

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Criminal Justice

BILL: SB 1482

INTRODUCER: Senator Bean

SUBJECT: Cold Case Task Force

DATE: April 6, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	Favorable
2.			ACJ	
3.			FP	

I. Summary:

SB 1482 creates a Cold Case Task Force within the Florida Department of Law Enforcement (FDLE). The purpose of the task force is to examine policies and procedures used by law enforcement agencies in this state in investigating recent homicides and cold case homicides.

The task force is composed of 19 members and is chaired by the executive director of the FDLE or the director’s designee. The FDLE provides staff support. The bill specifies membership of the task force, authorizes reimbursement for per diem and travel expenses, and prescribes duties of the task force.

The task force must submit a report of its findings to the Governor and the Legislature by December 1, 2016. Upon submission of the report, the task force expires.

II. Present Situation:

There is no universally recognized definition of “cold case.” One dictionary definition of “cold case” is “[a]n unsolved criminal investigation which remains open pending the discovery of new evidence.”¹

The FDLE, which provided an analysis of the bill, states:

Cold cases are investigated using the same sound, thorough investigative skill set used for all investigation types. The cases do not fall into cookie-cutter practices and rely on sound investigative performance following all possible leads. Getting the victim identified and maintaining contact with surviving victims and witnesses are keys to investigative success. Cyclical/annual reviews and evaluation of cold cases allow

¹ See http://www.oxforddictionaries.com/us/definition/american_english/cold-case (last viewed on April 1, 2015).

agencies to ensure all leads have been followed, to follow any new leads and to identify any new technology available for evidence evaluation/analysis.²

The FDLE notes that the department “offers cold case reviews, investigative and forensic assistance and guidance as requested by local agencies.”³

While local law enforcement agencies are investigating cold cases in their localities, there does not appear to be any comprehensive review and evaluation of policies and procedures being used by these agencies in investigating cold cases or best practices for such investigations.

A 2011 technical report by the Rand Center on Quality Policing identified three types of cold case investigations based on its research:

... The first type is the classic cold-case investigation, in which a detective picks up a case file because of a family or media inquiry or during a procedural review of cases that have remained unsolved for a specified length of time. These are the least common types of cold-case investigations.

The second type is based on availability of forensic tests. Forensic material from old cases once thought not to be amenable to DNA testing might now be testable due to advances in DNA technology. Federal funds are making this type of cold-case investigation increasingly common.

The third type consists of those cases opened because an individual charged with a crime confesses to the outstanding crime as part of a plea deal or because an eyewitness announces a willingness to finger a suspect in return for leniency after the witness is arrested for participating in a crime.⁴

III. Effect of Proposed Changes:

The bill creates a Cold Case Task Force within the Florida Department of Law Enforcement (FDLE). The purpose of the task force is to examine policies and procedures used by law enforcement agencies in this state in investigating recent homicides and cold case homicides.

The task force is composed of the following 19 members:

- The executive director of the FDLE or his or her designee, who shall serve as chair of the task force;
- The Attorney General or his or her designee;
- Three state attorneys appointed by the Attorney General, who shall be appointed in a manner that ensures equitable representation of urban, suburban, and rural areas of the state;
- Two representatives from victim advocacy organizations appointed by the Governor;

² Analysis of SB 1482 (February 27, 2015), Florida Department of Law Enforcement (on file with the Senate Committee on Criminal Justice). This analysis is further cited as “FDLE Analysis.”

³ *Id.*

⁴ Davis, Robert C.; Jensen, Carl; and Kitchens, Karin E. *Cold Case Investigations: An Analysis of Current Practices and Factors Associated with Successful Outcomes* (Arlington, VA: Rand Center on Quality Policing, 2011), xiii.

- Two county sheriffs, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;
- Two municipal police chiefs, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;
- Three representatives from victims' families, one appointed by the Governor, one appointed by the President of the Senate, and one appointed by the Speaker of the House of Representatives;
- A crime scene evidence technician appointed by the executive director of the FDLE;
- A forensic pathologist appointed by the executive director of the FDLE;
- A representative of a law enforcement agency with experience investigating and preserving homicides and cold case homicides appointed by the executive director of the FDLE;
- A representative of the Florida Police Chiefs Association selected by the president of the executive board of the Florida Police Chiefs Association; and
- A representative of the Florida Sheriffs Association selected by the executive director of the Florida Sheriffs Association.

Duties of the task force include:

- Reviewing and evaluating policies and procedures currently used by law enforcement agencies in this state in investigating recent homicides and cold case homicides; and
- Identifying best practices and recommend proposals for legislation that may improve the effectiveness of such investigatory policies and procedures.

To accomplish its duties, the task force may take testimony from members of victims' families and members of the public. The FDLE provides the task force with staff necessary to assist the task force in the performance of its duties.

Members of the task force serve without compensation, but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061, F.S.

The task force must convene for its first meeting by September 1, 2015. By December 1, 2016, the task force must submit a report of its findings to the Governor and the Legislature. Upon submission of the report, the task force expires.

The bill takes effect on July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDLE states that the bill will have the following fiscal impact on the department:

Estimating that each meeting of the task force will cost \$500/member x 19 members plus 3 FDLE staff = \$11,000. Meeting space for each meeting is estimated at \$4,000 for a total estimated cost of \$15,000 per meeting. If the task force meets quarterly for 18 months (at which time the bill specifies dissolution of the task force) the cost will be \$90,000 (\$15,000 x 6 quarters). Additionally the task force may need to pay for expert testimony in forensic pathology, evidence, homicide investigation, technology or other relevant expertise. FDLE estimates an allotment of \$10,000 to cover these consultant fees. **Total estimated fiscal impact = \$100,000.**⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates a new and not yet numbered section of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

⁵ FDLE Analysis.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
