and manage emotional responses at death scenes.

03

Lesson 11: Robbery

Respond to robbery incidents and conduct effective canvasses of surrounding areas to locate witnesses and evidence.



Lesson 9: Human Trafficking

Lesson Goal

At the end of this lesson, you will know how to respond to an incident involving human trafficking by recognizing labor and sex trafficking, child victims, and the importance of taking a victim-centered approach.

Scenario: Traffic Stop Discovery

The Situation

You pull over a car for an expired license plate. The driver and female passenger appear nervous with inconsistent stories.

The driver claims he's driving her home. The woman reveals she recently met him, and he suggested she sell her body for sex. He drives her to locations, she charges for sex, and receives a portion of proceeds.

Evidence Found

The driver consents to a vehicle search. You find a cell phone containing a nude picture of the woman, which she says she sent to the man by mistake.

Critical Question: How should you respond to this incident?





Understanding Human Trafficking

Human trafficking is a form of modern-day slavery that involves holding people, including minors, in forced service for commercial sex trade or otherwise legitimate labor. It involves long-term, ongoing captivity, exploitation, and control of victims.

Legal Definition

Chapter 787, F.S., defines human trafficking as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, purchasing, patronizing, procuring, or obtaining another person for the purpose of exploitation of that person.

Key Elements

Victims are subjected to force, fraud, or coercion for sexual exploitation or forced labor through physical violence, false employment offers, or psychological manipulation.



LE729.1: Determining Human Trafficking

1

Threshold Question 1

Did the suspect recruit, transport, or hold the victim in the service of another for labor or commercial sex acts?

2

Threshold Question 2

Did the suspect get or keep the victim's service through force, threats, psychological manipulation, or confiscation of legal documents?

- Important:** Two threshold questions help determine if a person is a victim of human trafficking. Both questions must be considered during your investigation.



Force, Fraud, and Coercion

Force

Physical violence including:

- Beatings
- Sexual battery
- Shootings
- Physical confinement

Fraud

Deceptive practices including:

- False employment offers
- Marriage promises
- Promises of a better life
- Misleading contracts

Coercion

Control methods including:

- Threats against family
- Document confiscation
- Debt bondage
- Isolation tactics



Coercion Tactics in Detail

- **Physical Threats**

Using or threatening to use physical force against any person, typically family members of the trafficking victim

- **Confinement and Isolation**

Restraining, isolating, or confining victims to control their movements and communications

- **Financial Control**

Using lending or other credit methods as debt bondage, causing financial harm through high extension of credit, loan sharking, or fraudulent employment contracts

- **Document Control**

Destroying, concealing, removing, confiscating, withholding, or possessing immigrant or identification documents

- **Deception and Substance Control**

Enticing or luring by fraud or deceit, giving a person controlled substances so they can be exploited

- **Legal Threats**

Using threats of deportation or other federal or state legal proceedings against the victim



Special Considerations for Child Victims

- Critical Legal Distinction:** Neither federal nor state human trafficking laws require an element of force, fraud, or coercion to determine sex trafficking of children younger than 18 years of age or an adult believed by the person to be a child younger than 18.

This means that the threshold for identifying child sex trafficking is lower than for adults. The presence of a minor in commercial sex automatically constitutes trafficking, regardless of whether force, fraud, or coercion can be proven.



LE729.2: Recognizing Human Trafficking

Your Critical Role

As a patrol officer, you may encounter human trafficking masked as another crime or incident, such as drug possession, sexual assault, prostitution, or shoplifting. While one factor alone is not enough to indicate trafficking, it may be enough to suggest further investigation.



Traffic Stops

You are in a key position to identify potential victims during routine traffic stops.



Calls for Service

Domestic violence, child abuse, and incidents of truant or runaway children may reveal trafficking.



Investigation Indicators

Look for unusual living and working conditions that suggest control and exploitation.

Indicators of Labor and Sex Trafficking

Living Conditions

- Living on or near work premises
- Overcrowded living spaces
- Frequent forced moves by traffickers
- Lack of individual transportation

Communication Control

- Restricted communications
- Controlled contact with others
- Third party insists on interpreting
- One person speaks for entire group

Documentation Issues

- No identification present
- Missing birth certificates
- No visa or passport
- Traffickers hold documents





LE729.3: Victim-Centered Response

As a new officer, you are most likely going to report suspected human trafficking incidents to a special unit for further investigation. However, as the initial law enforcement contact, you can help establish rapport with the victim and gather preliminary information.



Recognize Victim Status

The person is a victim of a crime, not a suspect

Build Cooperation

Success relies on the victim's cooperation and testimony

Establish Safety

Create an environment where disclosure is possible



Interview Approach for Trafficking Victims

Initial Contact

Ask basic identifying information. If people present are not willing to provide this, move to more involved questions to determine relationships between the parties.

Based on answers and if you suspect something is wrong, encourage the potential victim to trust you enough to disclose information needed to detain the potential trafficker.

Creating Safety

Try to convey a sense of safety by bringing the victim away from the location where you encountered them.

Victims may be reluctant to speak to a law enforcement officer, so follow the approach for trauma-informed interviewing.

- Remember:** Their testimony will be crucial to prove the existence of force, fraud, or coercion, unless they are a minor.



Lesson 10: Respond to a Death

Lesson Goal

At the end of this lesson, you will know how to respond to an incident involving a death by understanding the manner and cause of death, the role of the medical examiner, and the variety of emotions on the scene.



Scenario: Elderly Death Investigation

You are dispatched to the death of a 78-year-old man. Upon arrival, the family tells you that the man never woke up this morning; when they went into his bedroom to check on him, he was stiff and cold to the touch.



Medical History

Minor heart problems in the past, but hasn't seen a doctor in several years



Doctor Contacted

Family contacted his doctor, but the doctor refused to sign the death certificate



Scene Assessment

Nothing suspicious or out of place appears at the scene

How do you respond to this incident?



Initial Response Priorities

01

Officer Safety First

Always consider officer safety as your primary concern when responding to any death scene

02

Provide First Aid

Provide first aid as necessary if there is any possibility the person can be revived

03

Preserve the Scene

Preserve the scene for further investigation once safety and medical needs are addressed

All law enforcement officers will respond to the scene of a death at some point in their careers. When you are the primary responding officer, these priorities guide your initial actions.

LE7210.1: Manner and Cause of Death



Cause of Death

The **cause of death** is the specific injury or disease that leads to death.

The cause may not be immediately apparent as some injuries may not cause a great deal of external blood loss.

Manner of Death

The **manner of death** is the determination of how the injury or disease leads to death.

Five manners: natural, accident, suicide, homicide, and undetermined.

Observing the Body

Signs of Trauma

Look for obvious or abnormal signs of trauma, such as the presence of blood, cuts, gashes, or bruising

Body Temperature

A body that is cold to the touch may indicate that the person is dead and will not respond to resuscitation

Fatal Injuries

Look for an obvious fatal injury, such as a bullet hole in the head or chest

Eye Position

The eyelids may remain open if they were open at the time of death

- Notify your supervisor or investigator of any signs of trauma, obvious fatal injury, or abnormality to the body.



Understanding Homicide

Homicide is the act of one human taking the life of another. Chapter 782, F.S., has subsections that identify types of homicide.

Murder

The unlawful killing of a human being with premeditation or during the commission of certain felonies

Justifiable Homicide

The killing of a human being in circumstances where the law recognizes the act as justified

Vehicular Homicide

The killing of a human being caused by the operation of a motor vehicle in a reckless manner

Manslaughter

The killing of a human being without premeditation or lawful justification

DUI Manslaughter

The killing of a human being caused by operating a vehicle while under the influence

Postmortem Changes

After death, a body goes through a process of changes. Evidence of changes is most valuable if assessed as soon as possible after death because these indicators change over time.

Rigor Mortis

The stiffening of body muscles after death

1

Algor Mortis

The postmortem cooling of the body

3

Lividity

Color changes from the settling of blood due to gravity, often black and blue

Body physique, individual variation, and environmental conditions can cause postmortem changes. You may use rigor mortis and lividity to help determine the position of the body at death, and it may indicate whether someone moved the body after death.

LE7210.2: Role of the Medical Examiner

When any person dies in Florida by criminal violence, accident, suicide, suddenly (when the person has a history of good health), or through any suspicious or unusual circumstance, the Florida Statutes require law enforcement to notify the Medical Examiner (ME) as soon as reasonably possible.

Notification Requirement

Contact the ME immediately for deaths involving violence, accidents, suicide, sudden deaths, or suspicious circumstances

Body Release

Coordinate release and transport of the body only as authorized by the ME to local morgue, mortuary, or crematorium

Scene Preservation

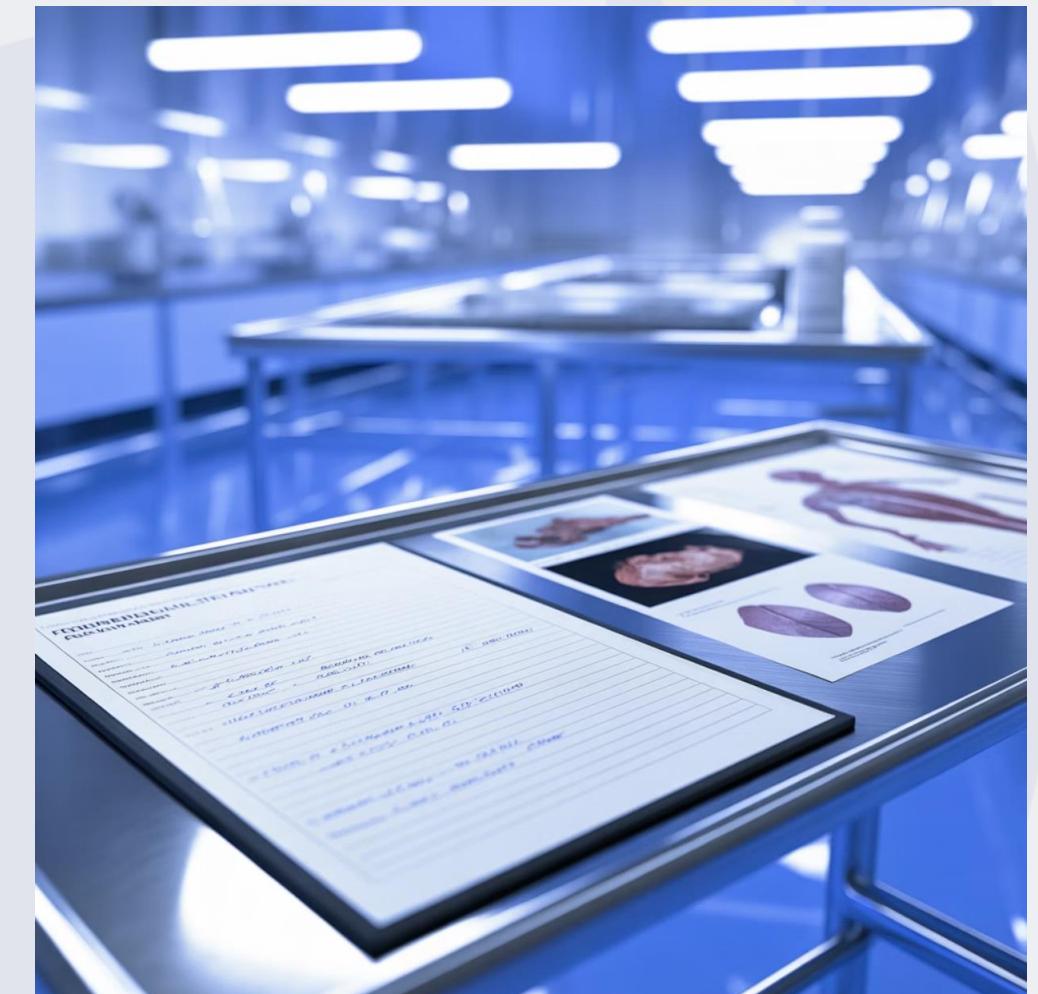
Do not disturb the body until authorized by the ME



Determining Cause and Manner

The officer and the ME cannot determine the cause and manner of death independently. The ME, in conjunction with law enforcement's investigation, makes the final determination on the cause and manner of death only after completing their investigation.

- Timeline:** The ME's investigation can take weeks to complete before a final determination is made.





LE7210.3: When to Notify the Physician

- 1
- 2
- 3
- 4

Natural or Expected Death

If the death is by apparent natural causes or was expected (hospice care, terminal disease with treatment)

Locate Physician Information

Examine prescription bottles at the scene for the doctor's name and contact information

Contact Doctor

Notify the deceased person's physician of the death; the physician may sign the death certificate

If Physician Unavailable

If you cannot locate the physician or the physician refuses to sign the death certificate, contact the ME's office



LE7210.4: Identifying the Deceased

There are several ways that you can identify a deceased person. The final identification must be 100% positive before contacting next of kin or releasing information to the family.

1

Driver's License

Obtain driver's license information (DAVID, fingerprint scanner) and compare the photo to the body

2

Witness Identification

People on scene may know the person, but do not base identification solely on this

3

Documents and Items

Documents, identification found on or near the body, prescription bottles, and other identifying items

- Critical:** It is vital not to release a name without having physical evidence to confirm it. Premature release of a name later found to be incorrect can be devastating to family members of both the misidentified and the actual deceased individual.

LE7210.5: Crime Scene Procedures

Approach Every Death as a Crime Scene

Always approach the area as a crime scene and consider it a homicide until the information you gather consistently indicates otherwise.





LE7210.6: Interviewing Witnesses

Identify, separate, and begin to interview witnesses and take statements. Interview the person who last saw the dead person alive and the person who found the body.

- How did you find the body?
- Did you move the body?
- Do you know this person?
- What was happening with them immediately before their death?
- What was happening with them in the days or weeks before their death?
- Did they have a healthy lifestyle?
- Did they consume drugs or alcohol?
- Did they have any known medical conditions?
- Who was with them before their death?

Be sure to ask about anything that the witness may have observed or heard, and ask about the exact position the deceased individual was found in because the position of the body is crucial to the investigation.



LE7210.7: Initial Investigation Steps

1

Verify Jurisdiction

Determine if you have jurisdiction. If not, refer to proper agency and hold the scene until assistance arrives

2

Notify Supervisor

Provide information related to the incident, including witness information

3

Detective Response

If a detective will respond, maintain the scene and start a log

4

Full Investigation

If detective is not responding and you're conducting entire investigation, begin to preserve any evidence located

- ☐ Failure to collect, document, or gather evidence makes it difficult to go back and undo the damage done to the integrity of the investigation.

LE7210.8: Emotional Responses to Death

Death scenes can be chaotic and tragic, crowded with emotional family members and witnesses. Families have the right to receive a thorough investigation, so they can understand the true medical cause of the death.

Prepare for Reactions

- Family may be in shock
- Distraught and confused
- May need information repeated
- Various grief responses

Your Response

- Understand their level of grief
- Empathize with their experience
- Don't judge their reactions
- Remain professionally distant
- Display respect to minimize trauma

People respond to death in many ways. Do not jump to any conclusions about the way a family reacts based on how you would respond if you were in this situation.



LE7210.9: Sudden Unexpected Infant Death

The Centers for Disease Control and Prevention defines an infant as a baby younger than a year old. Infants can die from a number of causes, such as abuse, neglect, infection, disease, accident, or intentional harm. Sometimes it is difficult to determine how an infant died.



SUID Definition

Sudden unexpected infant death is a diagnosis given only after investigation rules out all other possible causes



Investigation Required

Includes comprehensive death scene examination, autopsy, and review of infant's medical history



Common SUID Types

SIDS, accidental suffocation and strangulation in bed, other deaths from unknown causes

LE7210.10: Responding to Infant Death

Initial Assessment

View the infant's body and check for a pulse, respiration, and reflexes as appropriate.

In most cases the infant's skin is altered (blotchy, blue, or gray), which may give the appearance of bruising.

There may be frothy, blood-tinged mucus draining from the infant's mouth or nostrils.

Investigation Approach

Respond to this incident the same as you would other death investigations, as if a homicide, until determined otherwise.

A thorough written documentation of the incident that includes your response is the final step in the preliminary investigation of any death.





Lesson 11: Robbery

Lesson Goal

At the end of this lesson, you will know how to respond to an incident involving a robbery and follow up with a canvass of the surrounding area.



Scenario: Convenience Store Threat

A cashier is working the midnight shift at a convenience store when someone enters the store and tells the cashier to open the register or they'll be shot.





LE7211.1: Elements of Robbery

Chapter 812, F.S., outlines the elements of robbery. **Robbery** occurs when the suspect meets all three elements:

1

Takes Property

Takes money or property from the victim

2

Intent to Deprive

Intends to permanently or temporarily deprive the victim of their property and takes it for their own or someone else's use

3

Force or Fear

Uses force, violence, assault, or places the victim in fear during the incident

- If the suspect committed the robbery while armed, or becomes armed during the robbery, this will change the degree of the offense to armed robbery.



LE7211.2: Robbery by Sudden Snatching

In robbery by sudden snatching, the property must be on the victim's person, not just next to them, and the victim does not necessarily have to resist while the crime is being committed.

Property Location

Took money or property of some value from the victim's person

Intent Element

Intended to permanently or temporarily deprive the victim of their property and took it for their own or someone else's use

Victim Awareness

In the course of the taking, the victim was or became aware of the taking

Key Distinction: In contrast to robbery, there is no requirement that the suspect used force, violence, or threats.

LE7211.3: Home-Invasion Robbery

While often confused with burglary, which involves breaking into a home with or without the victim(s) present, a **home-invasion robbery** occurs when a suspect enters a victim's home while the victim is present and aware that the crime is occurring.



Entry with Intent

Entered the dwelling of the victim and intended to commit robbery



Robbery Inside

While inside the dwelling, committed robbery



Force or Fear

Used force, violence, assault, or placed the victim in fear during the robbery

- If the suspect is armed while committing this crime, the penalty is enhanced.





LE7211.4: Carjacking



The elements of carjacking are similar to robbery, except that the suspect took a motor vehicle.

Takes Motor Vehicle

Took the motor vehicle from the victim

Intent to Deprive

Intended to permanently or temporarily deprive the victim of their motor vehicle and took it for their own or someone else's use

Force or Fear

Used force, violence, assault, or placed the victim in fear during the incident

Enhanced Penalty: If the suspect is armed during the carjacking, this enhances the penalty.



LE7211.5: Initial Response to Robbery

Your initial response to a robbery will vary depending upon information obtained from dispatch, which should indicate whether the robbery is in progress, or delayed (over with, completed) and the suspect has fled the scene.



In Progress

Approach according to agency policies and procedures

Scene Security

After scene is secure, tend to medical needs

Preserve Evidence

Protect scene integrity and initiate BOLO if suspect fled



Delayed Robbery Response

01

Secure the Scene

Use crime scene tape to prevent contamination and allow for processing evidence

02

Determine Suspect Path

Identify where suspect entered, walked around, and exited the scene

03

Video Surveillance

Determine if there is video surveillance in areas the suspect entered or exited, request access to digital information

04

Engage with Respect

Engage persons on scene with respect while explaining your actions along the way



Victim Interview Questions

When asking questions, keep in mind that some victims may be experiencing trauma from the event.

Suspect Description

Ask if they can provide a complete description of the suspect, including how the suspect concealed, displayed, or used any weapons

Property Taken

Ask if they can provide a complete itemized list of the property that was taken along with serial numbers, if applicable

Investigator Coordination

Discuss the answers to all of these initial questions with the follow-up investigator, if necessary

Notification and Resources

Supervisor Notification

After verifying that a robbery occurred, notify your supervisor to determine the level of assistance needed from additional resources, including crime scene or assigned investigators.

It is common for an investigator to request that the responding officer exclude certain details in the preliminary report for verifying confessions or leads as the investigation progresses.

Special Circumstances

If a detective will respond, maintain the scene.

Should you respond to a bank robbery, notify the FBI, and work the scene following your agency's policies and procedures.

In most incidents involving robbery, additional backup officers will be dispatched.





LE7211.6: Conducting a Canvass

A **canvass** is an inquiry of all possible sources of information surrounding the incident or crime scene, and it happens most often when the suspect leaves the scene.

Purpose

Canvassing an area near the incident or crime scene may reveal additional witnesses, victims, suspects, or evidence

Timing

The best time to conduct a canvass is immediately after the crime or as soon as possible after it has occurred

Resources

May require additional officers depending on the size of the area or the type of incident being investigated

Information Relay

If you obtain vital information, relay it immediately to the lead officer or investigator



Canvass Procedure

Walk the Perimeter

Walk the perimeter of the crime scene to identify places where people may have been able to see or hear what happened

Identify Locations

Identify houses or businesses with a clear view of the scene or that are within hearing distance

Begin Inquiries

Make inquiries at each location beginning with those closest to the scene

Build Rapport

Be professional and courteous to build rapport and encourage cooperation

Explain Purpose

Explain that you are investigating an incident that occurred at a particular time and place

Protect Details

Be careful not to reveal details like victim names, suspect names, crime seriousness, or how crime was committed

Canvass Interview Questions

Ask whether the person or any other member of the household or business remembers seeing or hearing anything around the time of the crime.

- Safety Reminder:** Always exercise caution during the canvass because you may actually knock on the suspect's door.

Community Relationships

Developing relationships with members of your community may allow you to do your job more effectively

Professional Contact

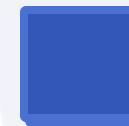
When contacting residents, be professional and courteous to build rapport and encourage cooperation





Documenting Canvass Results

Be sure to document contact information and responses to questions from anyone you interview during the canvass.



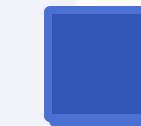
All Responses

Include specific details about what they heard or witnessed no matter what information they provide, even if they report knowing nothing



Vacant Properties

Be sure to document any residences that are vacant or where there is no response



Contact Information

Record complete contact information for all persons interviewed for potential follow-up