

"Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods."

**ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE
1408.5, RECOVERING COSTS OF INVESTIGATIONS**

EFFECTIVE:	6/22/15
RESCINDS:	1408.4
DISTRIBUTION:	ALL EMPLOYEES
REVIEW RESPONSIBILITY:	CRIMINAL INVESTIGATIONS DIVISION COMMANDER
ACCREDITATION CHAPTERS:	NONE
CHIEF OF POLICE:	ORLANDO ROLON

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POLICY:

It is the policy of the Orlando Police Department to seek reimbursement of investigative costs for all criminal cases submitted for state prosecution.

PROCEDURES:

1. STATUTORY GUIDELINES

§938.27 (1), Fla. Stat.: In all criminal cases the costs of prosecution, including investigative costs incurred by law enforcement agencies, if requested and documented by such agencies, shall be included and entered in the judgment rendered against the convicted person.

§938.27 (7), Fla. Stat.: Provides that the investigative costs recovered under this section shall be returned to the appropriate investigative agency that incurred the expenses.

2. DEFINITIONS

Investigative Costs Expense Report: Designed to account for the staffing hours and miscellaneous expenses of all personnel involved in the investigation. The report will include the name of each employee, the employee number, and the number of hours worked on the investigation. The hourly rate used for each class of employee should be the base salary for each class taken from a chart, which will be updated annually, or the actual wage paid to the specific employee.

The cost of investigation for the offense of DUI takes into account the expenses involved in the detection, arrest and evidence collection involved in DUI investigations.

If an investigation includes Department resources that extend beyond the personnel listed in Attachment A, such as administrative assistants, Communications, TAC, CSOs, DUI Enforcement Team, detectives, SWAT, CNT, ERT, or CISD, the primary officer may request that these personnel or units complete their own expense reports for inclusion in the cost recovery package. All expense reports shall be forwarded to the primary officer within three calendar days.

Order for Reimbursement of Investigative Costs: The actual order to be signed by the presiding judge at sentencing mandating the defendant to reimburse the Orlando Police Department. Orders will be forwarded to the Fiscal Management Section by the Clerk of Court.

Request for Reimbursement of Investigative Costs: A letter forwarded to the State Attorney's Office specifically requesting the reimbursement.

3. FILING THE APS PACKAGE

The Investigative Costs Expense Report (Attachment A), the Request for Reimbursement of Investigative Costs (Attachment B), and the Order for Reimbursement of Investigative Costs (Attachment C) will be submitted with the APS package for each criminal case resulting in an arrest or the filing of criminal charges with the State Attorney's Office. If the expected penalty is likely to be life in prison (i.e., Capital Sexual Battery or Homicide), the Recovering Costs of Investigation forms are not required. These forms are available electronically as an APS submission package from the Word Add-Ins menu, under Investigative Forms, APS and Investigative Costs Check List

The Investigative Costs Expense Report, the Request for Reimbursement of Investigative Costs, and the Order for Reimbursement of Investigative Costs will be submitted with all DUI arrest paperwork at the Orange County Jail. These forms are available at the Orange County Sheriff's Office DUI Testing Center. Copies of the Investigative Costs Expense Report and the Request for Reimbursement of Investigative Costs will be forwarded to the Records Section. The Clerk of Court will return a copy of the order signed by the judge to the Fiscal Management Section.

The flat rate for a DUI investigation is \$100.00.

The primary officer or the officer filing the APS will be responsible for preparing and submitting the Investigative Costs Expense Report, the Request for Reimbursement of Investigative Costs, and the Order for Reimbursement of Investigative Costs with the APS package submitted to the State Attorney's Office.

The original copies of the Investigative Costs Expense Report, the Request for Reimbursement of Investigative Costs, and the Order for Reimbursement of Investigative Costs shall be attached to the APS package. Copies of the Investigative Costs Expense Report and the Request for Reimbursement of Investigative Costs will be forwarded to the Records Section. The Clerk of Court will return a copy of the order signed by the judge to the Fiscal Management Section.

4. RESPONSIBILITIES

Sergeants, corporals or ASLs will be responsible for ensuring the Investigative Costs Expense Report, Request for Reimbursement of Investigative Costs, and Order for Reimbursement of Investigative Costs are completed correctly and submitted with each APS package with the appropriate timeframe. Division Commanders will ensure these procedures are being implemented.

The primary officer seeking reimbursement of investigative costs and/or a representative from the Fiscal Management Section will be responsible for testifying at any restitution hearing upon request by the State Attorney's Office.

The Fiscal Management Section will be responsible for processing and documenting all reimbursements received by the Orlando Police Department via this policy. A quarterly report shall be prepared and sent to the Chief of Police indicating the total amount requested and the total amount received by the Orlando Police Department Fiscal Management Section as a result of the Recovery of Investigative Costs program.

The Fiscal Management Section will be responsible for revising the pay rates for employees on November 1 of each year.

The Criminal Investigations Division Commander will be responsible for updating the policy on an annual basis.

ATTACHMENT A

ORLANDO POLICE DEPARTMENT INVESTIGATIVE COSTS EXPENSE REPORT				
Agency Case No. _____ Court Case No. _____ Defendant's Name _____				
Employee's Name/#	Investigative Activity	Hours	Hourly Rate	Expense Total
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
TOTAL COST OF INVESTIGATION				\$0.00

The above is a true account of the investigative hour expenses case number _____ involving _____.

Officer's Signature Employee # 5-digit OPD program #

SWORN to and SUBSCRIBED before me this _____ day of _____, _____

(Notary Public) (Law Enforcement Officer)

See OPD Online, Forms, for current Pay Rate Chart
or use the employee's actual pay rate.

(Enter Sergeant's Name)
Orlando Police Department

Original-APS Records Copy Fiscal

ATTACHMENT B

**ORLANDO POLICE DEPARTMENT
REQUEST FOR REIMBURSEMENT OF INVESTIGATIVE COSTS**

(Enter Date Here)

TO: Assigned Assistant State Attorney

FROM: [REDACTED]

SUBJECT: Reimbursement for Cost of Investigation in the Case of Defendant:
[REDACTED]

Orlando Police Department Case No: [REDACTED]

The Orlando Police Department has incurred costs in staff hours and other expenses to bring these defendants to justice. The taxpayers currently bear this financial burden. I would like to solicit your assistance in shifting this burden back to the defendants.

F.S. 938.27 now requires judges to order defendants to repay these costs upon conviction, Please consider this an official request pursuant to F.S. 938.27 that the defendants, after they are convicted, be ordered to reimburse the Orlando Police Department Cost of Investigation Fund \$[REDACTED] as part of their sentence. The documentation to support this amount is attached.

If the defendant(s) enter into pleas negotiations, please insist they fully reimburse our cost of investigation as part of any pleas agreement.

I sincerely appreciate your cooperation and assistance.

[REDACTED]
Orlando Police Department

ATTACHMENT C

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL
CIRCUIT IN AND FOR ORANGE COUNTY, FLORIDA

Court Case: _____
Agency Case _____

STATE OF FLORIDA
PLAINTIFF
vs.

DEFENDANT

ORDER FOR REIMBURSEMENT OF INVESTIGATIVE COSTS

THIS CAUSE coming on to be heard on motion of the State of Florida, pursuant to **Florida Statute 938.27**, for repayment of \$_____ for the total **costs of investigation** incurred by the Orlando Police Department, and this Court having found that the Orlando Police Department has requested and documented such costs and that said reimbursement of costs should be ordered.

IT IS HEREBY ORDERED and ADJUDGED that Defendant shall reimburse such costs and pay the Orlando Police Department the sum of \$ _____, to be paid in full no later than _____, 20____. Beginning on _____, 20____, the Defendant shall make payments at the rate of not less than \$ _____ per month, directly to the Orlando Police Department Fiscal Management Section, P.O. Box 913, Orlando, Florida 32802-0913.

FOR WHICH SUM, LET EXECUTION ISSUE.

DONE AND ORDERED this _____ day of _____, 20____, at the Orange County Courthouse, in Orlando, Orange County, Florida.

Circuit Court Judge

Copies to: Defendant
Defense Counsel
Office of the State Attorney

Original-APS Records Copy Fiscal