

Florida Fish and Wildlife Conservation Commission

Division of Law Enforcement



General Orders Manual

May 9, 2019

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement
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General Orders

General Order Number and Title	Effective Date
GO 01 Written Directive System	May 16, 2016
GO 02 Warnings, Arrests, Traffic Enforcement and Interviews	October 25, 2017
GO 03 Pursuits and Emergency Response	May 9, 2019
GO 04 Mental Health and Substance Abuse Response	March 16, 2018
GO 05 Use of Force, Response to Resistance, Transporting Prisoners	June 6, 2018
GO 06 Off-Duty, Extra-Duty and Hire-Back Employment	January 25, 2019
GO 07 Code of Conduct, Code of Ethics and Oath of Office	June 16, 2017
GO 08 Communicable Disease Control	November 30, 2017
GO 09 Vehicle and Vessel Towing and Impoundment	December 16, 2008
GO 10 Domestic Violence Intervention and Sexual Offender Referral	March 28, 2013
GO 11 Domestic Violence Allegations and Injunctions against Division Members	June 15, 2011
GO 12 Carry and Display of Weapons	May 9, 2019
GO 13 Residence and Duty Station Assignments	July 21, 2008
GO 14 Personnel Actions	January 5, 2015
GO 15 Juvenile Policy and Procedure	October 30, 2017
GO 16 Collection, Preservation and Documentation of Evidence and Property	January 25, 2019
GO 17 Searches, Raids, Inspections and Highway Checkpoints	July 21, 2008
GO 18 Subpoenas and Court Appearances	July 21, 2008
GO 19 Civil Process	July 21, 2008
GO 20 Reserve Auxiliary Program	November 9, 2018
GO 21 Derelict and At-Risk Vessels	March 16, 2018
GO 22 Awards, Commendations and Memorial Fund	January 25, 2019
GO 23 Uniforms, Personal Appearance and Dress Code	May 9, 2019
GO 24 Division Aircraft	July 21, 2008
GO 25 Audit, Inspections, and Accreditation Management	October 30, 2017
GO 26 Communications	March 8, 2017
GO 27 Internal Investigations and Discipline Process	June 6, 2018
GO 28 Grievance Process	May 9, 2019
GO 29 Accident Investigations and Death Notification	October 25, 2017
GO 30 Offshore Patrol Vessel Operations	May 7, 2018
GO 31 Reporting of Injuries and Temporary Reassignments	September 2, 2014
GO 32 Structure of Command	July 26, 2013
GO 33 Operation of Division Equipment	November 9, 2018
GO 34 Search and Rescue Operations	July 21, 2008

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GO 35 Division Reports and Records	June 6, 2018
GO 36 Victim and Witness Assistance	January 11, 2017
GO 37 Investigations	July 16, 2012
GO 38 Undercover, Surveillance, and Decoy Operations	October 25, 2017
GO 39 Honor Guard and Funeral Protocol	May 9, 2019
GO 40 Confidential Informants, Files and Funds	December 5, 2014
GO 41 Critical Incident Stress Management	November 17, 2010
GO 42 Health and Fitness	May 9, 2019
GO 43 Bias-Free Policing	May 16, 2017
GO 44 Recruitment	November 9, 2018
GO 45 Selection Process	October 30, 2017
GO 46 Civilian Volunteers	July 21, 2008
GO 47 Continuity of Operations Plan (COOP)	May 9, 2019
GO 48 Mutual Aid, Response to Unusual Occurrences, and Special Events	May 7, 2018
GO 49 Mission Statement and Community-Oriented Policing	July 21, 2008
GO 50 Sealed and Expunged Records	July 21, 2008
GO 51 Personal Protection Equipment	July 21, 2008
GO 52 Performance Evaluations	May 16, 2017
GO 53 Mobile Computer Use Terminal	January 11, 2017
GO 54 Public Information	May 16, 2017
GO 55 Vessel Monitoring System Data Access and Dissemination	March 18, 2009
GO 56 Special Operations Group (SOG)	November 17, 2010
GO 57 Missing Persons	November 17, 2010
GO 58 Law Enforcement Intelligence	September 2, 2014
GO 59 Resource Protection Service	August 24, 2011
GO 60 Eyewitness Identification Procedures	December 14, 2017
GO 61 Employee Background Investigations	November 30, 2017
GO 62 Alligator Response	March 28, 2013
GO 63 Activity Reporting	June 16, 2017
GO 64 Environmental Response Team	January 11, 2017
GO 65 Dive Team	May 7, 2018
GO 66 Social Media	May 16, 2017
GO 67 Criminal Justice Information System	January 11, 2017

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Interim Policy Memoranda (IPMs)

IPM Number and Title	Effective Date
09-05 FWC Division of Law Enforcement Snorkeling/Skin Diving Policy	July 1, 2009
10-01 Rapid ID Devices Policy and Procedures	May 18, 2010
12-01 Use of GPS Tracking Devices	February 8, 2012
12-02 Special purpose permit to buy, sell, take, possess or transport fish and wildlife for law enforcement purposes	February 8, 2012
12-03 SCUBA Dive Policy and Procedures	February 8, 2012
14-06 Policies and Procedures for FCIC/NCIC Entries	June 2, 2014
18-01 Bicycle Patrol	May 8, 2018
19-01 Extra-Duty Commercial Vehicle Escorts	January 25, 2019
19-02 Body Cameras	January 25, 2019

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement		
	TITLE	GENERAL ORDER
	<p style="text-align: center;">WRITTEN DIRECTIVE SYSTEM</p>	01
		EFFECTIVE DATE
APPLICABILITY	ALL MEMBERS	RESCINDS/AMENDS
		October 31, 2011
<p>REFERENCES</p> <p>IMPP 1.33.5</p> <p>CFA Chapter 3</p>		

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to provide guidance to its members through written directives which:
- (1) Reflect the requirements of applicable United States and Florida laws, rules and regulations;
 - (2) Increase accountability to the public and to the Division’s members; and
 - (3) Exemplify best practices in law enforcement.
- B** It is the policy of the Division of Law Enforcement to publish and distribute written directives electronically.
- C** It is the policy of the Division of Law Enforcement to post its written directives on the Division’s Internet and Intranet sites to facilitate access for members and the public. Directives for **Law Enforcement Use only** shall not be posted to the Internet.
- D** It is the policy of the Division of Law Enforcement to keep its written directives current by monitoring applicable United States and Florida laws, rules and regulations, best practices in law enforcement, and applicable accreditation standards and implementing the appropriate changes as necessary.
- E** Written directives take multiple forms in the Division of Law Enforcement, such as:
- (1) General Orders (GOs) as collected in the Division’s General Orders Manual,
 - (2) Interim Policy Memoranda (IPMs), which provide an interim directive prior to executing a General Orders.
 - (3) Law Enforcement Legal Bulletins, which advise members of changes to the law and/ or provide clarification or interpretative assistance. Legal bulletins are prepared by the Division’s Legal Advisor in coordination with the Division Director and posted to the Division’s intranet site.
 - (4) Standard Operating Procedures (SOPs).
 - (5) Division Manuals.
 - (6) Guidance for Division members may also be communicated by other means, including, but not limited to, letters, memos, video messages, etc.
- F** The Division’s written directives shall, when applicable, contain a statement of Division or Commission policy and/or procedures for carrying out Division activities.
- G** The Division’s written directives are issued pursuant to authority granted to the State of Florida Fish and Wildlife Conservation Commission’s Executive Director under the provisions of Chapter 20, Florida Statutes. The authority to determine, issue, modify and approve Division policy has been delegated to the Director of the Division of Law Enforcement.

2 RESPONSIBILITIES

A Division Director

- (1) The Director of the Division of Law Enforcement is authorized by the Executive Director of the Florida Fish and Wildlife Conservation Commission (FWC) to issue, modify, and approve administrative and operating policies, procedures, rules and regulations concerning the operation and management of the Division of Law Enforcement through written directives.
- (2) The Division Director or designee may delegate the authority to promulgate or amend written directives to appropriate personnel.

B Operational Support Section

- (1) Responsibility for the administration of the Division of Law Enforcement's written directives rests with the Law Enforcement Program Administrator supervising the Division's Operational Support Section. The Law Enforcement Program Administrator or designee shall ensure that the General Orders and other written directives are audited, updated and archived periodically as needed to maintain operational accountability and as directed by the Division Director.
- (2) The Law Enforcement Program Administrator or designee is responsible for compliance of the Division's written directives with Florida Statutes, the Commission's policies and procedures, the provisions and standards of the Commission for Florida Law Enforcement Accreditation (CFA), and organizational needs of the Division.
- (3) The Law Enforcement Program Administrator or designee shall ensure that new or amended written directives are distributed to all members and reviewed in a timely manner.
- (4) The Law Enforcement Program Administrator or designee shall coordinate with the Division Training Section to deliver training on new policies and procedures if required by new or amended written directives.
- (5) The Division Training Section shall coordinate with the Operational Support Section to identify training needs based on new and/ or revised written directives and to develop lesson plans and training materials as needed.

C Supervisors

- (1) All Supervisors are required to proactively communicate policy changes as expressed in the Division's written directives to their subordinates in a timely fashion. This includes, but is not limited to, verbal briefings, email and telephone messages, etc.
- (2) Supervisors are encouraged to facilitate access to email and the Division's Electronic Written Directive Management System for members without regular access to an agency-issued computer.

D Members

- (1) All members of the Division of Law Enforcement including reserve officers, civilian volunteers, and interns are required to comply with any applicable written directives issued by the Division and the Commission, including any applicable Standard Operating Procedures and/or other Division Manuals.
- (2) Members are not required to maintain a hardcopy General Orders Manual, but may choose to do so. If they choose to maintain a hardcopy General Orders Manual they are responsible to maintain its contents up-to-date.
- (3) All members are responsible for accessing their Commission-assigned email account (firstname.lastname@myfwc.com) on a regular basis as necessary to meet the requirements, duties and responsibilities of their position, or when directed by a supervisor.
- (4) In accordance with FWC IMPP 1.33.5, members are expected to respond to e-mails within five business days. Employees who will not access their agency e-mail account for more than two

business days shall enable the e-mail out-of-office response to advise that they are out of the office and their planned return date. The message shall provide the name(s), e-mail address(es) and phone number(s) of other FWC members who may be contacted for immediate assistance.

3 PROCEDURES

A Types of Written Directives

(1) General Orders (GOs)

(a) Each Division General Order shall have a header that includes the following:

1. FWC Division of Law Enforcement badge logo.
2. Commission name (Florida Fish and Wildlife Conservation Commission).
3. Division name (Division of Law Enforcement).
4. Approving authority (Director, Division of Law Enforcement).
5. Title: Indicates the subject matter of the General Order.
6. Chapter: Indicates the General Order chapter number.
7. Effective Date: Indicates the month, day, and year that the General Order became effective.
8. Pages: Indicates the total number of pages.
9. Rescinds/Amends: Indicates the previous effective date and other written directives that were altered or purged, if applicable.
10. Applicability: Indicates the applicability of the General Order for subgroups of Division members, i.e. all members, sworn members only, etc. Members not identified in the Applicability field are not required to acknowledge or abide by the General Order.
11. References: Identifies relevant major sources of law, rule or regulation on which the General Order is based. Includes, but is not limited to Florida Statutes, Florida Administrative Code, FWC Internal Management Policies and Procedures (IMPPs), and Commission for Florida Law Enforcement Accreditation (CFA) standards. This section is for informational purposes only, and does not claim to represent all relevant and applicable references.

(b) Following the agency header, there are four major sections in each General Order:

1. Policy
 - a. The Policy Section provides the framework within which more specific guidance, such as procedures and rules, can be developed when necessary. Policy delineates the parameters within which a Division member can and should function.
 - b. The Policy Section may contain definitions specific to a General Order.
2. Responsibilities
 - a. The Responsibilities section of a General Order identifies specific responsibilities for specific units and sections within the Division and for some or all members of the Division as required by the written directive.
3. Procedures
 - a. The Procedures section of a General Order details the applicable rules for a written directive and sets forth the exact actions required to achieve the desired policy

objectives.

4. Forms

- a. The Forms section of a General Order separately identifies Commission or Division forms referenced in a General Order. This section serves as a reference source for Division members.

(2) Interim Policy Memoranda (IPMs)

- (a) Each Division IPM shall have the following elements:

1. A header stating **FWC Division of Law Enforcement – Interim Policy Memorandum** and the IPM number in the following format: IPM xx-xx, with the first two digits identifying the calendar year and the second two digits identifying the sequential number of the IPM. For example, IPM 08-03 identifies the IPM as the third issued IPM in calendar year 2008.
2. Issue date. Unless otherwise specified, IPMs become effective on the date of issue.
3. A **TO:** line. For example, an IPM may be addressed to all Division members or a subgroup thereof, such as all sworn members, all Duty Officers, etc.
4. A **FROM:** line. IPMs are usually issued by the Division Director, but may also be issued by the Director's designee.
5. A **SUBJECT:** line. This clearly identifies the General Order being amended by the IPM
6. The body of the IPM. Any interim changes to existing policy shall be identified and discussed in the body of the IPM.

(3) Law Enforcement Legal Bulletins

- (a) Legal Bulletins are issued by attorneys assigned to the FWC's Legal Office responding to or clarifying a legal issue on behalf of the Division. Legal Bulletins are issued in a format deemed appropriate by the issuing attorney.
- (b) Law Enforcement Legal Bulletins are titled, issued, revised, rescinded and kept current by the FWC's Legal Office and/or the issuing attorney on behalf of the Division of Law Enforcement.
- (c) Law Enforcement Legal Bulletins may be disseminated through the Division's Electronic Written Directive Management System, or by other means if deemed appropriate by the issuing attorney.

(4) Standard Operating Procedures (SOPs) and other Division Manuals

- (a) Each SOP and Division Manual shall have a title or cover page, an issue or revision date, a statement indicating approval for issuance by the Division Director or designee, and a table of contents.
- (b) Pages in the Standard Operating Procedures (SOPs) and other Division Manuals are numbered sequentially within each chapter. Page numbers are centered at the bottom of the page. The bottom of the page identifies the manual name and chapter number. The bottom right side of the page identifies the issue or revision date.
- (c) Division manuals may contain an introductory letter or foreword from the Director.
- (d) If a SOP or Division Manual is **Law Enforcement Use only**, it must be clearly identified as such.
- (e) SOPs and other Division Manuals are titled, issued, revised, rescinded and kept current by the issuing Division section, subsection, office or unit.
- (f) SOPs and other Division Manuals shall be submitted to the Division Director or designee for final approval prior to issuance, unless waived by the Division Director.

- (5) Memos and other Documents
 - (a) Memoranda other than IPMs shall be issued using the current Memo Form (FWC/DLE-521AR).
 - (b) Other documents shall be in the format most appropriate to facilitate effective communication within the Division.

B Numbering, Indexing and Searching of Written Directives

- (1) General Orders are numbered sequentially starting with General Order 01. The numbers do not assign a value or level of importance to any given General Order, and merely serve as unique identifiers.
 - (a) IPMs are numbered in accordance with the section on Interim Policy Memoranda given above.
- (2) Titles of written directives serve as indexing tools. Titles of General Orders and other written directives shall clearly identify the subject matter addressed by the document.
- (3) Since all written directives of the Division are posted on the Division's Internet and/ or Intranet sites, searches by keyword can be conducted using the keyword search function of the software used to access the written directive.

C Amendments and Rescissions – The approval of the Division Director is required to amend or rescind General Orders and other Division written directives.

D Dissemination of Amended/ Rescinded and New General Orders and other Written Directives

- (1) The Law Enforcement Program Administrator or designee distributes amended/ rescinded and new General Orders and other written directives as needed throughout the year.
- (2) Amended/rescinded and new General Orders and IPMs shall be transmitted electronically to all applicable members via the Division's Electronic Written Directive Management System.
- (3) Members have 30 days from the issue date of a written directive to familiarize themselves with the content of the written directive and to acknowledge receipt through the Electronic Written Directive Management System.
- (4) Other written directives may be transmitted electronically to the appropriate Division members via the Division's Electronic Written Directive Management System, or may be made accessible to the Division members by other means, including but not limited to, direct email, posting to a Division Intranet (SharePoint) page, hardcopy issuance, etc.

E Issuing the General Orders Manual

- (1) All members shall be provided with access to the Electronic Written Directive Management System to acknowledge receipt of the Division's General Orders and other applicable written directives.
- (2) All new hires of the Division of Law Enforcement will have forty-five (45) days to acknowledge receipt of the Division's General Orders through the Electronic Written Directive Management System.
- (3) Supervisors may request in writing to the Operational Support Section additional time, not to exceed thirty days, for new hires to acknowledge receipt of all General Orders and written directives.
- (4) Reserve Officers shall be provided with remote access to the Electronic Written Directive Management System through their personally-owned computers to acknowledge receipt of the Division's General Orders and other applicable written directives.
- (5) One up-to-date hardcopy of the General Orders Manual shall be maintained and kept readily available by the Duty Officer Supervisor in each of the Communication Centers.

F Development and Staff Review of Written Directives

- (1) All members of the Division of Law Enforcement are encouraged to submit recommendations for improving operating procedures and amending Division policy. All recommendations for creating, amending, or deleting an order or procedure shall be submitted on the General Order Change Request Form (FWC/DLE-523AR) via the chain of command to the Operational Support Section.
- (2) The Law Enforcement Program Administrator or designee prepares new and revised directives at the Director's request. The Law Enforcement Program Administrator or designee may convene a committee (General Orders Committee) or delegate development of a draft proposal to a member with expertise in the subject matter. A copy of the draft proposal shall be forwarded to the Director, Deputy Directors, Division Legal Counsel and Subject Matter Experts as determined by the Law Enforcement Program Administrator or designee for review and comment by the specified deadline.
 - (a) Law Enforcement Legal Bulletins are developed and reviewed as deemed appropriate by the issuing attorney.
 - (b) SOPs and other Division manuals are developed and reviewed by the issuing Division section, subsection, office or unit with assistance from the Operational Support Section (if requested), and subject to final approval by the Division Director.
- (3) Upon receipt of comments, the Law Enforcement Program Administrator or designee shall resolve any conflicts and concerns before issuing a preliminary and temporary draft. The preliminary and temporary draft may be submitted to the appropriate bargaining unit for review and comment. The Law Enforcement Program Administrator or designee shall resolve any conflicts and concerns before issuing a final draft. The final draft shall be forwarded to the Director for approval.
- (4) The Law Enforcement Program Administrator or designee shall prepare the approved final draft for issuance and dissemination through the Division's Electronic Written Directive Management System.
- (5) The Law Enforcement Program Administrator or designee shall maintain an archive of rescinded and amended General Orders. For reference purposes, this archive shall contain the versions of written directives immediately preceding the version currently in effect. Older versions may be disposed of in accordance with established records management retention schedules.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-521AR	Division of Law Enforcement Memorandum
FWC/DLE-523AR	General Order Change Request



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

WARNINGS, ARRESTS, TRAFFIC ENFORCEMENT, AND INTERVIEWS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
02	October 25, 2017	May 16, 2017	All Members

References

S. 379.3312, 901.15, 812.015, 856.031, and 943.0439 F.S.; 11D-8, F.A.C.; IMPP 5.3.7; GO 29 CFA 2.02, 2.04M, 2.06M, 14.07M, 14.13M, 15.18M, 16.01M, 18.01, 18.02M, 18.03M, 18.07, 18.08M, 25.12M, 25.16

1 POLICY

- A** It is the policy of the Division that its sworn members be impartial, use discretion, common sense, and apply the community-oriented policing philosophy in determining whether a violation merits a warning or an arrest.
- B** It is the policy of the Division to generate compliance with the law by taking appropriate law enforcement action, including warnings and arrests.
- C** It is the policy of the Division to adhere to the requirements of applicable United States and Florida laws, rules and regulations.
- D** It is the policy of the Division to provide guidance to Division members on the conduct and coordination of criminal, non-criminal and regulatory investigations.

2 RESPONSIBILITIES

A Division

- (1) The Division is responsible for providing guidance to its sworn members in the form of this General Order when making arrests, issuing warnings, conducting interviews and performing traffic enforcement.

B Members

- (1) Sworn members of the Division of Law Enforcement are law enforcement officers of the State of Florida, vested with full power to investigate and arrest for any violation of the laws of this state and the rules and regulations of the Commission.
- (2) When encountering individuals who are deaf, hearing impaired, or non-English speaking, members shall contact the appropriate FWC Law Enforcement Regional Communications Center for assistance with obtaining the services of a qualified interpreter, unless a qualified interpreter is readily available.

- (3) Sworn members are responsible for exercising prudent judgment in evaluating the circumstances surrounding a suspected violation. The specific merits of each potential arrest situation should be considered so that the most appropriate form of action may be taken.
- (4) Sworn members are responsible for completing the appropriate citation for all arrests, including arrests with immediate release and the issuance of a Notice to Appear (NTA) (FWC/DLE-025).
- (5) Sworn members are responsible for submitting the original citation(s), including NTAs, to the court having jurisdiction over the alleged offense within 5 days after issuance to the violator.

C Environmental Crimes Investigative Responsibilities

- (1) If a sworn member observes what may appear to be an environmental crimes violation located on private property, the sworn member will relay the information via their chain of command to the appropriate environmental crimes lieutenant.
- (2) The environmental crimes lieutenant will work jointly with the Florida Department of Environmental Protection's (DEP) regulatory entities to identify the appropriate process to rectify and to investigate the violation, if warranted.
- (3) Division sworn members will NOT use authority under Chapter 379, Florida Statutes to enter property to work or investigate environmental crimes. The appropriate investigative techniques shall be utilized, and the appropriate resources (warrants) must be obtained prior to entering the property.

3 PROCEDURES

A Warnings

- (1) An arrest may not be appropriate in every circumstance. A warning might better accomplish the intended purpose. While analyzing a violation, the sworn member shall consider the following criteria:
 - (a) The intent of the law as opposed to the letter of the law.
 - (b) The intent of the violator.
 - (c) Any mitigating circumstances surrounding the violation.
- (2) Warnings may be written only when the elements for a crime are met.

B Arrests

- (1) When a violation of law has occurred and, in the sworn member's judgment, an arrest is warranted, the sworn member shall take all steps reasonable, necessary, and consistent to affect an arrest.
- (2) **When not to Arrest** – Any decision not to arrest must be reached only after the sworn member has carefully weighed the pertinent circumstances, including the following:
 - (a) When the actions of attempting the arrest would cause a greater risk of harm than allowing the offender to remain free.
 - (b) When attempting the arrest for a minor violation could create a situation that may cause unreasonable property damage.
 - (c) The intent of the violator.
- (3) Sworn members of the Division should not make arrests in personal quarrels or in those of their families or in disputes arising between their neighbors, except under such circumstances as would justify them using self-defense. Such circumstances or cases shall be immediately reported to another law enforcement agency to investigate and take any required law enforcement action.

C Misdemeanor Arrests

- (1) A sworn member may arrest for a misdemeanor under the following situations:
 - (a) An arrest for the commission of a misdemeanor shall be made immediately or in fresh pursuit, when the offense is committed in the presence of a sworn member.
 - (b) When information is relayed to a sworn member from another law enforcement officer that the suspect to be arrested has violated Florida Statutes as per section 379.3312, Florida Statutes, then the arresting sworn member shall list the relaying officer in the witness and probable cause section of the citation (FWC/DLE-025).
 - (c) When investigating a boating accident at or about the scene, a sworn member may arrest the operator of any vessel involved, if the investigation reveals probable cause to believe the operator committed any offense in connection with the accident. The arrest must be timely to the accident.

D Felony Arrests - A sworn member has the authority to make an arrest for a felony when a warrant has been issued, the offense is committed in his or her presence, a felony has been committed and the sworn member reasonably believes that the person committed such felony, or the sworn member reasonably believes that the person to be arrested has committed or is committing such felony. Persons arrested on felony charges must be booked into the county jail in the county where the actual arrest took place.

E Custodial Arrest or Notice to Appear

- (1) The suspect shall be turned over to the county jail having jurisdiction when it is determined that the person arrested must be taken into immediate custody.
- (2) Before the suspect is interviewed in a custodial interrogation, the sworn member shall read aloud the Miranda warning.
- (3) A Notice to Appear (FWC/DLE-025) should be issued when the offense is not a felony, and good reason exists to believe the offender will appear on their court date.
- (4) When an arrest is made by issuing a Notice to Appear, the sworn member shall inform the violator of the nature of the offense(s), its consequences, and what the violator must do to comply with the citation. When dealing with infractions, the sworn member shall inform the subject of all necessary information for sending in the fine or appearing before a hearing officer.

F Arrest without Warrant

- (1) The Florida Statutes outlined below detail when an arrest by a sworn member without a warrant is lawful.
 - (a) **Section 379.3312, Florida Statutes** – Any certified law enforcement officer of the Commission, upon receiving information, relayed to her or him from any law enforcement officer stationed on the ground, on the water, or in the air, that a driver, operator, or occupant of any vehicle, boat, or airboat has violated any section of chapter 327, chapter 328, chapter 379, or s. 597.010 or s. 597.020, may arrest the driver, operator, or occupant for violation of said laws when reasonable and proper identification of the vehicle, boat, or airboat and reasonable and probable grounds to believe that the driver, operator, or occupant has committed or is committing any such offense have been communicated to the arresting officer by the other officer stationed on the ground, on the water, or in the air.
 - (b) **Section 901.15, Florida Statutes** – A sworn member may arrest a person without a warrant in any of the following situations:
 1. The person has committed a felony or misdemeanor or violated a municipal or county ordinance in the presence of the officer. An arrest for the commission of a misdemeanor or the violation of a municipal or county ordinance shall be made immediately or in fresh pursuit.

2. A felony has been committed and he or she reasonably believes that the person committed it.
3. He or she reasonably believes that a felony has been or is being committed and that the person to be arrested has committed or is committing it.
4. A warrant for the arrest has been issued and is held by another peace officer for execution.
5. A violation of chapter 316 (Florida Uniform Traffic Control Law) has been committed in the presence of the officer. Such an arrest may be made immediately or in fresh pursuit. Any law enforcement officer, upon receiving information relayed to him or her from a fellow officer stationed on the ground or in the air that a driver of a vehicle has violated chapter 316, may arrest the driver for violation of those laws when reasonable and proper identification of the vehicle and the violation has been communicated to the arresting officer.
6. There is probable cause to believe that the person has committed a criminal act according to s. 790.233 or according to s. 741.31 or s. 784.047 which violates an injunction for protection entered pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, over the objection of the petitioner, if necessary.
7. There is probable cause to believe that the person has committed an act of domestic violence, as defined in s. 741.28. The decision to arrest shall not require consent of the victim or consideration of the relationship of the parties. It is the public policy of this state to strongly discourage arrest and charges of both parties for domestic violence on each other and to encourage training of law enforcement and prosecutors in this area. A law enforcement officer who acts in good faith and exercises due care in making an arrest under this subsection, under s. 741.31(4) or s. 784.047, or pursuant to a foreign order of protection accorded full faith and credit pursuant to s. 741.315, is immune from civil liability that otherwise might result by reason of his or her action.
8. There is probable cause to believe that the person has committed child abuse, as defined in s. 827.03, or has violated s. 787.025, relating to luring or enticing a child for unlawful purposes. The decision to arrest does not require consent of the victim or consideration of the relationship of the parties. It is the public policy of this state to protect abused children by strongly encouraging the arrest and prosecution of persons who commit child abuse. A law enforcement officer who acts in good faith and exercises due care in making an arrest under this subsection is immune from civil liability that otherwise might result by reason of his or her action.
9. There is probable cause to believe that the person has committed:
 - a. Any battery upon another person, as defined in s. 784.03.
 - b. An act of criminal mischief or a graffiti-related offense as described in s. 806.13.
 - c. A violation of a safety zone, security zone, regulated navigation area, or naval vessel protection zone as described in s. 327.461.
10. The officer has determined that he or she has probable cause to believe that a misdemeanor has been committed, based upon a signed affidavit provided to the officer by a law enforcement officer of the United States Government, recognized as such by United States statute, or a United States military law enforcement officer, recognized as such by the Uniform Code of Military Justice or the United States Department of Defense Regulations, when the misdemeanor was committed in the presence of the United States law enforcement officer or the United States military law enforcement officer on federal military property over which the state has maintained exclusive jurisdiction for such a misdemeanor.

11. He or she is employed by the State of Florida as a law enforcement officer as defined in s. 943.10(1) or part-time law enforcement officer as defined in s. 943.10(6), and:
 - a. He or she reasonably believes that a felony involving violence has been or is being committed and that the person to be arrested has committed or is committing the felony;
 - b. While engaged in the exercise of his or her state law enforcement duties, the officer reasonably believes that a felony has been or is being committed; or
 - c. A felony warrant for the arrest has been issued and is being held for execution by another peace officer.

Notwithstanding any other provision of law, the authority of an officer pursuant to this subsection is statewide. This subsection does not limit the arrest authority conferred on such officer by any other provision of law.

12. There is probable cause to believe that the person has committed an act that violates a condition of pretrial release provided in s. 903.047 when the original arrest was for an act of domestic violence as defined in s. 741.28.
13. There is probable cause to believe that the person has committed trespass in a secure area of an airport when signs are posted in conspicuous areas of the airport which notify that unauthorized entry into such areas constitutes a trespass and specify the methods for gaining authorized access to such areas. An arrest under this subsection may be made on or off airport premises. A law enforcement officer who acts in good faith and exercises due care in making an arrest under this subsection is immune from civil liability that otherwise might result by reason of the law enforcement officer's action.
14. There is probable cause to believe that the person has committed assault upon a law enforcement officer, a firefighter, an emergency medical care provider, public transit employees or agents, or other specified officers as set forth in s. 784.07 or has committed assault or battery upon any employee of a receiving facility as defined in s. 394.455 who is engaged in the lawful performance of his or her duties.
15. There is probable cause to believe that the person has committed a criminal act of sexual cyber harassment as described in s. 784.049.

(c) **Section 812.015, Florida Statutes** – A sworn member may arrest, either on or off the premises and without warrant, any person the sworn member has probable cause to believe has committed theft of merchandise in a retail or wholesale establishment or on commercial or private farm lands of a farmer.

(d) **Section 856.031, Florida Statutes** – A sworn member may arrest any suspected loiterer or prowler without a warrant should delay in procuring one probably enable such suspected loiterer or prowler to escape arrest.

(2) Sworn members making a legal arrest pursuant to section 901.15, Florida Statutes, may search the defendant thoroughly at the time of arrest, as well as in the area within the defendant's control, and such evidence may be admissible in the case.

G Arrest with Warrant

(1) When a sworn member arrests on a warrant, there is no requirement that the crime must have been committed in the sworn member's presence or that the sworn member has any independent knowledge of the crime. The only requirement of a sworn member executing a warrant is to determine:

(a) Whether or not the suspect is the one for whom the warrant was issued.

(b) With respect to the first requirement, a sworn member is required to use reasonable diligence to ensure the person arrested is, in fact, the subject named in the warrant. Sworn

members, when in doubt, must utilize simple and direct means of checking on identification when such means exists. Failure to do so may result in liability falling upon the sworn member(s) personally and/or the Commission. Photographs, fingerprint classification information, and other intelligence material are often essential to ensure a proper arrest.

- (2) In order to determine whether or not a warrant is valid on its face, it should:
 - (a) Have been issued by a court of competent jurisdiction;
 - (b) Charge the commission of an offense;
 - (c) Charge an identifiable person, and;
 - (d) Be signed by a judge.
- (3) If a warrant is valid on its face and is executed against the proper person in a reasonable manner, the sworn members are protected from any civil liability for false arrest.
- (4) Sworn members executing an arrest warrant must first knock and announce their presence, purpose, and authority.
- (5) If a sworn member fails to gain admittance after they have knocked and announced their presence, purpose, and authority, the sworn member may use all necessary and reasonable force to enter the premises to affect such an arrest with a warrant.
- (6) Although Florida does not have a “no-knock” warrant, the Florida Supreme Court has given law enforcement officers serving a warrant four “no-knock” exceptions. Sworn members need not knock and announce their presence if any of the four exceptions exist:
 - (a) The person within already knows of the sworn member’s presence, purpose, and authority; or
 - (b) The sworn member justifiably believes that persons within are in danger of immediate bodily harm; or
 - (c) The sworn member’s life would be greatly endangered if he or she were to knock and announce; or
 - (d) Those within are made aware of the presence of someone outside and are then engaged in activities which justify the sworn member’s belief that an escape or destruction of evidence is now being attempted.
- (7) When making an arrest of a subject wanted on an open warrant, it is important that an FWC citation (FWC/DLE-025) be completed for documentation. Authority for this type of arrest is covered by section 901.15 (4), Florida Statutes. In the Charging section of the citation, list “Arrest by Warrant”, section 901.15 (4), Florida Statutes, warrant number and the original charge the warrant was issued for. In many counties the Sheriff’s Office requires an affidavit to be completed, for their records, when an arrest is made by warrant. These forms normally include a space to list the arresting agency’s ORI (Originating Agency Identifier) number. If the FWC citation is used as the charging document, the ORI number shall be listed at the top of the citation.

H Procedures to Obtain an Arrest Warrant

- (1) Procedures for obtaining an arrest warrant are different throughout the State. Sworn members should contact the State Attorney’s Office in their enforcement area and become familiar with the procedure in their area. The following are general guidelines to consider and may differ from those used by various State Attorneys’ Offices:
 - (a) Complete the Probable Cause Affidavit (FWC/DLE-390) to be signed by sworn members in felony cases. Probable cause affidavits may be signed by sworn members or by the complainant in misdemeanor cases.
 - (b) All pertinent information concerning the suspect should be recorded on the top of the

complaint. This information would include a complete physical description, date of birth, and the last known address.

- (c) Have both probable cause sheet(s) and complaint form notarized.
 - (d) Contact the State Attorney's Office for review of probable cause in felony cases or misdemeanors signed by sworn members.
 - (e) Obtain Judge's signature for the arrest warrant.
 - (f) Contact the Clerk of County Court Office and obtain a warrant number for misdemeanors. Contact the Clerk of Circuit Court Office and obtain a warrant number for felonies.
 - (g) Contact the local Sheriff's Office, warrant section and record the warrant into their files. If any FCIC/NCIC entry is required, the proper suspect information will be given to the local county Sheriff's Office warrant section.
 - (h) Record the original warrant with the clerical supervisor in charge of warrants.
- (2) Serving the Warrant
- (a) Known suspects should be arrested as soon as possible.
 - (b) The sworn member shall notify his or her supervisor prior to serving the warrant.
 - (c) If the sworn member does not serve the warrant within 72 hours, the true copy will be delivered to the clerical supervisor at the local Sheriff's Office.
 - (d) When the warrant is delivered to the clerical supervisor at the Sheriff's Office, the sworn member will be responsible for completing the warrant information sheet which will be attached to the warrant.

I Traffic Enforcement Guidelines

- (1) **Traffic Citations** – Enforcement of traffic violations is not a primary area of enforcement for the sworn members of the Division of Law Enforcement, with the exception of Key Deer and Panther zone enforcement, and the enforcement of applicable traffic violations occurring within the boundaries of state parks, state forests, and/or wildlife management areas, or in order to protect visitors of these state lands. It is recognized that certain traffic violations such as reckless driving, careless driving, and driving under the influence may occur in the presence of a sworn member and require immediate action. Special Details, as approved by a supervisor, may target specific traffic violations associated with resource enforcement. The immediacy and level of threat to the public is a consideration in determining the appropriate law enforcement response. Speed violations, equipment violations, public carrier/commercial violations, non-moving and moving citations may be issued when there are multiple violations in conjunction with a careless driving, reckless driving or DUI citation. Enforcement of newly enacted laws regulating traffic should initially be treated with leniency and with emphasis given to educating the motoring public.
- (a) For purposes of this General Order, wildlife management area includes all lands managed by the FWC (e.g., Wildlife, Management Areas (WMAs), Wildlife Environmental Areas (WEAs) and the land surrounding Fish Management Areas (FMAs). State parks include all lands under management by the Department of Environmental Protection's (DEP) Division of Recreation and Parks (e.g., State Parks, Greenways and Trails, and the upland portions of Coastal and Aquatic Managed Areas (CAMAs).
- (2) Consideration as to whether or not to enforce a traffic violation should not be based on status, residency, ethnicity, gender, etc., except as provided by law. Non-residents and military personnel committing violations of Florida traffic laws shall be afforded the same considerations as residents.
- (3) In general, sworn members in civilian clothes shall not take enforcement action on traffic infractions.

- (4) The Uniform Traffic Citation (UTC) or Driving under the Influence (DUI) citation will be completed on all traffic related charges if a citation is warranted. In addition, an Incident Summary Report Narrative will be completed and submitted for each criminal UTC or DUI citation.
- (5) The DUI citation is to be issued only for a DUI arrest when the driver's blood alcohol level is 0.08 or higher or when the driver refuses to take a blood, breath or urine test. The UTC is to be issued for a DUI arrest when the driver's blood alcohol level is less than 0.08.
- (6) When a traffic violator is being issued a citation and has failed to produce a valid driver's license, a right thumb print of the violator shall be placed on the back of the original citation.
- (7) A separate citation must be completed for each violation or each count of a violation.
- (8) Requirements and options for satisfying or answering to the charges shall be given to the violator prior to release. This information is unique to each county and should include, but not be limited to; whether a court appearance is mandatory or optional along with the court appearance schedule and whether the violator is allowed to enter a plea and/or pay a fine by mail or at the traffic violations bureau. The office of the clerk of the circuit courts shall be contacted for specific procedural requirements.
- (9) When a member issues a UTC for unlawful speed, the sworn member must document the type of device and the manufacturer's serial number of the device (for laser or radar) in the comments section of the citation form. For example:
 - (a) Pace Clock FWC 152
 - (b) Radar 90665
 - (c) Laser 12912
- (10) **Traffic Crash Investigations and Accident Reporting** – In accordance with General Order 29, *Accident Investigations and Death Notifications*, vehicle crash investigations shall be referred to the appropriate law enforcement agency having jurisdiction. However, if a vehicle crash occurred in a state park, state forest, or wildlife management area and the responding member had the appropriate training, the following procedures apply:
 - (a) Sworn members shall refer any traffic crash involving serious bodily injury or death of any person to the Florida Highway Patrol (FHP), who shall conduct the investigation in accordance with FHP General Orders.
 - (b) Sworn members may investigate a traffic crash and complete the "Long Form" Report via the MCT if the traffic crash does not involve serious bodily injury or death but involves a criminal traffic violation such as DUI, etc.
 - (c) Sworn members may investigate a traffic crash and complete the "Short Form" Report via the MCT if the traffic crash does not involve any bodily injury or death and meets the following criteria:
 - 1. Damage to any vehicle or other property.
 - 2. Serious, potentially violent arguments, disturbances or confrontations involving principals or other persons present at the scene. (If such altercations involve the commission of a criminal offense, an Incident Summary Report and any other applicable forms shall be completed by the member as well).
 - 3. Removal of a vehicle from traffic by towing.
 - 4. Crashes resulting in major traffic congestion on roadways within a state park.
 - (d) Any traffic crash involving a Division vehicle shall be referred to the local law enforcement agency having jurisdiction or the Florida Highway Patrol, if appropriate, and be handled in accordance with IMPP 5.3.8, *Accidents and Equipment Damage*.

J Driving Under the Influence of Alcohol or Drugs

- (1) Whenever practicable, a person determined to be driving under the influence of alcohol or drugs will be taken into custody and be delivered to the county jail for booking. Under no circumstances will it be permissible to issue a notice to appear for a DUI charge.
- (2) Arrest and processing of DUI suspects will be in accordance with the FDLE Implied Consent Program (Rule 11D-8, Florida Administrative Code) and procedures established by the Department of Highway Safety and Motor Vehicles related to administrative suspensions.
- (3) A DUI suspect may request an independent blood test. If the suspect has submitted to the authorized test requested by the sworn member, the sworn member will ensure the suspect is provided with a telephone book and access to a telephone in a timely manner. If the DUI suspect has refused the test requested by the sworn member, no independent test is required. If the suspect has been turned over to the sheriff's office or the Department of Corrections, it will be the responsibility of the deputies or corrections officers to provide the suspect with the assistance necessary to obtain an independent test.
- (4) Pursuant to section 316.1932, Florida Statutes, the suspect is responsible for arranging and securing the independent test at his or her own expense. The arresting officer is not obligated to provide transportation for the DUI suspect to obtain the independent test.

K Driving While License is Suspended or Revoked

- (1) A Uniform Traffic Citation (UTC) should be issued.
- (2) Sworn members should consider the seriousness of the violation, and the number and types of previous suspensions/revocations in determining whether a custodial arrest is appropriate.
- (3) Sworn members will not allow any person whose driver license is not valid or who does not possess a driver license to operate a motor vehicle. Sworn members will assist any such person in obtaining alternate transportation from the scene or locating a properly licensed driver to assume control of the motor vehicle.
- (4) In the event a sworn member seizes a driver license for any violation involving a suspension, revocation, or cancellation, the driver license will be attached to the court copy of the uniform traffic citation and forwarded with the citation to the court.
 - (a) In those instances where the county court administrator or presiding judge does not want the driver license forwarded to the court, sworn members will forward the driver license to the nearest Driver License Office.
 - (b) Should a sworn member come into the possession of a driver license for any other reason, sworn members will submit the driver license to the nearest Driver License Office.

L Vehicle Stop and Approach

- (1) Sworn members will take all steps and precautions reasonable and necessary during traffic stops to assure their safety and well-being.
- (2) Prior to stopping the vehicle, dispatch shall be notified of the intended location of the traffic stop, the license number, the number of occupants in the vehicle, vehicle type, color, and any other distinguishing characteristics of the vehicle.
- (3) Every effort should be made to avoid stops on hills, curves, intersections, private drives, business locations and bridges which have limited parking.
- (4) The sworn member should signal the violator to stop by using blue lights, hand signals, sounding the horn, and/ or the siren.
- (5) The violator should be signaled and directed to the right side of or off the roadway, onto a side street, and away from heavy traffic.

- (6) Should the violator stop abruptly in the wrong lane or in another undesirable location, the driver should be promptly directed to move to a safer location. Sworn members should use the public address system to instruct violators to move to a safer location.
- (7) The violator should not be permitted to move his vehicle once it has stopped if it is suspected the driver is under the influence of alcohol or other substance to the extent that his or her driving ability is impaired.
- (8) Once the violator has stopped, the sworn member should position the patrol vehicle for optimum safety.
- (9) The sworn member may approach from the rear of the violator's vehicle, looking into the rear seat area, and stopping at a point to the rear of the trailing edge of the left front door. This position should be maintained if there are only occupants in the front seat of the vehicle. From this position, the sworn member should communicate with the violator, keeping the driver in a slightly awkward position, and at the same time keep all occupants of the vehicle within view. (A right-hand side approach is an acceptable option in those cases where close passing traffic constitutes a danger to the sworn member.)
- (10) In cases where the violator's car has occupants in both the front and rear seats, the sworn member should approach to a point near the edge of the left rear door, being especially alert for any unusual actions on the part of the occupants and choosing a path so the door cannot be used as a weapon against the sworn member. From this position, the sworn member should communicate with the violator and keep all occupants within view.
- (11) In traffic stops made by two sworn members in a patrol vehicle, the passenger sworn member should be responsible for all radio communications. During the traffic stop, the passenger sworn member should exit from the vehicle and act as an observer and cover the other sworn member.
- (12) At night, headlights should be on low beam for the safety of oncoming traffic. The spotlight or takedown lights may be used to illuminate the interior of the violator's vehicle. These lights should be turned off as soon as appropriate to avoid interfering with oncoming traffic.
- (13) It is recognized that all traffic stops may not fit the above mentioned criteria such as off-road stops, management area stops, and other rural area traffic stops. When possible, the above procedures should be followed.
- (14) Sworn members shall not perform traffic stops by exercising police authority based solely upon an individual's race, ethnic origin, gender, age, sexual orientation or income status.

M Sworn members while operating marked law enforcement vehicles will render the following assistance:

- (1) Protection of persons stranded on the highway:
 - (a) Upon observation of, or dispatched to persons stranded on the highway, sworn members will ensure that individuals are as far from the highway surface as possible.
 - (b) Sworn members will assist in getting inoperable vehicles off the roadway, if safely possible.
 - (c) If needed, sworn members will assist in transporting stranded individuals to the nearest service location. Sworn members will provide dispatch their beginning and ending mileage.
 - (d) Sworn members will provide information, directions, and other assistance whenever requested to do so.
- (2) Emergency assistance to highway users:
 - (a) Sworn members will provide all feasible emergency assistance to highway users in need.
 - 1. Sworn members will notify communications of the situation and request the necessary assistance.
 - 2. Sworn members will not jump start vehicles with agency vehicles.

3. Sworn members will not use Slim Jims or any other tools to open locked doors unless doing so is necessary to prevent serious injury.
- (3) Taking action to correct hazardous highway conditions and control or removal of roadway hazardous materials:
 - (a) Sworn members will ensure that debris capable of causing a traffic safety hazard is removed from roadways as soon as possible after discovery.
 - (b) The appropriate agency will be contacted for removal of debris such as fallen trees, branches, or other objects that cannot be immediately removed by the sworn member.
 - (c) Inoperative traffic lights or mechanical traffic control devices will be reported immediately. If the location and conditions necessitate immediate attention, the sworn member will remain on the scene to assist with traffic control until repairs are affected, or the local agency responds.
 - (4) Missing, defaced, or damaged traffic regulatory signs shall be reported immediately.

N Traffic Direction and Control by Sworn Members

- (1) Sworn members may be utilized to control the flow of vehicular or pedestrian traffic. Traffic direction and control is performed by hand signals combined with the use of visual and auditory signaling aids. A traffic control point is a sworn member's physical presence in the street, intersection, or other location. Visual and auditory signals are used to direct and control traffic. Unless assigned to a special detail requiring that traffic control be performed, sworn members should evaluate the necessity of a traffic control point. Factors to be considered should include but are not limited to, traffic volume, congestion, adverse weather conditions, emergency conditions, pedestrian traffic, estimated duration of congestion period, staffing availability and public safety in general.
- (2) Any sworn member, who directs traffic, shall wear a Division-issued safety vest. Only sworn members will conduct traffic direction and control.
- (3) Using the following standardized gestures will enhance driver and pedestrian recognition of and response to a sworn members directions:
 - (a) **Whistle Signals:** Whistle Signals shall be used in conjunction with hand signals and be of sufficient volume as to be audible with respect to surrounding conditions.
 1. **Stop** – one long whistle blast.
 2. **Start or Proceed** – two short whistle blasts.
 3. **Attention** – a series of short whistle blasts.
 - (b) **Hand Signals Basic Stance:** - The feet should be spread approximately shoulder width apart so that weight is evenly distributed on both feet. Hands and arms should hang naturally at the sides. The head and body are erect but not stiff. Keep feet planted in position, but do not lock the knees or tense the body.
 1. **Front Stops** – Look to the front. Raise the left arm up and out to the front, keeping the fingers joined and extended with the palm facing outward. The entire hand is clearly visible to oncoming traffic. The elbow should be bent and at eye level so that the hand is well above the headgear. When the traffic is halted, complete the signal by dropping the arm to the side. The left arm is raised because traffic from the front approaches on the left.
 2. **Side Stops** – Look to the side at the approaching vehicle/driver. Thrust the arm, left or right, in respect to the side that traffic is approaching, up and out bending the elbow slightly. Keep fingers extended and joined. The palm should be flat and facing out with the entire surface clearly visible to oncoming traffic. The elbow should be bent and at eye level so that the hand is well above the headgear. Allow the vehicle operator time

to react and bring the vehicle to a stop.

3. **Proceed Straight Ahead** – Look to the side at the traffic to be signaled. Extend the arm left or right, in respect to the side that the signal is to be executed so that it is parallel to the ground. The palm is facing up and the hand is straight. The fingers are extended and joined. Without moving the upper arm, use the elbow as a fixed axis and rotate the forearm across the front of the body so that the hand stops just below the chin with the palm facing down. Complete the signal by dropping the arm smartly and returning to the basic stance.
 4. **Rear Stops** – Bend the left knee slightly and rotate on the ball of the left foot. Turn the upper half of the body to the right, turning the head and eyes to the right rear. The right foot does not move. Raise the right arm up, out to the rear with the fingers extended, and joined. The palm faces traffic to the rear. Keeping the elbow bent and at eye level. When traffic is halted, complete the signal by dropping the arm and returning to the basic stance.
 5. **Right Turns** – Look to the side at the traffic needing to turn right. Extend the arm left or right, in respect to the side of the approaching vehicle. Extend the arm straight out to the side so that it is parallel the ground. Point the first two fingers of that hand at the vehicle to turn. The palm faces forward. If the vehicle is on the right, move the arm in a sweeping motion 90 degrees to the front. Keep the arm parallel to the ground. If the vehicle is on the left, without turning the shoulders or body, sweep the left arm 8 to 10 inches to the rear. Complete by dropping the arm smartly to the side, returning to the basic stance.
 6. **Left Turns** – Look to the side at the vehicle and determine the operator's intent to turn. Look to the opposite side and halt traffic by putting up a stop signal insuring that the hand is well above the headgear. Holding the stop signal in position, look back to the vehicle wanting to turn left. Extend the arm left or right, in respect to the side that the vehicle is on that is being signaled to turn left, out to the side. Keep the arm parallel to the ground. Point the first two fingers of that hand at the vehicle to turn. If the vehicle is on the right turning left, without turning the shoulders or body, sweep the right 8 to 10 inches to the rear to indicate the turn. If the vehicle is on the left turning left, move the left arm in a sweeping motion 90 degrees to the front, keeping the arm parallel to the ground. Complete the turn signal by dropping the arm to the side. After the vehicle has cleared the intersection, look back to the side facing the stop signal and convert the stop signal to a "Proceed" signal by rotating the palm inward. Rotate the forearm across the front of the body until the hand is just below the chin, and then drop the arm smartly to the side.
 7. **Change Flow** – Look to the right, then put up a stop signal with the right arm, and hold position. Look to the left, put up a stop signal with the left arm, and hold position. Turn the body with the stop signals up 90 degrees to the right or left so that you face the traffic just stopped. Look left and then convert stop signal to a proceed signal as described above. Conduct the same to the right side.
- O Foreign Diplomats and Consular Officials** – International law requires that special privileges and immunities be granted to foreign diplomatic and consular representatives. Diplomatic immunity does not exempt diplomatic officers from conforming with national and local laws, but requires that the violation be handled through diplomatic channels. Any person possessing diplomatic immunity may be taken into protective custody. When this occurs, the United States Department of State should be notified immediately.
- (1) Diplomatic agent is a term assigned to ambassadors and other diplomatic officers who generally have the function of dealing with host country officials.
 - (a) Diplomatic agents, their family members, and members of their administrative and technical staff are immune from arrest, detention, and criminal prosecution.

- (2) Uniform Traffic Citations (UTC), Uniform Boating Citations (UBC), and citations for civil infractions may be issued to diplomatic agents.
- (3) Diplomatic agents may be taken into protective custody for DUI. However, the implied consent law does not apply and the diplomatic agent must be released from protective custody to a responsible party as soon as possible.
- (4) Consular officers differ from diplomatic agents in that they perform functions of principal interest to their sending countries, such as, attending to difficulties of their own countrymen who are present in the host country and promoting the commerce of the sending country. A consular officer may be arrested or detained for a felony violation, or pursuant to a warrant, and may be issued a UTC.
- (5) The United States Department of State should be notified as soon as possible when a person who has been granted immunity violates the law. The Department of State may seek a waiver of immunity from the sending country if the seriousness of a crime warrants this action.
- (6) The following information is needed when requesting a check for diplomatic immunity or when reporting that a person possessing diplomatic immunity has been taken into custody:
 - (a) Complete Name.
 - (b) Address.
 - (c) Date of Birth.
 - (d) Nation Represented.
 - (e) Reason for Inquiry or Report.
- (7) Such requests or reports can be made to the Bureau of Diplomatic Security, United States Department of State, Washington, DC 20520. (ORI# DCD050000) 24-hour telephone number is (202) 647-7277.
- (8) The Division Director shall be promptly notified through the chain-of-command of any incident involving a person who possesses diplomatic immunity.

P Foreign Nationals – Citizens of another country, excluding diplomats and consular officers, who are in the United States on a temporary basis, either legally or illegally. This includes tourists, students, and aliens. Specific guidelines are set out by the United States Department of State to deal with the detention or arrest of foreign nationals.

- (1) Foreign nationals have no diplomatic immunity status and may be arrested or detained as any United States citizen.
- (2) A sworn member who arrests or detains foreign nationals must promptly inform the subjects of their right to have their government informed of the situation.
- (3) Consular officers have the right to visit their nationals who are in custody, to converse and correspond with them, and to arrange for their legal representation. A foreign consular officer should not take such action on behalf of a foreign national if the person being held expressly opposes such actions.
- (4) Agreements between the United States Department of State and certain countries require mandatory notification of the foreign national's consulate or embassy when certain nationals are confined or detained. In these cases, the foreign national has no choice regarding notification, and law enforcement authorities must notify the consulate or embassy of the situation without delay. The subject should be advised when the affected consul has been notified.
- (5) Inquiries and reports concerning foreign nationals should be directed to the U.S. Department of State Bureau of Consular Affairs, telephone number (202) 647-4415. After hours inquiries should be directed to the U.S. Department of State Operations Center, telephone number (202) 647-1512.

Q Juveniles

- (1) Issues pertaining to Juveniles are addressed in General Order 15, *Juvenile Policy and Procedure*.

R United States Senators and Members of the U.S. House of Representatives

- (1) Article 1, Section 6, of the United States Constitution provides members of the United States Congress privilege from arrest during the session of their respective houses, and in going to and returning from the same.
- (2) During the period specified by the United States Constitution, sworn members may issue a written warning, a UTC or a notice to appear but will **not** subject a member of the United States Congress to custodial arrest, except in cases of treason, felony or breaches of the peace.

S Interviews

- (1) The following rules apply to subjects or detainees brought to an office for statements or interviews:
 - (a) A sworn member shall constantly accompany the subject.
 - (b) Non-sworn members shall not guard or be left alone with subjects.
 - (c) Two or more subjects brought in at the same time shall be kept separate during interviews.
- (2) The Division does not have any approved holding areas; therefore, subjects shall not remain at the office any longer than necessary for a short interview or to make a statement.
- (3) When interviewing individuals who are deaf, hearing impaired, or non-English speaking, members shall contact the appropriate FWC Law Enforcement Regional Communications Center for assistance with obtaining the services of a qualified interpreter.
- (4) Individuals with Autism or an Autism Spectrum Disorder
 - (a) When encountering individuals who are diagnosed with autism or an autism spectrum disorder, members may contact the appropriate Law Enforcement Regional Communications Center for assistance in making a good faith effort to contact a trained professional for an individual diagnosed with autism or an autism spectrum disorder.
 - (b) Sworn members shall ensure that individuals with autism or an autism spectrum disorder are provided information regarding their rights as stated in Florida State Statute 943.0439; "The Wes Kleinert Fair Interview Act". Additional training regarding Florida State Statute 943.0439 is required and assigned via PowerDMS.
 - (c) Upon the request of an individual diagnosed with autism or an autism spectrum disorder or his or her parent or guardian, sworn members shall make a good faith effort to ensure that a psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker, or related professional is present at all interviews of the individual. This applies to an individual who is the victim, a suspect, or a defendant formally accused of a crime.
 - (d) All expenses related to the attendance of the professional at interviews shall be the responsibility of the requesting parent, guardian, or individual.
- (5) Members may refer the subject or his or her parent or guardian to the Center for Autism and Related Disabilities (CARD) at 1-800-928-8476 (1-800-9-AUTISM) for assistance if needed.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report
FWC/DLE-025	Citation
FWC/DLE-390	Probable Cause Affidavit



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

PURSUIITS AND EMERGENCY RESPONSE

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
03	May 9, 2019	December 14, 2017	All Sworn Members and Duty Officers

References

33 CFR 88.11 and 88.12; S. 316.072, 316.515, 316.535, 327.33 and 901.25, F.S.; GO 06 and 39; IPM 19-01

CFA 14.05M, 14.06M, 14.07M, 14.13M, 18.09, 18.10M and 25.09M

1 POLICY

- A** It is the policy of the Division to protect all persons' lives to the extent possible when enforcing the law. In addition, it is the responsibility of the Division to assist sworn members in the safe performance of their duties. To effect these obligations, it shall be the policy of the Division to strictly regulate the manner in which vehicular/vessel pursuits are undertaken and performed.
- B** Pursuits should not be confused with following or overtaking. A pursuit begins when a sworn member believes the operator has become aware that the sworn member is signaling him or her to stop, by using emergency equipment and attempts to elude the sworn member by trying to avoid capture, by using speed in excess of the posted limit, evasive tactics or other maneuvers which constitute reckless operation.
- C** Sworn members are authorized to pursue violators who are reasonably thought to be violent and pose a danger to the public at large. Sworn members may pursue a suspect if the sworn member reasonably believes the suspect has committed or attempted to commit a crime of violence.
- D** Sworn members are authorized, with supervisory approval, to engage in the pursuit of non-violent vehicle or vessel operators (violators) when the pursuit occurs in open uncongested waters or on uncongested roadways.
 - (1)** Uncongested waters or roadways are defined as an area without other traffic, conveyances, or persons visible to the officer in the path of the pursuit. This allowance does not remove the need for reasonableness both in consideration of the violation and in consideration of the safety of the public, sworn member, and suspect.

E ALL OTHER PURSUIITS ARE PROHIBITED.

2 RESPONSIBILITIES

A Division

- (1) It is the responsibility of the Division to establish specific guidelines and training for emergency response or pursuit driving that shall contribute to public safety and facilitate apprehension of violators. This policy is intended to balance the two objectives and to assist the sworn member in making decisions during such incidents. Each decision must be based upon the totality of circumstances involved in each emergency response or pursuit.

B Members

- (1) It is the responsibility of sworn members who operate in an emergency response or pursuit mode to do so in a safe, lawful and prudent manner.
- (2) Sworn members are responsible for determining whether a pursuit is permitted by this General Order prior to engaging in a pursuit.

C Supervisors

- (1) Sworn supervisors shall take command of, approve or terminate all pursuits, and be responsible for monitoring and directing pursuits and emergency response calls.

D Aviation Units

- (1) Aerial assistance shall be used, if available. The air unit shall coordinate the movement of ground units in cooperation with the supervisor.

E Communications Center

- (1) Upon notification that a pursuit is in progress, the duty officer shall:
 - (a) Immediately notify the on-duty sworn law enforcement supervisor closest to the area of the pursuit. If a supervisor is not readily available to monitor the pursuit it shall be terminated.
 - (b) Receive and record all information on the pursuit situation and the pursued vehicle or vessel.
 - (c) Coordinate all radio communications and clear the radio channel(s) of all non-emergency calls.
 - (d) Coordinate and dispatch back-up and support assistance under the direction of a sworn supervisor.
 - (e) When requested by a pursuing sworn member or a supervisor, obtain criminal records and vehicle or vessel checks on the suspect(s).
 - (f) Notify all appropriate agencies of the active pursuit.

3 PROCEDURES

A Response to Calls

- (1) Sworn members responding to calls for service not requiring an emergency response shall obey all traffic and vessel laws including applicable speed limits. Emergency lights and siren shall not be used during the response. However, if while en-route to the incident the sworn member encounters traffic congestion, and where a response needs to be timely, the sworn member may circumvent the traffic congestion by the safest route using due care. Emergency lights and siren shall be used during such movement through traffic congestion.
- (2) The provisions of this General Order shall not relieve the operator of an emergency law enforcement vehicle or vessel from the duty to operate with due regard for the safety of all persons, nor protect such operator from the consequences of exhibiting a negligent disregard for the safety of others.

- (3) Additionally, all sworn members engaged in any emergency response situation shall comply with the following procedures:
- (a) Immediately activate emergency lights and siren, which shall remain activated continuously throughout the emergency response and notify communications of your emergency response status. Four-way flashers shall not be activated during an emergency response. The temporary termination of siren use is authorized to facilitate communications or safe operation in vessels if the lack of their use can be accomplished without danger to the public.
 - (b) Sworn members shall not respond to resource violations in an emergency response mode.
 - (c) Speed should not exceed 15 MPH over the posted speed limit unless:
 - 1. An immediate threat exists, and
 - 2. The sworn member's quick response is necessary, and
 - 3. Circumstances exist that would provide for the safe operation of the patrol unit at higher speeds and the gravity of the situation so warrants.
 - 4. Speed entering and exiting a tollbooth, shall never be greater than the posted speed limit or if not posted, 15 MPH.
 - (d) In the event of an equipment failure that could result in the unsafe operation of the patrol vehicle or vessel during an emergency response mode, such emergency response mode shall be terminated and the communication center notified.

B Operations of Vehicles or Vessels during Pursuits and Emergency Response Mode

- (1) When responding to an emergency call involving violence or the threat of violence to the sworn member or another person, an accident involving serious bodily injury or the possibility of such, search and rescue responses in which there is a potential for loss of life or serious bodily injury dictates a speedy response, the sworn member may engage in emergency conveyance operations.
- (2) When it is necessary to use a Division patrol vehicle to block a road for traffic control purposes the emergency lights shall be used. The use of Division vehicles as roadblocks for terminating a pursuit is prohibited.
- (3) The provisions of this General Order shall not relieve the driver of a Commission vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver of a Commission vehicle from the consequences of careless disregard for the safety of others (see Section 316.072 (5), Florida Statutes).

C On-Duty Vehicle Escorts

- (1) Division members are not routinely authorized to provide on-duty vehicle escort services except as permitted by this General Order. Requests for vehicle escorts shall be referred to the local agency having jurisdiction.
- (2) The Division's patrol resources shall not be devoted to servicing requests for escorts for commercial vehicles and/or over-dimensional vehicles, unless such escorts are provided:
 - (a) For purposes of alleviating an existing hazard or to address emerging public safety concerns.
 - (b) In accordance with requests initiated by other government agencies, where public safety concerns or security interests are involved.

- (c) Members may provide vehicle escort services for oversize vehicles and hazardous and unusual cargo as extra-duty law enforcement employment if approved and in accordance with General Order 06, *Off-Duty, Extra-Duty, and Hire-Back Employment*, and IPM 19-01 – *Extra-Duty Commercial Vehicle Escort Services*.
- (3) Members may only provide funeral escort services in accordance with General Order 39, *Honor Guard* and as authorized in the Division's Honor Guard Manual.
- (4) Members are prohibited from providing escort services to emergency vehicles and civilian vehicles in medical emergencies. Under exigent circumstances, sworn members may transport victims to medical aid if that would bring medical aid quicker than waiting for medical personnel.
- (5) Members may only provide vehicle escort services to public officials and dignitaries if approved by the Division Director or designee.
- (6) The Division Director or designee shall have final authority on allowing vehicle escorts in emergency and non-routine circumstances, including but not limited to, disaster response and deployment, special events, special requests for funeral escort services for members of the law enforcement community or government officials, etc.
- (7) At no time are escorts permitted to exceed the posted speed limit.
- (8) No part of this General Order shall be construed as restricting the ability of command staff or sworn members in the field to address threats to public safety or to respond to emerging public safety emergencies.

D Use of Emergency Warning Devices while in a Pursuit or Emergency Response Mode

- (1) During a pursuit or emergency response, four-way flashers shall not be used.
- (2) The spotlight shall at no time be directed at the windshield or vision of oncoming vehicles or vessels.
- (3) In no event shall a sworn member operate an emergency conveyance contrary to the traffic laws of this state unless emergency lights and siren are activated.
- (4) Sworn members shall activate emergency signal devices when required to assist in handling any perceived emergency. The sworn member shall advise communications personnel of the nature of the emergency and the emergency response mode.
- (5) Audible and visible warning devices shall be used to make notice of intent to stop a vehicle or vessel and to provide a safe environment for the vehicle or vessel operator, sworn member, and the public.
- (6) **Exception:** When responding in an emergency response mode, emergency signal devices may be deactivated when at a distance from the scene (to be determined by the sworn member) to not alert subjects to law enforcement proximity.

E Use of Emergency Warning Devices

- (1) In non-emergency situations, when expediency is required to effectively eliminate a potential hazard to the public or fellow sworn member, a sworn member may activate emergency warning devices, such as emergency lights (flashing red and/or blue lights), siren, hazardous warning lights, the spotlight, headlights, and public-address system, as additional safety measures to allow orderly and safe transit through congested roads or waterways. Examples of permissible uses of emergency warning devices during non-emergency response situations include, but are not limited to:
 - (a) Using emergency lights as "beacons" to protect disabled vehicles or vessels; or
 - (b) Using emergency lights when it is necessary to use Division conveyances as protective barriers.

- (2) Using emergency lights on a vessel when engaged in public safety activities as provided in 33 CFR 88.11 and 88.12.
- (3) Operators of emergency conveyances shall deactivate emergency warning devices as soon as possible.
- (4) If a non-sworn member operates a law enforcement vehicle which is equipped with emergency warning devices, the non-sworn member shall not utilize the emergency lights (flashing red and/or blue lights), siren, or public address system.
 - (a) Select non-sworn members (e.g. fleet personnel) may utilize the emergency lights, siren, public address system, and any other emergency warning devices while installing or testing the devices in an area away from the general public.

F Out-of-State Emergency Responses

- (1) Sworn members may respond to an emergency incident outside of the Division's jurisdiction with a sworn supervisor's approval. All procedures covered in this General Order shall be followed.

G Inter-Jurisdictional Pursuits

- (1) A sworn member may pursue a fleeing suspect beyond the jurisdiction of the state when in fresh and continuous pursuit as outlined in Section 901.25, Florida Statutes, with supervisory approval, and only when the sworn member reasonably believes the suspect has committed or attempted to commit a crime of violence.
- (2) The pursuing sworn member shall immediately notify the communications center when it appears likely that a pursuit shall continue into a neighboring jurisdiction.
- (3) Upon notification by the pursuing sworn member, the duty officer shall contact the law enforcement agency within the pursuit jurisdiction to advise the status of the pursuit and the known charge(s) against the suspect. The duty officer shall also notify a sworn supervisor and provide updates on the progress of the pursuit.

H Sworn Member's Procedures during Pursuits

- (1) A sworn member must continuously balance the seriousness of the offense and the potential danger to life and property created by a pursuit or overtaking situation with the likelihood of apprehending the suspect, all while operating with due regard for public safety.
- (2) In making the decision to initiate or continue a pursuit or overtake, a sworn member shall consider the following factors:
 - (a) The time of day, number of pedestrians, swimmers, divers, snorkelers, and other civilians.
 - (b) Other vehicle or vessel traffic present.
 - (c) The sworn member's training and experience in vehicle pursuit driving or vessel pursuit operation. Division training in pursuit tactics is required prior to engaging in a pursuit or an emergency response.
 - (d) The sworn member's training and experience with the type of emergency vehicle or vessel being operated.
 - (e) The condition and performance capabilities of the pursuit emergency vehicle or vessel.
 - (f) The sworn member's familiarity with the area in terms of the sworn member's ability to accurately notify the communications center of the location and direction of the pursuit.
 - (g) The sworn member's ability to maintain continuous contact with the Division's communication center.
 - (h) Road, sea, visibility and weather conditions.
 - (i) Possibility of identification and later apprehension of suspect(s).

- (j) Availability of other law enforcement units to assist in the pursuit to include air units.
 - (k) Pursuits while towing boats, trailers, or any other item are prohibited.
 - (l) All-Terrain Vehicles (ATVs) and Personal Watercrafts (PWCs) shall not be used in pursuits.
 - (m) Division emergency conveyances that contain non-sworn personnel shall not become involved in pursuits.
- (3) The sworn member shall immediately notify the communications center of their intention to pursue. The sworn member shall clearly provide the communications center with the following information:
- (a) Location, speed, and direction of travel of the fleeing vehicle or vessel.
 - (b) Specific reasons for the pursuit including identifying the offense which the operator or occupant is accused of committing.
 - (c) Description and license or registration number, if known, including any information which would aid in identification of the vehicle or vessel.
 - (d) Number of occupants in the fleeing vehicle or vessel and, where possible, any descriptions which would aid in identification.
- (4) Once a pursuit has been initiated, the sworn member shall:
- (a) Immediately activate emergency lights and siren, which shall remain activated continuously throughout the pursuit or emergency response.
 - 1. The temporary termination of siren use is authorized to facilitate communications or safe operation in vessels as long as the lack of their use can be accomplished without danger to the public.
 - (b) Notify communications of operating in emergency response status and request notification of member's supervisor or nearest available supervisor by the Duty Officer.
 - (c) Confirm supervisory approval to continue pursuit.
- (5) Any emergency vehicle or vessel which sustains damage to, or failure of, essential equipment (lights, siren, mechanical) shall not continue in the pursuit unless the totality of the circumstances indicate that the pursuit should be continued and it may be accomplished safely. The sworn member shall notify the communications center that they are discontinuing pursuit due to equipment difficulties.
- (6) The primary pursuit or initiating emergency vehicle or vessel shall reduce to that of secondary or support when:
- (a) The fleeing vehicle or vessel comes under the surveillance of an air unit; or
 - (b) Another emergency conveyance has assumed primary pursuit responsibility.
- (7) Trucks and SUV patrol vehicles should relinquish primary pursuit to standard pursuit vehicles during on-road pursuits, if available.
- (8) Unmarked emergency vehicles or vessels should only be used in pursuits until a marked unit can assume primary pursuit.
- (9) All emergency vehicles or vessels monitoring the pursuit shall switch to the appropriate channel when designated by the communications center.
- (10) The decision to pursue a vehicle or vessel rests with the individual sworn member, but that decision may be reversed by any sworn supervisor at any time.
- (11) Sworn members shall not pursue violators to the point of exhausting their fuel supply.
- (12) Sworn members shall not, under any circumstances, pursue violators the wrong way on any interstate, highway, road, or street.

I Sworn Supervisor's Procedures during Pursuits

- (1) Upon notification that a pursuit is occurring, the sworn supervisor shall assume responsibility for monitoring and control of the pursuit and its progress:
 - (a) Determine if pursuit criteria have been met.
 - (b) Determine if other agency assets are needed.
 - (c) Direct aerial assets if available.
 - (d) Monitor the pursuit, and approve or order alternative tactics until the pursuit is terminated. The supervisor may terminate the pursuit at any time.
 - (e) Shall respond to the scene whenever an accident occurs during a pursuit.

J Aviation Unit

- (1) When the Aviation Unit arrives, it becomes the primary pursuit unit. Emergency conveyance primary pursuit and support units shall then restrict radio communications, decrease speed, and follow at a safe distance.
- (2) The Aviation Unit shall be given radio priority to relay speed, direction of travel, potential hazards, and possible apprehension sites to sworn members and supervisory personnel.
- (3) When a ground pursuit is terminated, the Aviation Unit shall continue to broadcast the direction of travel and other pertinent information. Sworn members shall proceed in accordance with section 3 (Procedures), subsection A, *Response to Calls*, and position themselves for apprehension once the vehicle or vessel has stopped.
- (4) The Aviation Unit shall fly at a safe altitude as determined by the pilot and maintain a sufficient distance to avoid alerting the operator of the fleeing vessel or vehicle to its presence.
- (5) The pilot and the sworn supervisor have the authority to terminate the aircraft pursuit.

K Pursuit Tactics

- (1) Unless expressly authorized by a sworn supervisor, pursuits shall be limited to the assigned primary and secondary emergency vehicles or vessels. Sworn members other than primary or secondary are not permitted to join the pursuit. If more assistance is authorized, the additional assistance shall be determined by:
 - (a) Nature of offense;
 - (b) Number of suspects;
 - (c) Whether the participating units have more than one officer; or other clear and articulated facts that would warrant the increased hazard.
- (2) If the primary unit is a one-person unit, the secondary unit may assume radio communications responsibility, allowing the primary unit to devote full attention to driving.
- (3) The secondary unit shall identify his or her role as the secondary unit to the Regional Communications Center (RCC).
- (4) The secondary unit shall not attempt to assume control unless the primary unit drops out or a supervisor directs such action.
- (5) Both the primary and secondary units, and any other vehicles or vessels which have been authorized for a pursuit shall maintain a reasonable and safe following distance.
- (6) The intentional ramming, striking, or boxing-in of a vehicle or vessel is prohibited unless deadly force is justified.
- (7) Utilizing a Division vehicle as a roadblock for terminating a pursuit is prohibited.

L Termination of Pursuit

- (1) Pursuits may be terminated at any time by the pursuing sworn member, a sworn supervisor, or sworn supervisor of higher rank in accordance with this General Order.
- (2) A sworn member shall terminate pursuit when:
 - (a) Hazards created by the pursuit outweigh the necessity for immediate apprehension.
 - (b) Necessary evidence can be secured, and the violator can be identified for later apprehension and is not a threat to the public.
 - (c) A supervisor has not been contacted and authorized the continuation of the pursuit.
 - (d) A sworn supervisor orders the pursuit terminated.
 - (e) The seriousness of the crime does not warrant the risk to the public, suspect or member.
 - (f) The distance between the pursuit and fleeing conveyance is so great that further pursuit is futile.
 - (g) Contact with the suspect is lost.
 - (h) Continuous radio contact with the communications center cannot be maintained.
- (3) The pursuing sworn member shall inform the communications center when the pursuit has been terminated and shall provide any other information which may assist in apprehending the suspect at a later date.

M Pursuits initiated by other Agencies

- (1) Participation in pursuits initiated by other agencies is prohibited unless directed by a sworn supervisor.

N Traffic Regulation during Pursuits and Emergency Responses

- (1) The sworn member may engage in the following vehicle operations during pursuits and emergency response:
 - (a) Exceed the speed limit but only after weighing the risk of danger to life and property and considering whether such action is safe given road, weather, traffic, time of day, and other environmental conditions.
 - (b) Proceed past a stop signal or stop sign, but only after slowing down or stopping as may be necessary for safe operation. In every case, the sworn member shall ensure that the flow of cross-traffic has yielded in each lane before attempting to cross that lane.
- (2) The provisions of this General Order shall not relieve the operator of an emergency law enforcement vehicle from the duty to operate with due regard for the safety of all persons, nor protect such operator from the consequences of exhibiting a negligent disregard for the safety of others.

O Vessel Regulations during Pursuits and Emergency Responses

- (1) The sworn member may engage in the following emergency vessel operations during pursuits:
 - (a) Exceed the posted speed zone limits, or other regulatory zone limits, but only after weighing the risk of danger to life and property and considering whether such action is safe given sea, weather, traffic, time of day, obstructions present on waterways, and other environmental conditions.
 - (b) May deviate from navigation rules after considering the likelihood of injury or damage to life or property and only when it is safe to do so. (see Section 327.33(3)(c), Florida Statutes)

- (2) The provisions of this General Order shall not relieve the operator of an emergency law enforcement vessel from the duty to operate with due regard for the safety of all persons, nor protect such operator from the consequences of exhibiting a negligent disregard for the safety of others.

P Reporting of Emergency Vehicle or Vessel Pursuits

- (1) After a pursuit, participating sworn members shall complete an Incident Summary Report. The report shall be reviewed by a law enforcement supervisor and submitted to the appropriate Regional Commander for signature. The Incident Summary report shall then be forwarded to the appropriate Deputy Director.
- (2) Annually, the Training Section shall conduct an analysis of pursuits involving members and report to the Director any patterns or trends which may indicate training needs or policy modifications.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report
	Incident Summary Report Narrative
	Incident Summary Report Vehicle/ Vessel Information



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

MENTAL HEALTH AND SUBSTANCE ABUSE RESPONSE

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
04	March 16, 2018	August 31, 2009	All Sworn Members

References

Ch. 393, 394, and 397, F.S.; GO 02, 05, and 15; CFA 2.02

1 POLICY

- A** It is the policy of the Division that any contact with an individual in a possible mental crisis be treated with dignity and the utmost concern for their safety and well-being, as well as the safety of those around them. Any response resulting in such contact shall follow all federal, state and local laws, to include the Florida Mental Health Act (Florida State Statute, Chapter 394). However, the Division recognizes that its members are not trained medical professionals and may be required to make decisions based on limited contact with the individual in question.
- B** It is the policy of the Division to conform to current state law regarding treatment and services for substance abuse impaired individuals. Any response resulting in such contact shall follow all federal, state and local laws, to include the Florida Hal S. Marchman Alcohol and Other Drug Services Act (Florida State Statute, Chapter 397). Nothing in this General Order shall affect any laws, ordinances, resolutions or regulations against driving under the influence of alcohol or other similar offenses which involve the operation of motor vehicles, machinery, or other hazardous equipment.
- C** At no time is this General Order to be construed to require members to delay taking action, including deadly force, if the circumstances justify such action.
- D** A sworn member who acts in good faith pursuant to Chapters 394 or 397, F.S. may not be held criminally or civilly liable for false imprisonment.
- E Definitions**
- (1) **Crisis** – a perception of an event or situation as an intolerable difficulty that exceeds the person’s resources and coping mechanisms. Unless the person obtains relief, the crisis has the potential to cause severe affective, cognitive and/or behavioral malfunctioning.
 - (2) **Florida Mental Health Act** – also known as the “The Baker Act”, is a term for an involuntary examination of an individual who meets the criteria of such examination, pursuant to Chapter 394, Florida Statutes.
 - (3) **Hal S. Marchman Alcohol and Other Drug Services Act** – also known as the “Marchman Act”, provides for emergency assistance and temporary detention for individuals requiring substance abuse evaluation and treatment, pursuant to Chapter 397, Florida Statutes.

- (4) **Incompetent to consent to treatment** – a state in which a person’s judgment is so affected by a mental illness or a substance abuse impairment that he or she lacks the capacity to make a well-reasoned, willful, and knowing decision concerning his or her medical, mental health, or substance abuse treatment.
- (5) **Mental Health Crisis** – A situation in which an individual who is believed to have a mental illness displays one or more of the following:
 - (a) Having delusions;
 - (b) Creating a disturbance;
 - (c) Real and credible threat of substantial harm due to self-neglect;
 - (d) Threatening harm to oneself or others or;
 - (e) Displaying other activity or behavior that causes alarm.
- (6) **Mental Illness** – an impairment of the mental or emotional processes that exercise conscious control of one’s actions or of the ability to perceive or understand reality, which impairment substantially interferes with the person’s ability to meet the ordinary demands of living. For the purposes of this General Order, the term does not include a developmental disability as defined in Chapter 393, Florida Statutes, intoxication, or conditions manifested only by antisocial behavior or substance abuse.
- (7) **Receiving facility** – a public or private facility or hospital designated by the Department of Children and Families to receive and hold or refer, as appropriate, involuntary patients under emergency conditions for mental health or substance abuse evaluation and to provide treatment or transportation to the appropriate service provider. The term does not include a county jail.
- (8) **Referral** – sending or directing an individual for treatment, aid, or information based on assessment of the facts presented and on services and support agencies available in the community.
- (9) **Release** – allowing a subject to remain in or return to the community based on assessment of the facts presented.
- (10) **Voluntary Examination** – A mental health facility may receive for observation, diagnosis, or treatment any person 18 years of age or older making application by express and informed consent for admission or any person age 17 or under for whom such application is made by their guardian. If found to show evidence of mental illness, to be competent to provide express and informed consent, and to be suitable for treatment, such person 18 years of age or older may be admitted to the facility. A person age 17 or under may be admitted only after a hearing to verify the voluntariness of the consent.

2 RESPONSIBILITIES

A Sworn Members

- (1) When responding to a person with a potential issue of substance abuse or a mental health crisis, sworn members are responsible for the following:
 - (a) Protect oneself.
 - (b) Protect others.
 - (c) Protect the subject, which may require the need for protective custody.
 - (d) Stabilize the situation.
 - (e) Intervene to prevent further problems.

- (2) Encounters with persons described in this General Order which require the sworn member to take action shall be documented using the Incident Summary Report and other applicable forms as appropriate for the incident.
- (3) Sworn members shall follow the policies and procedures regarding prisoner/detainee transport outlined in General Order 05, *Use of Force, Response to Resistance, Transporting Prisoners*

B Training Section

- (1) Training on mental health issues and response shall be provided during the Florida Law Enforcement Officer Basic Recruit Program as described in the Florida Criminal Justice Standards and Training Commission's Law Enforcement Basic Recruit Curriculum.
- (2) All other entry-level sworn members shall receive training in dealing with mentally ill persons.
- (3) Training Section staff shall periodically provide refresher training to all sworn members as part of scheduled in-service training.
- (4) The nature of the training may vary but shall include:
 - (a) Guidelines for the recognition of persons suffering from mental illness.
 - (b) Procedures for accessing available community mental health resources.
 - (c) Specific guidelines for sworn members to follow in dealing with persons they suspect are mentally ill during contacts in the field as well as during interviews and interrogations.
- (5) All training shall either be documented by the Division's Training Section and maintained in the sworn member's training record, or documented in PowerDMS.

3 PROCEDURES

A Assessment of Possible Mentally Ill Persons

- (1) The terms "mental illness," "emotional illness," and "psychological illness," describes varying levels of a group of disabilities causing disturbances in thinking, feeling, and relating. These terms should not be confused with developmentally disabled.
- (2) When identifying symptoms of behavior that may suggest mental illness, sworn members should not rule out other potential causes such as reactions to narcotics, or temporary emotional disturbances that are situationally motivated.
- (3) Sworn members responding to a mental health crisis shall:
 - (a) Protect oneself.
 - (b) Protect others.
 - (c) Protect the subject, which may require the need for protective custody.
 - (d) Stabilize the situation.
 - (e) Intervene to prevent further problems.
- (4) When making contact or during triage members shall assess for:
 - (a) Current level of danger of risk.
 - (b) Medical Emergency.
 - (c) Nature of criminal activity, if relevant.
 - (d) Nature of problem: mental illness or substance abuse.
- (5) To determine whether the person needs medical, substance abuse, or mental health intervention, ask the subject and people who know the subject specific questions designed to

assess the person's condition. If the nature of the condition cannot be quickly determined, request assistance from emergency medical personnel.

B Baker Act (Florida Mental Health Act Ch. 394, Florida Statutes)

- (1) Sworn members may take a person who appears to meet the criteria for involuntary examination into custody and deliver the person or have them delivered to the nearest receiving facility for examination if there is reason to believe that the person has a mental illness and because of their mental illness:
 - (a) The person has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; or the person is unable to determine for themselves whether examination is necessary; and
 - (b) Without care or treatment, the person is likely to suffer from neglect or refuse to care for themselves; such neglect or refusal poses a real and present threat of substantial harm to their well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or there is a substantial likelihood that without care or treatment the person will cause serious bodily harm to themselves or others in the near future, as evidenced by recent behavior.
- (2) A list of receiving facilities by county or city are available on the Department of Children and Families' website at: <http://www.myflfamilies.com/service-programs/mental-health/baker-act-receiving-facilities>
- (3) The refusal to accept medical attention in life threatening situations may be considered as one of the factors in determining the need for involuntary examination. However, any person(s) who appears to be mentally competent and refuses medical attention in apparent non-life-threatening situations may not meet the criteria for an involuntary examination.
- (4) Under the Baker Act, sworn members do not need to witness all the behaviors of the subject personally. Sworn members can consider credible eyewitness accounts in determining the need for further assessment. If relying on a credible witness, a sworn member shall have the witness complete a sworn statement and attach it to the incident report.
- (5) Whenever sworn members observe conduct which meets the above criteria they shall notify their immediate supervisor. Sworn statements may be obtained from credible witnesses who have observed conduct which may be indicative of a person's mental health. These statements may be used in lieu of the sworn member's observations. The totality of the circumstances should be considered when determining whether a person will be taken to a receiving facility for involuntary examination.
- (6) Criminally charged subjects:
 - (a) Mentally ill persons in the custody of a sworn member based on either noncriminal or minor criminal behavior that meet the statutory guidelines for involuntary examination shall be transported to the nearest receiving facility. If on examination the individual is not found to meet the criteria for admission, he/she will be released back to the sworn member for disposition of the minor criminal charge.
 - (b) When a sworn member has arrested a person for a felony and it appears that the person meets the statutory guidelines for involuntary examination or placement under the Baker Act, such person must first be processed in the same manner as any other criminal suspect. The sworn member shall then notify the appropriate receiving facility. The receiving facility shall be responsible for promptly arranging for the examination and treatment of the person. A receiving facility is not required to admit a person charged with a crime for whom the facility determines and documents that it is unable to provide adequate security, but shall provide examination and treatment to the person where he or she is held.
- (7) Once a decision to transport a subject for an involuntarily examination has been made, sworn members shall determine if the subject is injured and requires emergency medical attention. If

the person is injured, he/she shall be transported to the nearest hospital emergency room. If there is a question concerning a subject's medical condition, EMS should evaluate the subject prior to transport.

- (8) When a sworn member believes that criteria for involuntary examination has been met, the following forms shall be completed:
- (a) Department of Children and Families Forms available at the receiving facility and at the Florida Department of Children and Families website: <http://www.myflfamilies.com/service-programs/mental-health/baker-act-forms>:
 - 1. CF-MH 3052a – Report of Law Enforcement Officer Initiating Involuntary Examination
 - 2. CF-MH 3100 – Transportation to Receiving Facility
 - (b) Incident Summary Report
- (9) Any person who violates or abuses any rights or privileges of patients is liable for damages as determined by law. As per Section 394.459(10) F.S., any person who acts in good faith is immune from civil or criminal liability for his or her actions in connection with the admission, diagnosis, treatment, or discharge of a patient to or from a facility. However, this does not relieve any person from liability if such person commits negligence.

C Marchman Act (Hal S. Marchman Alcohol and Other Drug Services Act Ch. 397, Florida Statutes)

- (1) Sworn members may implement protective custody measures when a person (minor or adult) who appears to meet the following involuntary admission criteria is brought to the attention of law enforcement, or is in a public place. Protective custody can be initiated if either element is present.
- (2) A person meets the criteria for involuntary admission under the Marchman Act if there is a good faith reason to believe that the person is substance abuse impaired or has a co-occurring mental health disorder and, because of such impairment or disorder:
- (a) Has lost the power of self-control with respect to substance abuse; and
 - (b) Is in need of substance abuse services and, by reason of substance abuse impairment, his or her judgment has been so impaired that he or she is incapable of appreciating his or her need for such services and of making a rational decision in that regard, although mere refusal to receive such services does not constitute evidence of lack of judgment with respect to his or her need for such services; or
 - (c) Without care or treatment, is likely to suffer from neglect or refuse to care for himself or herself; that such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and that it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services, or there is substantial likelihood that the person has inflicted, or threatened to or attempted to inflict, or, unless admitted, is likely to inflict, physical harm on himself, herself, or another.
- (3) Sworn members acting in good faith may not be held criminally or civilly liable for false imprisonment when initiating protective custody measures.
- (4) Protective custody with consent (Section 397.6771, F.S.)
- (a) A person in circumstances which justify protective custody, as described in Chapter 397, Florida Statute, may consent to be assisted by a sworn member to his or her home, to a hospital, or to a licensed detoxification or addictions receiving facility, whichever the sworn member determines is most appropriate.
 - (b) If the person withdraws consent or if the facility cannot take the person, the person may not be forced to remain at the facility unless the criteria for involuntary admission has been met.

- (5) Protective custody without consent (Section 397.6772, F.S)
- (a) If a person in circumstances which justify protective custody as described above fails or refuses to consent to assistance and a sworn member has determined that a hospital or a licensed detoxification or addictions receiving facility is the most appropriate place for the person, the officer may, after giving due consideration to the expressed wishes of the person:
 - 1. Take the person to a hospital or to a licensed detoxification or addictions receiving facility against the person's will but without using unreasonable force.
 - (b) If circumstances prevent admission into a hospital or detoxification facility (e.g., lack of bed space), sworn members shall:
 - 1. In the case of an adult, detain the person for his or her own protection in any municipal or county jail or other appropriate detention facility.
 - (c) Such detention is not to be considered an arrest for any purpose, and no entry or other record may be made to indicate that the person has been detained or charged with any crime. The officer in charge of the detention facility must notify the nearest appropriate licensed service provider within the first 8 hours after detention that the person has been detained. It is the duty of the detention facility to arrange, as necessary, for transportation of the person to an appropriate licensed service provider with an available bed. Persons taken into protective custody must be assessed by the attending physician within the 72-hour period and without unnecessary delay, to determine the need for further services.
 - (d) When a sworn member believes that criteria for involuntary examination are met the following forms shall be completed:
 - 1. Incident Summary Report
 - 2. Department of Children and Families Form, available at the receiving facility and at the Florida Department of Children and Families website: <http://www.myflfamilies.com/service-programs/substance-abuse/marchman-act>.
 - 3. CF-MH 4002 – Report of Law Enforcement Officer Initiating Protective Custody

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report
CF-MH 3052a	Report of Law Enforcement Officer Initiating Involuntary Examination
CF-MH 3100	Transportation to Receiving Facility
CF-MH 4002	Report of Law Enforcement Officer Initiating Protective Custody



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

USE OF FORCE, RESPONSE TO RESISTANCE, TRANSPORTING PRISONERS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
05	June 6, 2018	October 25, 2017	All Sworn Members and Duty Officers

References

Ch. 776 and S. 901.211 and 943.1717, F.S.; GO 12, 15, 16 and 41

CFA Chapters 2.01M, 2.07, 4.01M, 4.02M, 4.03M, 4.04M, 4.05M, 4.06M, 4.07M, 4.08M, 15.15M, 21.01M, 21.02M, 21.03M, 21.04M, 21.05, 21.06M, 21.07M, 21.08M

1 POLICY

A Force Guidelines

- (1) It is the policy of the Division to provide its sworn members with direction on the use of deadly and non-deadly force to protect members of the Division, the public, and suspects.
- (2) It is the policy of the Division to ensure that members of the Division employ the amount of force that is necessary and reasonable to prevent escape, overcome resistance or effect arrests during the performance of their official duties, as per Chapter 776, Florida Statutes, current case law and the Florida Department of Law Enforcement Use of Force Guidelines.
- (3) The Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement sworn members are granted authority to employ control techniques, including the use of force likely to cause death or great bodily harm, in the performance of their official duties in accordance with the provisions of Chapter 776, Florida Statutes and this policy.
- (4) When the use of force is necessary, members shall use only the amount of force that is:
 - (a) Necessary to affect lawful objectives, and
 - (b) Reasonable and necessary to gain and maintain control of the situation.
- (5) Members of the Division shall only use the necessary amount of control required to successfully overcome physical resistance, prevent escapes or effect arrests. However, that objective must be tempered by the need to preserve the safety of the Division's officers. Members need not wait for injury to occur to them or to another before taking appropriate action to prevent it. The decision to use force must be based upon the totality of circumstances known or reasonably believed by the member at the time such force is used. When danger threatens or when resistance is encountered, sworn members shall initiate action which is reasonable and necessary.

- (6) The use of force by a member shall be determined by the suspect's resistance coupled with the totality of the circumstances. When practical, members shall issue loud verbal commands in an attempt to gain voluntary compliance.
- (7) It is the policy of the Division to protect the rights and well-being of those individuals arrested or detained as prescribed by law and Division policy.
- (8) All Sworn Members shall be issued copies of and receive instructions on the Use of Force policy before they are authorized to carry a weapon.
- (9) All sworn personnel must successfully complete at a minimum the state law enforcement certification program and complete the Division's firearms and defensive tactics high liability check-off prior to any assignment in any capacity in which the member is allowed to carry a firearm, or is in any position to make an arrest.
- (10) Sworn members shall receive training and demonstrate proficiency in the use of all Division authorized weapons before being allowed to carry or use them.
- (11) Sworn Members shall carry only approved weapons for which they have received up to date training. Sworn Members may use Division authorized lethal and non-lethal weapons both on and off duty. Sworn Members must demonstrate proficiency with any lethal or non-lethal weapons prior to issuance or carrying the weapon in any capacity.
- (12) When in uniform, sworn members shall carry an issued firearm, Oleoresin Capsicum (OC) spray and an expandable baton. If a member is authorized to carry the Conducted Electrical Weapon (CEW), the member shall carry a firearm, the CEW, and either the OC spray or the expandable baton, but may carry all three non-lethal weapons on their duty belt if space is available.
- (13) Sworn members are authorized to draw their weapon from the holster, or display a shoulder weapon, when they reasonably believe they are approaching a situation which may present an imminent threat in order to maintain a position of advantage.
- (14) Warning shots are prohibited.

B Deadly Force

- (1) Chapter 776, Florida Statutes, has set forth the following laws governing the use of control:

Section 776.05, Florida Statutes, "Law enforcement officers; use of force in making an arrest." A law enforcement officer, or any person whom he or she has summoned or directed to assist him or her, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He or she is justified in the use of any force:

 - (a) Which he or she reasonably believes to be necessary to defend himself or herself or another from bodily harm while making the arrest; or
 - (b) When necessarily committed in retaking felons who have escaped; or
 - (c) When necessarily committed in arresting felons fleeing from justice. When the use of deadly force is necessary to prevent the arrest from being defeated by such flight and, when feasible, some warning is given, and:
 - (d) The sworn member reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the sworn member or others; or
 - (e) The sworn member reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.
- (2) Whenever practical, a sworn member should give a verbal warning prior to using deadly force.
- (3) In deadly force situations, a sworn member may use any weapon or resource at his or her disposal.

C Non-lethal Weapons

- (1) It is Division policy to provide sworn members direction on the weapons authorized for carry or use in the performance of lawfully authorized duties.
- (2) OC spray shall **not** be carried aboard Division aircraft.
- (3) The only non-lethal weapons authorized by the Division for carry or use, are OC spray, the Conducted Electrical Weapon (CEW), and the expandable baton.
- (4) The use of OC spray may begin at passive resistance.
- (5) The use of the expandable baton is warranted when active resistance is encountered.
- (6) Sworn members may carry non-lethal weapons in a concealed manner while off-duty.
- (7) The standard for use of a non-lethal weapon while off-duty shall be the same as while on-duty.
- (8) The CEW is a diverse law enforcement response tool that may be utilized in two different modes:
 - (a) Dart-Firing Stun Gun – The primary deployment method during which the probes are fired at a subject. The energy of the CEW affects the neuromuscular system, temporarily incapacitating the affected area on the targeted person. The incapacitating affects are proportionate to the spread of the probes and the targeted area of the body.
 1. The CEW is programmed to give a 5-second “electrical current.” The sworn member can shorten or extend this time. Any extension of this time period shall be justified and documented appropriately.
 - (b) Stun Gun – A secondary deployment method. The CEW is applied as a Touch Stun Device. The intended result is localized pain to the application site resulting in pain compliance.
 - (c) The sworn member’s decision to apply the CEW shall involve an arrest or custodial situation during which the person who is the subject of the arrest or custody escalates resistance to the sworn member from passive resistance to active resistance and the subject:
 1. Has the apparent ability to physically threaten the officer or others, or
 2. Is preparing to, or is attempting to, flee.
 - (d) In making the determination to deploy the CEW, sworn members shall consider factors such as age, size, weight, or the subject’s likelihood of physically harming themselves or others in assessing the subject’s apparent physical abilities.
 - (e) When reasonable, a verbal warning should be given prior to applying the CEW to gain compliance.
 - (f) When applying the CEW, it should be activated for one standard cycle. Should sworn members not be able to gain compliance, and the subject continues to fail to comply, additional activations are appropriate.
 - (g) Only one CEW should be applied against a subject at a time. However, subsequent CEW applications are allowed if the initial application is ineffective.
 - (h) Sworn members shall not target a subject’s head, face, neck, or groin.
 - (i) CEWs should not be used on handcuffed subjects unless they are actively resisting or exhibiting aggressive resistance, or unless it is to prevent individuals from harming themselves or others.
 - (j) Critical applications:
 1. Driver of vehicle/vessel in motion – Sworn members shall not discharge CEW probes at a subject in physical control of a vehicle or vessel in motion unless exigent circumstances exist. In this context, active control implies the subject’s vehicle or

vessel is in motion, or the vehicle/vessel is running and he or she are attempting to place the vehicle/vessel in motion.

2. All attempts should be made to observe potential dangers that may occur after a subject has been affected by a CEW. Great consideration should be given in any environment where the subject's fall could result in death (i.e. in or beside a body of water, gunnels of a vessel, or on an elevated structure).
 3. Pregnant females – The CEW shall not be used on pregnant females, when their condition is known or apparent, unless deadly force is the only other option.
 4. The CEW should not be used on small children, the elderly, or persons with disability, unless exigent circumstances exist.
 5. Volatile environments – The CEW should not be used in the known presence of combustible vapors, liquids or other flammable substances.
- (k) After use, the CEW shall be turned in to the Training Section, or their regional designee, for information retrieval from the data port. Information retrieved from the data port shall be made a part of the case file. Data downloads shall be conducted:
1. Within 72 hours of all applications (intentional or unintentional),
 2. As a result of a complaint involving its use,
 3. During sworn members' annual retraining, and
 4. At the request of a supervisor.

D Weapons of Opportunity

- (1) It is the policy of the Division that sworn members may use weapons of opportunity to defend themselves in situations when deploying an issued non-lethal weapon is impractical or not feasible. Sworn members may use any object needed to stop an attack or to subdue an individual. When a weapon of opportunity is used in a non-lethal situation, it should be used in a manner and method consistent with this general order. For example, if the weapon of opportunity is used as an impact weapon, it should be deployed in a manner and method compatible with training on issued non-lethal weapons such as the expandable baton.
- (2) Weapons of opportunity may be used in any way when responding to deadly force threats.

E Searches, Transporting, and Handcuffing

- (1) It is the policy of the Division to establish procedures and provide direction to Division members for transporting prisoners/detainees.
 - (a) It is the policy of the Division to protect the rights and well-being of Division members, members of the public, and prisoners/detainees.
- (2) Sworn members are prohibited from conducting strip searches or body cavity searches as defined in section 901.211, Florida Statutes. However, sworn members are authorized to conduct pat-down searches.
- (3) Restraint devices authorized by the Division for carry and use are:
 - (a) Swivel chained handcuffs
 - (b) Flex cuffs
 - (c) Other restraint devices if issued by and training on their use is provided by the Division
- (4) Exigent circumstances allow for additional types of restraints when reasonable and necessary.
- (5) Aircraft, All Terrain Vehicles, or Personal Watercraft shall not be used to transport prisoner/detainees without the approval of the Division Director.

- (6) Members shall not transport prisoner/detainees outside of their jurisdiction without approval of a supervisor.

F Patrol Vehicle

- (1) Vehicles equipped with a prisoner/detainee safety barrier shall have the window operation locked so the window(s) behind the safety barrier cannot be opened by a prisoner/detainee. The rear door(s) shall have the child safety lock engaged so the door cannot be opened from the inside.
- (2) Prisoner/detainees shall not be handcuffed to fixed objects, vehicles or vessels, except under exigent circumstances.

G Definitions

- (1) **Activations** – Anytime the trigger of a CEW is pulled, initiating a discharge of current to include a probe discharge, touch stun, or spark test.
- (2) **Active resistance** is a subject's use of physically evasive movements directed toward the sworn member such as bracing, tensing, pushing, or pulling to prevent the sworn member from establishing control over the subject.
- (3) **Aggressive resistance** is a subject's attacking movements toward a sworn member that may cause injury but are not likely to cause death or great bodily harm to the sworn member or others.
- (4) **Air Cartridge** – A replaceable cartridge for the CEW, which uses compressed nitrogen to fire two barbed probes on thin connecting wires conducting energy into a subject.
- (5) **Application** – When a CEW is discharged on or fired at a subject.
- (6) **Conducted Electrical Weapon (CEW)** – A Division-issued Axon TASER X26 or X2, which may be used as a dart-firing stun gun (DFSG) or as a stun gun without launchable probes to apply directly to the subject. It uses propelled darts, connected by wires, to conduct energy that affects the sensory and motor functions of the central nervous system.
- (7) **Deadly force** is force that is likely to cause death or great bodily harm. Some examples of deadly force include use of a firearm, eye gouges, empty-hand strikes to the throat, and impact-weapon strikes to the side of the neck.
- (8) **Deadly force resistance** is a subject's hostile, attacking movements with or without a weapon that create a reasonable perception by the sworn member that the subject intends to cause and has the capability of causing death or great bodily harm to the sworn member or others.
- (9) **Deployment** – Anytime a CEW is drawn from the holster in a potential use of force situation.
- (10) **Internal Memory** – An internal memory feature that stores activation data.
- (11) **Non-lethal weapon** – a weapon that is not fundamentally designed to cause death or great bodily harm. Some examples of nonlethal weapons include conducted electrical weapons (CEW), expandable batons, flashlights, and chemical agent sprays.
- (12) **Passive resistance** is a subject's verbal and/or physical refusal to comply with a sworn members lawful direction causing the sworn member to use physical techniques to establish control.
- (13) **Physical control** is achieving compliance or custody through the use of empty-hand or leverage-enhanced techniques, such as pain compliance, transporters, restraint devices, takedowns, and striking techniques.
- (14) **Probe** – A metal dart that is propelled from the air cartridge.
- (15) **Spark Test** – A test activation conducted, outside of public view, without an air cartridge installed on an X26 or by depressing the arc switch on an X2, to ensure the CEW is operable.

- (16) **Stun Gun** – A CEW without a live air cartridge installed.
- (17) **Touch Stun (Drive Stun)** – The application of the device to a subject by making direct contact with the body after the CEW air cartridge has been discharged or removed, or by depressing the arc switch.
- (18) **Trained Medical Provider** – A certified medical services provider employed by a licensed medical facility or contracted medical provider (i.e. EMS).
- (19) **Unintentional Discharge** – An unintentional probe deployment during a spark test or deployment.
- (20) **Weapons of Opportunity** – A weapon of opportunity is any object used spontaneously in a use of force situation instead of an issued weapon due to the critical nature of the given circumstances and the inability to access an issued weapon.

2 RESPONSIBILITIES

A Division Responsibilities

- (1) The Division's Training Section shall be responsible for the administration of defensive tactics and firearms training programs in accordance with Chapter 776, Florida Statutes, current case law, and the FDLE Force Guidelines.
- (2) Academy staff must evaluate the content of such programs periodically in order to ensure compliance with current Florida Statutes, developments in case law and tactical considerations related to officer safety.
- (3) Annually, the Training Section shall conduct an analysis of all use of force situations involving sworn members and report to the Division Director any patterns or trends that may indicate training needs or policy modifications.
- (4) The Division's Training Section shall disseminate current applicable case law as provided by the Commission's Office of General Counsel to all sworn members.
- (5) The Division shall provide training to maintain proficiency in the use of non-lethal weapons during in-service training:
 - (a) At least every two years for OC spray and the expandable baton; and
 - (b) At least once a year for Conducted Electrical Weapons.

B Division Training staff shall inspect and document expiration dates on the OC spray and CEW cartridges of all sworn members at least one time annually during an in-service training event. Expired or unserviceable OC canisters and CEW cartridges shall be replaced by the Region.

C Administrative Review

- (1) The Division Director may convene a Use of Force Review Board, consisting of the Division's Professional Standards Liaison, and representatives of the Division Training section and Division Field Operations section to determine if the force used was reasonable, necessary and according to Division training policies/procedures and Florida Statutes.

D Member Responsibilities

- (1) It is the responsibility of each sworn member to remain proficient in the use of the non-lethal weapons that he or she are trained to use.
- (2) Sworn members are responsible for completing the Use of Force Report when required in accordance with Section 3 (Procedures), Subsection I, *Use of Force Report* of this General Order.
- (3) Sworn members shall complete the Weapon Deployment Data Log (FWC/DLE-099) and submit within 72 hours:

- (a) Whenever the CEW is discharged unintentionally, or
 - (b) When the CEW is deployed on, or applied to a subject, or
 - (c) Whenever the sworn member believes that the presence of the CEW influenced the outcome of an incident. Example: A subject who, upon noticing the CEW on the member, states, "Don't tase me!" and proceeds to comply with the member's directions without the member having to resort to the use of force, or
 - (d) Whenever the member points a firearm at any person, occupied vehicle, or vessel, or
 - (e) Whenever a member unintentionally discharges a firearm, unless the unintentional discharge took place during a use of force incident, in which case the unintentional discharge shall be noted on the Use of Force Report.
- (4) Sworn members issued an CEW shall be responsible for the following:
- (a) Proper user maintenance, care, and storage of the CEW, air cartridges, battery/battery charger, and holster.
 - (b) Sworn members shall normally conduct a spark test before the beginning of their tour of duty to ensure the CEW is functioning properly. The spark test does not require the completion of a Use of Force Report or an entry on the Weapon Deployment Data Log.
 - (c) Any application or unintentional discharge requires notification of an on-duty supervisor.
- (5) Supervisors of sworn members issued a CEW shall be responsible for the following:
- (a) Ensuring all subjects exposed to a CEW application receive medical evaluation as needed.
 - (b) Ensuring any CEW application is properly documented and the chain of command is notified.

3 PROCEDURES

A Medical Assistance after Use of Force Incidents

- (1) After using force, and upon stabilizing the situation, the sworn member shall evaluate the need for medical attention or treatment for the subject, ask the subject if he or she has any injuries, and arrange for such treatment when:
 - (a) The subject has a visible injury or is unconscious.
 - (b) The subject requests medical attention.
 - (c) The subject complains of an injury or discomfort.
- (2) Sworn members injured during a use of force incident shall seek appropriate medical aid and shall be further directed by the responding supervisor should further medical attention be deemed appropriate.
- (3) Prisoner/detainees moved or taken to a medical facility may present a grave risk to the public, employees of the facility, and the member. Extreme caution shall be taken to ensure the prisoner/detainee is isolated from other patients and is not left without law enforcement security or unattended.
- (4) If the prisoner/detainee is admitted to a medical care facility, the arresting sworn member shall maintain custody of the subject until the subject is issued a notice to appear, arrested, booked into jail, or until custody is transferred to another law enforcement or correctional agency.
- (5) When non-deadly force is used, the sworn member shall notify his or her immediate supervisor as soon as practicable. When the immediate supervisor is not readily available the next level of supervision shall be notified.

- (6) If a subject appears to be or is known to be under the influence of alcohol or drugs during a use of force incident, this fact must be reported on the Use of Force Report.
- (7) If a subject or sworn member receives or refuses medical attention during a use of force incident, this fact must be reported on the Use of Force Report.
- (8) CEW Probe Removal and Medical Assistance:
 - (a) Sworn members may remove the probes on scene in accordance with training procedures. Rubber gloves shall be worn when removing probes from the skin. Probes should not be removed until the subject has been restrained or is otherwise under control.
 - (b) Expended air cartridges utilized on a subject shall be impounded by re-inserting the barbed ends of the probes into the air chambers. Sworn members shall also collect and impound some of the expended confetti. The air cartridge and probes used shall be logged into evidence. Air cartridges and probes removed from a subject shall be impounded as biohazard evidence.
 - (c) Probes embedded in sensitive tissue areas of the body shall be removed by medical personnel in accordance with their agency protocols. Sensitive tissue areas include the groin, eyes, female breast, face and neck. The deploying officer or any supervisor may opt for medical personnel assistance for probe removal after any deployment if deemed necessary.
 - (d) Photographs shall be taken of the probe impact or touch stun area and other related injuries.
 - (e) The probe wires may be cut/broken for subjects requiring transport for probe removal allowing for enhanced stability of the embedded probe.
 - (f) Probes removed by medical personnel shall be collected as soon as practical and impounded in accordance with General Order 16, *Collection, Preservation and Documentation of Property and Evidence*.
 - (g) Sworn members who have deployed CEWs on subjects with extreme, violent behavior and with signs of a state of excited delirium shall summon a trained medical provider to evaluate and/or clear the subject prior to transport to the receiving facility. The intent of requesting EMS is to ensure the subject's vital signs are within normal ranges per EMS protocols prior to transporting to a receiving facility. Further evaluation by hospital staff would be warranted for any areas of concerns such as abnormal vital signs or probes embedded within sensitive areas.
 - (h) Sworn members shall notify personnel at the receiving facility if a subject has been exposed to a CEW and convey the location of any known application site(s). The notification information should also be recorded in the arrest affidavit.

B Member Involved Shootings, Deaths, Life-threatening Injuries, and In-custody Deaths

- (1) **Member(s) involved:** shall, as soon as safely practical:
 - (a) Notify the communication center.
 - (b) Secure the scene.
 - (c) Render aid as needed to injured persons when safe to do so.
 - (d) Provide a supervisor with information related to the crime scene, the number of involved parties, and the extent of injuries to involved parties. This information is not within the scope of the Law Enforcement Officers' Bill of Rights. Statements relating to the preservation of the crime scene, the identification of suspects and witnesses, and a brief explanation to assist in determining the appropriate course of conduct for the law enforcement investigation of the incident shall be critical. This information shall not be used against the sworn member in a disciplinary matter, unless such statements are later proven perjures.

Sworn members involved in deadly force incidents may only refuse to provide oral statements to division supervisors at the initial scene by exercising their protection against self-incrimination guaranteed by the Fifth Amendment.

- (e) Complete an Incident Summary Report and a Use of Force Report. The Incident Summary Report should include information regarding the incident or crime that precipitated the shooting, death, or life-threatening injury.
- (2) **Supervisor:** shall go to the scene, take control and:
- (a) Ensure that the chain of command has been notified.
 - (b) Request necessary information from the officer to help protect the scene, identify any additional suspects and witnesses not already at the scene, and a brief explanation of the incident.
 - (c) Direct an officer to separate and obtain names and addresses of all civilian witnesses, including secondary points of contact, (e.g. family members not living in the same household).
 - (d) Activate the Critical Incident Stress Management Team in accordance with General Order 41, *Critical Incident Stress Management*.
 - (e) May assign another sworn member to assist the involved member and may remove the involved member from the immediate scene.
 - (f) Ensure the sworn member is provided an opportunity to contact a legal representative and/or their Law enforcement collective bargaining unit representative.
 - (g) Secure the weapon(s) used in the incident.
 - (h) Ensure that the primary investigative team (FDLE for other than federal or foreign properties) has been notified and coordinate activities with the investigative team.
 - (i) Complete a supplemental incident report documenting the involvement of the supervisor. The narrative shall identify the primary investigating agency.
- (3) **Regional Commander or Designee:** shall go to the scene and:
- (a) Ensure that the chain of command has been notified.
 - (b) Notify the Office of the Inspector General (OIG).
 - (c) Arrange for a replacement weapon.
 - (d) Make a supervisory referral to the Employee Assistance Program (EAP) for affected members. EAP must be notified of sworn member names and a brief description of the incident so they can anticipate the sworn members phone call. The contact information for EAP can be found on the Human Resources SharePoint page <http://portal2.fwc.state.fl.us/sites/HR/EAP%20Manager%20Referral%20Information/Form/s/AllItems.aspx> , 24-hours a day, seven days a week. The Regional Commander or designee shall also inform EAP that the appropriate Deputy Director must be notified if the sworn member fails to attend scheduled sessions.
 - (e) Ensure the involved sworn members undergo a debriefing with an agency-provided psychologist as soon as practical. The debriefing shall not be related to any agency investigation of the incident and discussion during the debriefing shall not be used in violation of the privileged physician-patient relationship. This opportunity for the sworn member is so important that attendance shall be mandatory.
 - (f) The sworn member shall be placed on administrative leave as soon as practicable, if involved in a use of force incident in which death or serious bodily injury occurs. The Regional Commander or designee shall maintain contact with the sworn member during this time with information and updates as they become available.

(4) **Division Director:** shall take the following actions:

- (a) Convene the Use of Force Review Board as described in Section 2 (Responsibilities), Subsection B, *Administrative Review* of this General Order to conduct a preliminary administrative review.
- (b) Determine when the member shall return to duty, but not before the conclusion of the preliminary administrative review.

C Non-lethal Weapons

(1) OC Spray: Due to the unique nature of OC spray, the following procedures shall be followed:

- (a) Sworn members are authorized to use OC spray both on and off duty. Sworn members must complete Division approved OC spray training, including exposure, and demonstrate proficiency prior to being authorized to carry OC spray in any capacity.
 - 1. Sworn members who choose to carry OC spray in an off-duty capacity shall carry their Division identification card and badge at all times. Off-duty members shall attempt to carry the OC spray in an inconspicuous manner.
- (b) Whenever practical, the sworn member should give verbal commands and warnings that OC spray shall be used if the subject does not comply with lawful orders.
- (c) Sworn members should use caution when deploying OC spray in the presence of innocent bystanders.
- (d) Once the affected subject has been handcuffed and searched, decontamination procedures must be initiated as soon as possible.
- (e) Medical clearance is not necessary unless the subject has not recovered within one hour or is known to be allergic to OC and/or pepper derivatives.
- (f) Sworn members may use OC spray on animals for the purpose of public safety, officer safety, or animal control. Sworn members are not required to complete a Use of Force Report when OC spray has been used on animals only.
- (g) When OC spray has been used, the Use of Force Report shall contain the following:
 - 1. Names of Persons affected by agent;
 - 2. Decontamination Process used;
 - 3. Recovery period characteristics; and
 - 4. Recovery period duration

(2) Expandable Baton

- (a) Sworn members are authorized to use the Division-issued expandable baton both on and off-duty. Sworn members must complete Division-approved expandable baton training and demonstrate proficiency prior to being authorized to carry the baton in any capacity.
 - 1. Sworn members who choose to carry an expandable baton in an off-duty capacity shall carry their Division identification card and badge at all times. Off-duty sworn members shall attempt to carry the baton in an inconspicuous manner.

(3) Conducted Electrical Weapon (CEW)

- (a) Before carrying a CEW, sworn members must successfully complete the CEW operator's initial training course coordinated by the Training Section. Members issued the CEW shall complete refresher training annually as defined in section 943.1717, Florida Statutes.

(b) The CEW is approved for use both on-duty and off-duty. Sworn members issued a CEW shall carry it in an approved holster while in uniform.

1. Sworn members who choose to carry the CEW in an off-duty capacity shall carry their Division identification card and badge at all times. Off-duty sworn members shall attempt to carry the CEW in an inconspicuous manner.

D Arrest and Transport of Prisoners/Detainees

- (1) Sworn members shall use care when assisting a prisoner/detainee into a vehicle or vessel.
- (2) Prior to transport and NCIC/ FCIC warrants check, all prisoner/detainees shall be thoroughly searched for any weapons, contraband, or tools of escape according to the procedures taught by the Division's Training Section.
 - (a) Whenever reasonable, all searches should be conducted by a law enforcement officer of the same sex as the prisoner/detainee.
 - (b) The transporting sworn member shall search the prisoner/detainee, unless a search was conducted in their presence.
- (3) Except as provided in this General Order, sworn members shall properly handcuff all prisoner/detainees being transported.
- (4) When transporting prisoners/detainees, the sworn member shall provide the communications center with the following information when possible:
 - (a) Identity and gender of the prisoner/detainee;
 - (b) Arrest location and destination of transport; and
 - (c) Mileage readings before and after transport.
- (5) Patrol vehicles and vessels shall be searched prior to and after transportation of a prisoner/detainee. The area to be searched may be limited to areas accessible to the prisoner/detainee.
- (6) If a sworn member believes a prisoner/detainee cannot be transported safely, the sworn member should remain at the scene until additional assistance arrives. Combative prisoner/detainees shall not be transported without a prisoner/detainee safety barrier.
- (7) The sworn member shall notify receiving personnel when an arrestee is a violent prisoner/detainee or is a possible security threat.
- (8) The sworn member shall notify receiving agency personnel of a prisoner/detainee's potential medical or security hazards.
- (9) The sworn member making an arrest shall maintain control of the prisoner/detainee until the prisoner/detainee has been turned over to another law enforcement officer, a correctional officer, jail or other detention facility, or is released.
- (10) Prisoner/detainee shall be transported to the appropriate detention facility as soon as possible after the arrest.
- (11) Sworn members shall follow all applicable rules and procedures of the detention facility when delivering and transferring prisoners/detainees. Sworn members shall be reasonably familiar with the applicable rules and procedures of detention facilities in their assigned region when delivering and transferring prisoners/ detainees. Specifically, sworn members shall follow the applicable rules and procedures concerning:
 - (a) Securing of firearms.
 - (b) Removing restraining devices.
 - (c) Documentation delivered to the detention facility/receiving agency personnel.

- (d) Documentation detailing the prisoner/detainee transfer.
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- (12) In order to safely and securely transport sick, injured, or disabled prisoner/detainees the following procedures shall be followed:
 - (a) Sworn members should make a reasonable effort to determine the nature of the illness, injury, and/or the extent of the disability and use discretion in arresting persons who are sick or injured.
 - (b) If the person is not an immediate threat or danger and immediate arrest is not crucial, the sworn member should consider obtaining a warrant to be served after the person has had an opportunity to seek medical attention.
 - (13) If a person becomes sick or is injured incidental to an arrest, the transporting member shall ensure that the prisoner/detainee is transported to the appropriate medical facility, if conditions warrant it. If it becomes necessary to have a prisoner/detainee transported to a medical facility by ambulance, one of the following shall occur:
 - (a) If only one sworn member is available during the transport, the sworn member shall follow directly behind the ambulance to the medical facility or secure the patrol vehicle/vessel and ride inside the ambulance.
 - (b) If more than one sworn member is available during transport, one of the sworn members shall ride inside the ambulance to the medical facility.
 - (14) Prior to placing a prisoner/detainee in an ambulance, the prisoner/detainee shall be properly handcuffed and searched for weapons.
 - (a) The sworn member shall ask for the assistance and guidance of medical personnel when searching or handcuffing a prisoner/ detainee to ensure that the sworn member's actions do not aggravate the detainee's medical condition.
 - (b) In situations in which a detainee's medical condition makes handcuffing impossible or is advised against by medical personnel, the sworn member shall take steps as appropriate to ensure the safety of members, medical personnel, the general public and the prisoner/detainee, during the transport by ambulance.
 - (15) Whenever possible, and when necessary, the prisoner/detainee shall be transported directly to medical facilities equipped to receive a prisoner/detainee.
 - (16) A sworn member shall notify a supervisor when transporting a prisoner/detainee to the hospital.
 - (17) Mentally disturbed prisoner/detainees should be transported using restraints which prevent self-inflicting injuries, (i.e. handcuffs, safety barriers, etc.). Absent such devices, sworn members should take reasonable measures to safeguard against such injuries. If necessary, the appropriate health or emergency medical provider should be notified for assistance.
 - (18) Violent prisoner/detainees should be secured with Flex-Cuffs or similar restraints, in addition to steel handcuffs if their actions indicate they may pose a threat to the transporting member or to the patrol vehicle, vessel or equipment.
 - (19) If a juvenile commits a crime and transportation is necessary, the juvenile shall not be placed in a patrol vehicle which contains an adult under arrest unless the juvenile and adult participated in the same offense or incident. Refer to General Order 15, *Juvenile Operations* for further guidance on juvenile arrests.
 - (20) When transporting a prisoner/detainee, the sworn member's primary duty is the safe delivery of the person in custody. Only under emergency circumstances, when the risk to third parties is both clear and grave, and the risk to the prisoner/detainee is minimal, should a member stop to render assistance.

- (21) Procedures for the Transport of Prisoners/Detainees of Opposite Sex:
- (a) If practical, prisoners/detainees shall be transported by sworn members of the same sex.
 - (b) Non-combative male and female prisoners may be transported in the same vehicle after being arrested as participants in the same offense.
 - (c) Non-combative male and female prisoners may be transported in the same vehicle following an arrest if they are married or if they are father, mother, brother or sister.

E Handcuff Use

- (1) All prisoner/detainees shall be handcuffed with hands behind the back and palms facing outward unless exigent circumstances exist.
- (2) Prisoner/detainees whose arms cannot be joined behind the back with one set of cuffs should be handcuffed behind the back using multiple sets of handcuffs. If a sworn member cannot successfully handcuff the subject behind the back with multiple sets of handcuffs, the prisoner/detainee shall be handcuffed in front with hands back to back.
- (3) When the hands and wrists are too small or too large for the cuffs, Flex-cuffs may be used.
- (4) Handcuffs shall be double-locked, and prisoner/detainees should remain handcuffed until released to the place of detention or incarceration.
- (5) All sworn members shall carry at least one handcuff key on their person while on duty.
- (6) Sworn members shall not leave restrained prisoner/detainees lying face down on their stomach, as this position may cause serious physical injury or death by positional asphyxiation.

F Patrol Vehicle

- (1) Prior to placing a prisoner/detainee in a patrol vehicle, the prisoner/detainee shall be properly handcuffed and searched for weapons.
- (2) Prisoner/detainees shall not be transported in the rear seat of a patrol vehicle unless a sworn member occupies the seat adjacent to the prisoner/detainee or the vehicle is equipped with a safety barrier.
- (3) Seat belts shall be placed on prisoner/detainees prior to transport.
- (4) Prisoner/detainees shall not be left in unattended vehicles except in emergencies.

G Patrol Vessel

- (1) Prior to transporting a prisoner/detainee in a patrol vessel, the prisoner/detainee shall be properly handcuffed, searched for weapons, and required to wear a Personal Flotation Device.
- (2) When a prisoner/detainee is to be transported, the prisoner/detainees shall be placed in position where his or her actions can be observed and movement restricted.
- (3) When transporting prisoner/detainee into or out of vessels, physical control shall be maintained to ensure safety.

H Prisoner/Detainee Escape

(1) Sworn Member Responsibilities

- (a) Following an escape of a prisoner/detainee in lawful custody, the custodial sworn member shall notify the Communications Center of the following:
 - 1. Location of incident
 - 2. Direction of travel of escapee
 - 3. Full description of escapee
 - 4. Charges against escapee

- (b) The custodial sworn member must try to immediately apprehend the escapee, unless there are other prisoner/detainees in custody. If the custodial sworn member is unable to apprehend the escapee, the custodial sworn member shall direct other sworn members and/or other law enforcement officers to establish an outer perimeter to contain the escapee.
- (c) An Incident Summary Report shall be completed by the sworn member when an arrestee escapes during lawful custody.

(2) Communications Center Responsibilities

- (a) Upon notification by a sworn member that a prisoner/detainee has escaped, the Duty Officer shall notify:
 - 1. All available units in the vicinity
 - 2. A sworn supervisor
 - 3. Other appropriate agencies, depending upon the location of the escape.

(3) Supervisor Responsibilities

- (a) A sworn supervisor must immediately take charge of the incident and ensure all reasonable efforts to recapture the escapee and protect the public have been taken.

I Use of Force Report

(1) Member Responsibilities

- (a) The Use of Force Report shall be submitted whenever a member:
 - 1. Discharges a firearm during a use of force situation;
 - 2. Takes any action that results in, or is alleged to have resulted in injury (minor or serious) or death of another person;
 - 3. Applies a CEW on a subject intentionally or unintentionally; or
 - 4. Applies weaponless physical force or force using a lethal or non-lethal weapon.
- (b) The normal use of handcuffs on a person shall not require a Use of Force Report. However, if the handcuffs become an instrument to exert pressure necessary to further control a person or the subject resists the application of handcuffs, a Use of Force Report shall be submitted.
- (c) The Use of Force Report shall be completed by the sworn member and submitted in the Division's approved electronic reporting system within 72 hours. The Use of Force Report shall include information regarding:
 - 1. Officer Presence
 - 2. Verbal and non-verbal communication between the sworn member and subject
 - 3. Subject resistance level / action(s) [Passive Resistance, Active Resistance, Aggressive Resistance, Deadly Force Resistance]
 - 4. Techniques used to control or attempt to control subject's resistance
 - 5. Level of controlling force the sworn member used
 - 6. Photographs documenting any visible injuries to the sworn member, subject or any victim.
- (d) All sworn members present or witnessing a use of force incident shall complete and submit a Use of Force Report supplement to be included in the primary reporting officer's Incident Summary Report within 72 hours.

- (e) If the sworn member has suffered an injury and is physically incapable of completing the Use of Force Report, the sworn member's immediate supervisor or designee shall complete the report. However, this shall not relieve the sworn member of the responsibility of completing a Use of Force Report upon the sworn member's first ability to do so.
- (f) The Use of Force Report is not necessary when a sworn member discharges a firearm for training, to destroy injured or dangerous wildlife or harmful exotic reptiles, or to deploy an aversive conditioning/hazing firearm.

(2) Supervisor Responsibilities

- (a) The sworn member's immediate supervisor shall ensure the Use of Force Report is completed and submitted in the Division's approved electronic reporting system within 72 hours.
- (b) Prior to submitting the Use of Force Report through the chain of command, the sworn member's immediate supervisor shall ensure a review of the Use of Force Report has been completed by the designated staff at the Training Academy. Upon completion of the Training Academy's review, the Use of Force Report shall be reviewed by the sworn member's immediate supervisor, second level supervisor, and made available electronically to Regional Commanders/Section Leaders and Deputy Directors.

(3) Training Academy Responsibilities

- (a) The Division's Use of Force Coordinator or designee at the Training Academy shall review Use of Force Reports within three working days of receipt.
- (b) The Division's Use of Force Coordinator is responsible for conducting and documenting an annual administrative review of all Use of Force reports to include analysis and outcomes.

J Destroying Injured Animals, Dangerous Animals or Harmful Exotic Reptiles

- (1) Sworn members are permitted to use **issued** firearms to kill seriously injured or dangerous animals when other disposition is impractical and the discharge of a firearm shall not endanger persons, property or create a negative public image of the Commission.
 - (a) Member-provided firearms may be used if the firearm meets the requirements of General Order 12, *Carry and Display of Weapons*.
- (2) Sworn members are permitted to use issued firearms to kill exotic reptiles, specifically pythons, boa constrictors, anacondas, and iguanas, found on lands under the management or control of the Commission, on lands under the management or control of the South Florida Water Management District and land management areas partnered with FWC. Discharge of a firearm for this purpose is only allowed when it shall not endanger persons, property, or create a negative public image of the Commission. In every instance an exotic reptile is killed on such lands, the sworn member shall record the following information: Time; date; latitude and longitude coordinates obtained by GPS; type of reptile; and estimated length of reptile. This information shall be provided to the Regional Wildlife Biologist
- (3) In each case in which a firearm is discharged in accordance with this subsection, an Incident Summary Report shall be transmitted by the member for review by his or her immediate supervisor within 72 hours, documenting all circumstances involving the action.

K Aversive Conditioning/Hazing Deployment Methods

- (1) Only those sworn members that have successfully completed an agency-approved black bear aversive conditioning course are authorized to apply aversive conditioning/hazing techniques.
- (2) Sworn members shall only use firearms that have specifically been issued to them for aversive conditioning or hazing of black bears.
- (3) All issued firearms for aversive conditioning/hazing shall have orange stocks so as to be readily identifiable as aversive conditioning/hazing firearms.

- (4) Sworn members shall only use firearms for aversive conditioning/hazing when the area within 100 yards behind the bear is free of persons and pets or has a barrier that shall stop the rounds.
- (5) Sworn members shall only use agency-approved, purchased and issued aversive conditioning/hazing ammunition.
- (6) At no time shall it be permissible for any other ammunition other than the approved and issued ammunition (e.g. bean bag, aero socks, cracker) to be loaded into the aversive conditioning/hazing firearm. The Division prohibits the use of rubber slugs for aversive conditioning/hazing of black bears.
- (7) The correct rounds shall be loaded to the capacity of the magazine, but a round is not to be chambered until the weapon is ready to be used.
- (8) The issued aversive conditioning/hazing firearm shall be kept, handled, and maintained at the same level as other issued and authorized firearms as outlined in General Order 12, *Carry and Display of Weapons*.
- (9) In each case in which an aversive conditioning/hazing firearm is discharged in accordance with this subsection, an Incident Summary Report shall be submitted by the sworn member through the chain of command to the Regional Commander or Section Leader within 72 hours, documenting all circumstances involving the action.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report
	Incident Summary Report Narrative
FWC/DLE-099	Weapon Deployment Data Log
	Use of Force Report



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

OFF-DUTY, EXTRA-DUTY, AND HIRE-BACK EMPLOYMENT

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
06	January 25, 2019	December 14, 2017	All Members

References

S. 112.313 (7), 112.061, 316.646, and 627.733 Florida Statutes; 69H-2.010, F.A.C.; FWC IMPP 6.6; GO 3; CFA CHAPTER 9

1 POLICY

- A** It is the policy of the Division to ensure compliance with any contractual arrangements entered by the Division to provide supplementary law enforcement services to or on behalf of another governmental or non-governmental entity.
- B** It is the policy of the Division to allow its personnel to engage in off-duty, extra-duty, or hire-back employment that does not conflict with primary job assignments or obligations to the Division; and that does not discredit or embarrass the Commission or diminish public confidence in law enforcement or in the Division's commitment to professionalism and integrity.
- (1) No member may be employed by another state agency, fill more than a total of one full-time equivalent established position, receive compensation simultaneously from any appropriation other than appropriations for salaries, or be employed by any employer other than the state of Florida unless prior approval is obtained.
 - (2) Members shall not simultaneously perform on-duty and off-duty, extra-duty, or hire-back employment.
 - (3) Members are prohibited from adjusting work schedules to accommodate off-duty, extra-duty, or hire-back employment opportunities without supervisory approval.
 - (4) Members shall not, while on-duty, engage in any activity to supplement any off-duty, extra-duty, or hire-back employment related detail. This includes scheduling, arranging employment, arranging for replacements, delivering paychecks or any other off-duty, extra-duty, or hire-back employment related matters.
 - (5) Off-duty, extra-duty, and hire-back employment shall not be approved when the employment:
 - (a) Constitutes a conflict of interest under Section 112.313 (7), Florida Statutes.
 - (b) Interferes with a member's primary duties as a law enforcement officer/state employee.
 - (c) Involves delivery of labor or other services in direct or indirect support of agencies engaged in debt collection or repossession of property, wrecker/vessel towing companies, bail bonding companies, private investigation services, paralegal services, and nude/topless

dancing establishments. Any type of employment that would require a member to testify in a court of law in opposition to another law enforcement agency, or assist in case preparation for the defense or plaintiff in any criminal or civil action or proceeding against a governmental entity is prohibited.

- (d) Involves employment at establishments or businesses which sell alcoholic beverages for on-site consumption as a regular and primary part of the business enterprise.
 - 1. Authorization to work extra-duty police employment may be granted on an individual basis when the sale and consumption of alcoholic beverages is incidental to the primary function or purpose of the enterprise such as sports facilities and civic centers.
 - (e) Involves work as a fishing or hunting outfitter, guide-for-hire, or receiving compensation for providing these types of services for a company or entity that engages in hunting, fishing, wildlife viewing or guide services in the State of Florida.
 - 1. Members, who as of June 30, 2012, have a current and approved Dual Employment Affidavit for Approval of Non-Law Enforcement Work (FWC/DLE-149) on file with the Division to work off-duty as a guide-for-hire are exempt and may continue per the conditions of their current approval. These members will be grandfathered in and, at the Division Director's discretion, will be given consideration for approval each year.
 - 2. The Regional Commander/Section Leader or designee shall forward the names of members approved to work off-duty as a guide-for-hire to the Division's Deputy Director for Operations annually.
 - (f) Members may not engage in outside employment in the field of taxidermy.
- (6) Sworn members shall not be allowed to engage in extra-duty or hire-back employment when any of the following apply:
- (a) While on probation after graduation from a Basic Recruit Training Program, except as provided by Section 3 (Procedures), Subsection F Rental Agreements of this General Order.
 - 1. The date of the sworn member's graduation from a Basic Recruit Training Program shall determine the beginning date for the first year of eligibility. Sworn members that have a minimum of 1 year of previous law enforcement experience are exempt and may work extra-duty employment at the successful completion of Phase III of the Division's Field Training Program (release for solo patrol).
 - 2. Members on probation after graduation from a Basic Recruit Training Program may engage in extra-duty employment if approved by the Division Director or designee on a case-by-case basis, if the extra-duty employment does not negatively affect the member's ability to complete the Division's Field Training Program.
 - 3. Members on probation after graduation from a Basic Recruit Training Program may engage in hire-back employment after successful completion of Phase III of the Division's Field Training Program (release for solo patrol).
 - (b) If the member's most current annual or end of probation performance evaluation overall rating is below 3.0 , or the member has been placed on a coaching/directed patrol plan , and when it is determined that off-duty, extra-duty or hire-back is adversely affecting the member's job performance, the member shall not engage in off-duty, extra-duty or hire-back employment for the duration of the coaching/directed patrol plan or until the member's job performance has returned to at least an overall rating of 3.0.
 - (c) Sick leave while under worker's compensation.
 - (d) While on administrative leave.
 - (e) While on personal sick leave.

1. Supervisory approval may be obtained to work an extra-duty or hire-back shift on the same day personal sick leave was taken if the sick leave was taken for the purpose of attending a medical or dental appointment and the total number of personal sick leave hours is 4 hours or less.
- (f) When taking family sick leave.
1. Supervisory approval may be obtained to work an extra-duty or hire-back shift on the same day family sick hours were taken if the total number of family sick leave hours used is 4 hours or less.
- (g) While on FMLA status.
- (7) Members shall not be allowed to engage in extra-duty and hire-back employment:
- (a) When assigned “administrative,” “alternate” or “light” duties because of physical or mental restrictions rendering them incapable of performing their regularly assigned duties.
 - (b) While assigned to alternative duties or leave imposed pursuant to any administrative investigation.
 - (c) While on suspension or on administrative leave pending disciplinary investigation.
 - (d) Throughout the period of any disciplinary suspension.
- (8) The maximum allowable combination of extra-duty, hire-back, and on-duty hours worked shall not exceed 72 compensated hours in a work week. For the purposes of, hire-back and extra-duty employment and this General Order, “work week” shall be defined as 0001 hours on Friday through 2400 hours on Thursday.
- (a) Members using sick leave or family sick leave may not work, hire-back, or extra-duty employment that day, unless the requirements in sub-section 6(e) or (f) above are met. The member shall document the name of the approving supervisor when completing the report of hire-back and extra-duty employment activities. A day is defined as 0001 hours to 2400 hours.
 - (b) Member work hours for all hire-back and extra-duty employment shall be scheduled and worked in a manner that does not conflict or interfere with the members’ performance of duty. Members may not work a combination of on-duty, hire-back and/or extra-duty hours of more than 16 compensated hours in any 24-hour period except as provided in (c).
 - (c) For on-duty hours only, Regional Commanders/Section Leaders may approve hours more than the maximum hour limitations found herein, i.e. above the 16 hours in any 24- hour period and/or the 72 hours in a single “work week”. Approval of on-duty hours that would cause a member’s total daily and/or total work week hours to be more than those limitations found above will be based on agency need related to special events or unusual occurrences or as per General Order 48, *Mutual Aid and Response to Unusual Occurrences and Special Events*. Such additional on-duty hours shall also be recorded in the remarks section of Activity Net, and if applicable, the report of hire-back and extra-duty employment activities.
 - (d) Members are not required to document unscheduled excess on-duty hours in the report of hire-back and extra-duty employment activities if these hours were incurred due to unforeseen circumstances that extend a regular shift beyond the hourly limits stated above and the member does not work any other reportable extra-duty or hire-back hours during the reporting period. However, the member shall document the unscheduled excess on-duty hours in the appropriate report documenting the incident associated with these unforeseen circumstances (i.e. Activity Report, People First, Incident Summary Report) and advise the Area Supervisor in writing of the incurred unscheduled excess on-duty hours.

- (9) Approval of extra-duty employment will not be unreasonably withheld.
- (10) Off-duty, extra-duty, and hire-back employment does not have to be conservation law enforcement related. Members may engage in any off-duty, extra-duty, or hire-back employment as long as supervisory approval is granted and the off-duty, extra-duty, or hire-back employment is in accordance with this General Order and the Commission's Internal Management Policies and Procedures.
- (11) Approval of off-duty, extra-duty, and hire-back employment may be withdrawn or suspended upon the discovery of:
 - (a) Any conflict of or any violation of the conditions for approval stated in this section.
 - (b) Such employment interfering with the member's primary duties or the discovery of the member violating the Division/Commission disciplinary standards.
- (12) Withdrawal of authorization for off-duty, extra-duty, and hire-back employment does not constitute a disciplinary action, and any decision regarding revocation of such privileges shall rest with the appropriate Regional Commander or Section Leader, who shall provide written notification of such revocation to the member.
 - (a) Members may request off-duty, extra-duty, and hire-back employment privileges reinstated by submitting a written request through the chain of command to the Regional Commander.
- (13) Violations of the provisions of this general order resulting in suspensions from off-duty, hire-back and extra-duty employment will be in accordance with the following schedule:
 - (a) First violation in any 12- month period—10 calendar days
 - (b) Second violation in any 12- month period—30 calendar days
 - (c) Third violation in any 12 -month period—31 calendar days to 6 months
 - (d) Fourth violation in any 12- month period—6 months to one year
 - 1. No portion of this directive shall be construed to limit the Division's ability to sanction members for violation of Agency Internal Management Policies and Procedures or Division General Orders.

C Off-Duty Employment

- (1) Members engaged in off-duty employment are subject to the conditions and requirements of the Commission's Internal Management Policies and Procedures and the Division of Law Enforcement's General Orders.

D Extra-Duty and Hire-Back Employment

- (1) Sworn members will be required to wear their uniforms and issued personal equipment as described in General Order 23, *Uniforms, Personal Appearance and Dress Code*, while working approved extra-duty or hire-back employment.
- (2) Sworn members engaged in extra-duty or hire-back employment shall take law enforcement action regarding any offense or condition as would be authorized in their regular scope of employment.
- (3) The member assumes in-service status when taking law enforcement action and shall document when in and out of extra-duty and in-service on the report of extra-duty employment activities. The extra-duty employment employer may make a general assignment of duties, but has no command authority over law enforcement personnel.
- (4) While working extra-duty or hire-back sworn members shall only engage in the gathering/dissemination of information of the kind/type available from confidential law enforcement sources, such as FCIC, NCIC, NLETS, local area law enforcement computer networks, etc., in furtherance of a verifiable law enforcement purpose.

- (5) Extra-duty employment for the rank of Major and above involving security of work sites, traffic control and other routine patrol functions not routinely performed in an on-duty status will not be authorized. Extra-duty employment shall be the type of employment that is consistent with the status and dignity of the rank. Examples of extra-duty police employment that would be acceptable are dignitary protection and other employment in a management capacity.
- (6) While performing extra-duty employment the sworn member is subject to the conditions and requirements of the Commission's Internal Management Policies and Procedures, the Division of Law Enforcement's General Orders and other applicable standards of work ethics and conduct.
- (7) State benefits and protection such as insurance liability, workers' compensation benefits, and any other benefits for work-related injury or disability may not apply when the injury or disability is sustained while engaged in extra-duty employment.
- (8) It is the policy and intent of the Division that all sworn members shall reimburse the Division for all miles/hours transiting to and from an extra-duty work site once a member deviates from normal patrol activities. All miles/hours accrued while at the extra-duty work site shall also be reimbursed.

E Use of State Equipment by Sworn Members Working Extra-Duty Employment

- (1) Use of Commission equipment for extra-duty employment is contingent upon the availability of equipment and approval by a supervisor.
- (2) Equipment shall not be pulled out of service for extra-duty employment use.
- (3) Approval to use a vehicle or vessel must be indicated on the Affidavit for Approval of Dual Law Enforcement Employment (FWC/DLE-150) form.
- (4) The State shall not incur any parking, bridge or toll road fees when a vehicle/vessel is used in extra-duty employment. Mileage shall be reimbursed at the current rate per Section 112.061, Florida Statutes.
- (5) The use of state vehicles is restricted to a maximum of 50 linear miles from the county line of a member's county of residence to the location of the extra-duty employment work site. A state vehicle may be used for an extra-duty employment detail over 50 linear miles from the county line of a member's county of residence with prior approval from the appropriate Regional Commander or Section Leader.
 - (a) Mileage requirements/limitations for extra-duty commercial vehicle escorts can be found in IPM 19-01 – *Extra-Duty Commercial Vehicle Escorts*.

F Insurance Requirements

- (1) The state-provided insurance for sworn members covers property damage to state vehicles/vessels only during on-duty and hire-back assignments, including direct travel between residence and hire-back location.
- (2) If the member is not within the course and scope of his or her duties the state does not provide any liability coverage. Members are required to purchase individual liability policies covering the use of state vehicles/vessels outside the course and scope of their employment.
- (3) An Extra-Duty Use of State Vehicle/Vessel Affidavit (FWC/DLE-148) and a copy of the sworn member's insurance declaration page shall be submitted with any request to work extra-duty police employment if the state vehicle/vessel is to be used. Sworn members are required to possess liability insurance with a minimum of \$200,000 per person/\$300,000 per incident or occurrence of vehicle/vessel liability insurance and property damage coverage of \$50,000. All members shall have in their immediate possession, at all times while operating a Commission vehicle, proper proof of maintenance of the security as required by Section 316.646, Florida Statutes. Failure to maintain the required personal injury coverage during periods of extra-duty employment is a violation of this General Order.

- (a) Members shall update the Extra-Duty Use of State Vehicle/Vessel Affidavit (FWC/DLE-148) and insurance declaration page annually in conjunction with the fiscal year.
 - (b) Members shall provide an updated copy of insurance policies in conjunction with the member's insurance renewal term. Members shall also provide updated copies of their insurance policy when any changes are made to the policy relative to the required coverage.
- (4) Members are required to purchase and maintain at least \$50,000 property damage insurance that covers potential damage and/or loss to Commission owned vehicles, vessels, and associated equipment.
- (a) Members shall participate in the State Risk Management Trust Fund, in accordance with 69H-2.010, F.A.C., which will pay for property damage to a motor vehicle owned by the agency when the damage occurs while the vehicle is being used by a sworn member for extra-duty work. The fund will not pay for property damage to the agency vehicle if:
 - 1. The member was not in the course and scope of approved extra-duty activities when the property damage occurred;
 - 2. The member is found to have acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety or property;
 - 3. The property damage is due to wear and tear or mechanical breakdown;
 - 4. The property damaged is equipment owned by the state and unattached to the motor vehicle; or
 - 5. The property damaged is the personal property of the member.
 - (b) The State Risk Management Trust fund requires the member to:
 - 1. Pay an annual premium to the Division of Risk Management (DRM).
 - a. The premium amount is set by DRM and varies slightly from year to year. DRM usually announces the revised premium amount for the upcoming year in a manner that allows members to make additional coverage arrangements if so desired.
 - b. Premiums are submitted and collected as directed by the Regional Commander or Section Leader.
 - 2. Reimburse the agency for all applicable mileage incurred while transiting to, during and returning from the extra-duty employment work site.
 - (c) Nothing shall preclude members from obtaining additional commercially available property damage insurance coverage that specifically covers damage and loss to the agency-owned vehicle/vessel and associated equipment.

G Extra-Duty Employment with Other State Agencies

- (1) Approval from the Department of Management Services must be obtained in advance of any work to be performed by a member compensated by more than one state agency simultaneously, filling more than one full-time equivalent position, or simultaneously compensated from any appropriation other than salaries.
- (2) In addition to the Division's Affidavit for Approval of Dual Law Enforcement Employment form (FWC/DLE-150), a Dual Employment & Compensation Request (DPA-15) form must be submitted to the Commission's Personnel Office via the chain-of-command for approval.

H Definitions

- (1) **Compensated hours** are hours that sworn members actually work and are compensated for by an employer. This does not include hours or fees that sworn members are compensated due to cancellation, in whole or part, of off-duty or extra duty employment.

- (2) **Extra-duty employment** is defined as any employment of sworn members with an employer other than the FWC, which requires the use of the members' law enforcement authority or which involves scheduling of extra-duty work assignments.
- (3) **Hire-back employment** is a form of extra-duty employment in which the Division acts as the employer on behalf of another governmental or non-governmental entity, known as the grantor. The grantor can be a non-governmental entity or an agency or component of federal, state or local government that contracts with the Division for the delivery of supplementary law enforcement services.
 - (a) Unless explicitly stated otherwise in either this General Order, or in a contract governing a specific hire-back program, the policies and procedures governing extra-duty employment apply to hire-back employment as well. If in doubt, policies and procedures governing extra-duty employment shall also apply to hire-back employment.
- (4) **Hire-back program** is a project or program created by mutual agreement between the FWC Division of Law Enforcement and another entity that compensates members for performing specified law enforcement duties outside their regular duty hours.
- (5) **Master List** is the Master List of Approved Extra-Duty Employers form (FWCDLE-062AR) and contains a list of extra-duty employers approved by the Regional Commander or Section Leader.
- (6) **Off-Duty employment** is defined as any non-law enforcement employment, including self-employment, engaged in by sworn and non-sworn members of the Division. Teaching or assisting with law enforcement related courses is considered off-duty employment.

2 RESPONSIBILITIES

A Division

- (1) Ensure that primary state employment takes precedence over any off-duty and extra-duty employment.
- (2) During the course of the employment, the Division may make inquiries of the member to ensure that the continued off-duty and extra-duty employment does not constitute a conflict of interest, violate policy or interfere with the member's primary duties in the Division.

B Members

- (1) Members shall conform to Florida Statutes, the conditions and requirements of the Commission's Internal Management Policies and Procedures and the Division's General Orders while performing extra-duty and off-duty employment, including hire-back employment.
- (2) Members shall submit the appropriate request form to engage in off-duty, extra-duty, or hire-back employment, via the chain of command, to the appropriate Regional Commander or Section Leader.
- (3) If using a state vehicle, members are required to reimburse the state for the fund providing property damage (collision) coverage for state owned vehicles and possess liability insurance as required.

C Regional Commanders and Section Leaders

- (1) Regional Commanders and Section Leaders shall oversee adherence to the established policies concerning off-duty or extra-duty employment for participating members in their region or section.
- (2) The Regional Commanders or Section Leaders shall review each request submitted by a subordinate, and shall approve or deny all off-duty and extra-duty employment requests in writing (e-mail is acceptable).
- (3) If it is necessary for a previous approval of an off-duty, extra-duty, or hire-back employer to be rescinded, the Regional Commander/Section Leader shall revoke the approval.

- (a) Any member affected by the revocation shall be notified in writing (e-mail is sufficient) stating the employer is no longer approved.
- (4) The Regional Commanders or Section Leaders are responsible for maintaining extra-duty and off-duty employment records at the Regional Offices or Section Offices for at least four anniversary years in accordance with the State of Florida *General Records Schedule GS2 for Law Enforcement, Correctional Facilities, and District Medical Examiners*.
- (5) The Regional Commander or Section Leader, or designee, shall perform a bi-annual review of off-duty, extra-duty, and hire-back activities.
 - (a) The reviews shall be completed as follows:
 1. Review 1: January 1 – June 30; completed no later than July 31.
 2. Review 2: July 1 – December 31; completed no later than January 31.
 - (b) The intent of the review is to ensure sworn members are complying with procedures set forth in this General Order and any other applicable General Order and/or Commission Internal Management Policies and Procedures (IMPP).
 1. The review shall be comprised of a minimum of three sworn members chosen at random.
 2. Documents and records compiled for the review shall go back a minimum of six months prior to the date of the review and shall include (minimally):
 - a. The Request for Approval of Dual Law Enforcement Employment (FWC/DLE-150), when applicable.
 - b. The Dual Employment Request for Approval of Non-Law Enforcement Work (FWC/DLE-149), when applicable.
 - c. The Off-Duty use of State Vehicle/Vessel Affidavit (FWCDLE 148) and a copy or copies of the required insurance coverage, when applicable.
 - d. Report(s) of Hireback and Extra Duty Activities.
 - e. Computer Aided Dispatch (CAD) reports.
 - f. People First records.
 - g. Any other available data relevant to the review.
 - (c) Any inconsistencies found shall be handled on an individual basis and in accordance with Division policy and Commission IMPP's.

D Responsibilities Related to Hire-Back Programs and Employment

- (1) Any hire-back program will be coordinated through the Division Director or designee to ensure that budget requirements are met and a properly executed grant agreement or contract is obtained.
- (2) The Division Director or designee may, when required, assign members within their command to perform administrative duties in support of hire-back programs.
- (3) Regional Commanders or their designee acting as hire-back coordinators shall:
 - (a) Exercise responsibility for preparation and administration of a plan for the delivery of law enforcement services in accordance with the provisions of contracts issued.
 - (b) Arrange for the scheduling of personnel, the delivery of services and the supervision of the work force.
 - (c) Administer hire-back programs in accordance with contractual provisions stipulated in the grant or contract.

3 PROCEDURES

A Request for Off-Duty, Extra-Duty, and Hire-Back Employment

- (1) All members desiring to engage in off-duty, hire-back, or extra-duty employment shall submit the appropriate request form, Affidavit for Approval of Dual Law Enforcement Employment (FWC/DLE-150) or a Dual Employment Request for Approval of Non-Law Enforcement Work (FWC/DLE-149) via the chain of command to the appropriate Regional Commander or Section Leader for approval.
 - (a) Hire-back employment may require additional forms to be completed by the member as specified in the provisions of the contract.
 - (b) Electronic submissions and approvals of off-duty, hire-back or extra-duty shall have the same force and effect as hand written signatures.
- (2) Regional Commanders or Section Leaders shall, as appropriate, establish a master list (FWCDLE-062AR) within their region or section. These lists shall be kept at the regional level. All additions to the master list shall be approved by the Regional Commander or Section Leader. The master list shall be updated each fiscal year by the Regional Commander or Section Leader or their designee. The annual update shall be conducted to verify each employer's contact information on the master list.
 - (a) If a member chooses to perform extra-duty or hire-back employment for multiple employers on the master list, the member shall have an approved Affidavit for Approval of Dual Law Enforcement Employment form (FWC/DLE-150) on file that requests that the member be approved to work for all employers listed on the master list each fiscal year.
- (3) A Regional Commander or Section Leader may give verbal approval for certain off-duty or extra-duty employment requests that need immediate attention. In these instances, the above forms shall be submitted to the Regional Commander or Section Leader as soon as possible.
- (4) All off-duty, hire-back, and extra-duty employment approvals expire at midnight on June 30 and must be renewed annually. Members shall make every effort to submit renewal requests at least 30 days prior to beginning employment.
- (5) Completed request forms for off-duty, extra-duty or hire-back employment services shall be submitted to the respective Regional Commander or Section Leader at least five working days prior to the date on which secondary employment is scheduled to commence. However, if exigent circumstances prevail, the Regional Commander or Section Leader may waive this requirement. Anytime this provision is waived, and the Regional Commander or Section Leader gives verbal approval, the date of such waiver/approval shall be noted on the Affidavit for Approval of Dual Law Enforcement Employment form (FWC/DLE-150) and the report of hire-back and extra-duty employment activities.
- (6) In the absence of exigent circumstances, disapproval of outside employment shall be communicated within 14 calendar days of the submission of the notice by the member. In the event extenuating circumstances prevent a determination within 14 calendar days the reason(s) for the delay shall be provided in writing to the member.
- (7) Members who participate in extra-duty and/or hire-back employment during the relevant two week time period shall complete the report of extra-duty and hire-back employment activities. This report and any reimbursement, if applicable, shall be submitted in conjunction with all other bi-weekly reporting forms.
- (8) Members who participate in extra-duty and hire-back employment shall cooperate with a reasonable request from a sworn supervisor to provide timesheets or other forms of verification of hours worked from extra-duty and hire-back employers.

B Radio Communication during Extra-Duty Employment

- (1) When beginning an extra-duty employment detail the sworn member shall contact the dispatcher by radio and advise they are in-service for extra-duty employment, and shall advise their starting mileage or engine hours (engine hour meter must be operational). Example: 304 Miami, 10 208E, DOT Highway Construction Detail, mileage 4,120.
 - (a) For officer safety issues, the duty officer needs an exact location, such as "Turnpike, mile marker 52, Lake Worth"
- (2) At the completion of the vehicle/vessel usage for the extra-duty employment detail, the sworn member shall advise the dispatcher by radio of their ending mileage or engine hours. Example: 304 Miami, 207, mileage 4,160.
- (3) When using personal or other vehicles while engaged in extra-duty employment, sworn members shall apprise the nearest operational communications center when they begin and end periods of extra-duty employment. The exact location and if applicable, a telephone number will also be provided for emergency notification.

C Reimbursement for the Use of Vehicles and Vessels

- (1) When a vehicle or vessel is used for extra-duty employment, the sworn member shall, at the end of each bi-weekly period, complete and submit the report of extra-duty and hire-back employment activities and submit any applicable reimbursement. The rate of reimbursement for total miles driven shall be in accordance with Section 112.061, Florida Statutes.
- (2) The rate of reimbursement for single and twin horse-powered engine vessels, including airboats, ATVs, and Buggies for extra-duty employment only shall be calculated using current Federal Emergency Management Agency (FEMA) rates. The Division reserves the right to review and revise the extra-duty reimbursement rates annually to account for increasing cost of ownership and operation of equipment, including depreciation, overhead, all maintenance, field repairs, fuel, lubricants, tires and other costs incident to operation.
- (3) Engine hours for an extra-duty employment detail shall be calculated from the engine hour meter and shall be reimbursable for each hour or any part thereof. A check or money order payable to the FWC/DLE for the total amount to be reimbursed shall be submitted in conjunction with the completed report of off-duty, hire-back and extra-duty employment activities.
- (4) Extra-Duty Employment Immediately Following a FWC Shift
 - (a) The member shall go 10-7 208E immediately upon completing the member's normal assigned patrol activity at the end of the member's shift.
 - (b) The member shall reimburse for all vehicle miles and/or vessel hours transiting to the extra-duty work site from the area in which the member normally conducts patrol activities, all miles/hours accrued at the extra-duty work site, and all miles/hours returning to his or her residence.
- (5) Extra-Duty Employment Immediately Preceding a FWC Shift
 - (a) All members shall reimburse the Division for all vehicle miles and/or vessel hours transiting from his or her residence to the extra-duty work site, all miles/hours accrued at the extra-duty work site, and all miles/hours transiting from the extra-duty work site to the area where the member normally conducts patrol activities.
 - (b) After the member has completed his or her extra-duty shift, he or she shall not go 207 10-8 until reaching the area in which the member normally conducts patrol activities.
- (6) Extra-Duty Employment on Days-Off or Not Immediately Following or Preceding an FWC Shift.
 - (a) All vehicle miles and/or vessel hours accrued transiting to, during, and returning from the work site shall be reimbursed.

(7) FWC OPS Hire-Back Employment

- (a)** The member shall not be required to reimburse for mileage when working core mission related OPS hire-back details.

D Hire-Back Program Procedures, Scheduling and Administration of OPS Hire-Back Programs

(1) Planning and Scheduling

- (a)** The Division will provide an opportunity to sworn members to provide law enforcement services as requested by the grantor subject to the approval and staffing needs of the Division. Member assignments shall be made in accordance with established policies and procedures and contractual arrangements. Members shall be scheduled to perform duties outlined in the hire-back agreement at mutually agreed upon times and locations, and to assist the grantor and other involved agencies.
- (b)** Sworn members shall be notified of anticipated hire-back programs. Each sworn member desiring to participate in a hire-back program shall submit the Affidavit for Approval of Dual Law Enforcement Employment (FWC/DLE-150) form via the chain of command to the appropriate Regional Commander or designee. At any time during the hire-back program a member may decline to continue to participate. Such requests shall be made via e-mail.
- (c)** Members may participate in hire-back programs after successful completion of Phase III of the Division's Field Training Program (release for solo patrol) and before completion of their probationary period.

(2) Compensation and Reimbursements

- (a)** Members engaged in hire-back programs will be compensated at the rate provided by the hire-back contract. The contractual rate must be equivalent to at least time and a half of the member's standard rate of pay for members in included classes. Members in excluded classes may be paid a flat rate if included in the hire-back contract. Since there is a potential to violate the Fair Labor Standards Act inadvertently, any hire-back contract must be reviewed and approved by the Division's legal counsel and the Division's personnel manager prior to acceptance.
- (b)** Members will be compensated for those hours in which hire-back duties are performed. Travel time to and from the work site will not be compensated unless specifically authorized in the hire-back agreement.
- (c)** Members are not required to reimburse the Division for mileage and equipment usage when working hire-back employment.

(3) Reporting and Administrative Procedures

- (a)** Incidents handled by Division members during hire-back assignments will be investigated and documented in accordance with the Division's established operational and reporting procedures.
- (b)** Members shall notify the appropriate Regional Communications Center by radio when they commence/end the hire-back detail. The proper 208 code shall be utilized in conjunction with these assignments.
- (c)** Members who participate in hire-back employment during the relevant two-week time period shall complete and submit through their chain of command, the report of hire-back and extra-duty employment activities.

(4) Accountability and Supervision

- (a)** Members shall always remain employees of the Florida Fish and Wildlife Conservation Commission and shall be considered on detail from their regular duty assignments.
- (b)** Supervisory personnel designated by the Regional Commander will ensure that members are on assigned details at appropriate times and that all enforcement activities are properly

documented. These duties must be undertaken in conjunction with other regular duty management responsibilities.

(5) Radio Communication During Hire-Back Employment

- (a)** Upon departing the member's normal patrol activity in state equipment, the sworn member shall contact the Communications Center by radio and advise them they are in-service for hire-back employment, and advise their destination and beginning mileage. Example: 327 Panama, 208 10-51 Econfina Creek, begin hire-back detail, beginning mileage 134,120.
- (b)** Upon arrival at the hire-back employment location the member shall advise 208-97 and provide an estimated time of completion. The member shall also indicate the type of patrol at the time of arrival at the location, i.e. road patrol, ATV patrol, off-road patrol, water patrol, as appropriate.
- (c)** Upon completion of the hire-back assignment the member shall advise 208-98 10-51 to next destination.
- (d)** Upon arrival at the destination following hire-back employment the member shall advise 10-7 207 and indicate ending hire-back detail and ending mileage.

E Rental Agreements

- (1)** Sworn members who have an agreement with a property owner or manager to pay a reduced amount of rent or no rent for merely residing, and parking their patrol vehicle, at an apartment complex, house or mobile home park, school or public park, are not considered to be engaged in extra-duty employment.
- (2)** If any types of services such as security checks or walk-throughs are part of the agreement, members are considered to be engaged in extra-duty employment. Sworn members with such an agreement, either written or verbal, shall adhere to the following:
 - (a)** Complete Affidavit for Approval of Dual Law Enforcement Employment (FWC/DLE-150) to request and receive written approval from the appropriate Regional Commander or Section Leader prior to entering into the agreement.
 - (b)** The member is not required to complete the report of hire-back and extra-duty employment activities.
 - (c)** The hours when the sworn member is merely present on the property are not counted as extra-duty hours.
 - (d)** Sworn members may participate while on probationary status.
 - (e)** The approval must be renewed annually in accordance with this General Order.
- (3)** A sworn member providing any type of service as part of the agreement is considered to be engaged in off-duty or extra-duty employment. Each sworn member with such an agreement, either written or verbal, shall adhere to the provisions stated in this General Order. This includes any patrol requirements in lieu of rent for housing on state lands.

F Off-Duty and Extra-Duty Employment While on Military Leave Status

- (1)** Members may engage in off-duty and extra-duty employment while on military leave for training in accordance with this General Order, if approved by a supervisor.
- (2)** Members on military leave due to active duty deployment shall abide by the off-duty, extra-duty, and hire-back employment procedures of their respective branch of service. If a member engages in off-duty, extra-duty, or hire-back employment while on military leave due to active duty deployment, Section 1 (Policy), subsection B, (5)(a) – (f) of this General Order remains in effect.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-062 AR	Master List Approved Off Duty Employers
DPA-15	Dual Employment & Compensation Request
	Report of hire-back and extra-duty employment activities
FWC/DLE-148	Extra-Duty Use of State Vehicle/Vessel Affidavit
FWC/DLE-149	Dual Employment Request for Approval of Non-Law Enforcement Work
FWC/DLE-150	Affidavit for Approval of Dual Law Enforcement Employment
FWC/DLE-150A	Supplement to Affidavit for Approval of Dual Law Enforcement Employment



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

MEMBER CONDUCT, REMEDIAL TRAINING, AND OATH OF OFFICE

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
07	June 16, 2017	March 18, 2009	All Members

References

S. 110.233 and Ch. 112, F.S.; IMPP 5.3.11; GO 12, GO 53
CFA 7.01M, 7.07M, 7.08M, 10.01

1 POLICY

- A** It is the policy of the Division to provide direction and guidance for the professional conduct of its members in the performance of their duties and their conduct on and off duty.
- B** It is the policy of the Division to establish a Code of Ethics that promotes adherence to recognized standards of professional conduct in law enforcement.
- C** It is the policy of the Division to provide remedial training when necessary to improve job related performance deficiencies.
- D** It is the policy of the Division to establish an Oath of Office to be administered to personnel upon becoming sworn members of the Division. The Oath of Office serves to promote professionalism and adherence to ethical principles of law enforcement among sworn members.
- E** The conduct and ethics of all members of the Division is governed by the Fish and Wildlife Conservation Commission's Internal Management Policies and Procedures (IMPP), all state and federal laws, all administrative rules, and the Division of Law Enforcement's General Orders. All provisions of the FWC's Internal Management Policies and Procedures are incorporated by reference.
- F** Violations of any policy or procedure contained in the Division's General Orders shall be considered violations of the FWC's Internal Management Policies and Procedures and may result in disciplinary action in accordance with the IMPP and the articles of the recognized collective bargaining agreements.

2 RESPONSIBILITIES

- A** Members shall conduct themselves on and off-duty in such a manner that their actions and behavior reflect favorably on the Division. Members shall not engage in conduct which discredits the Division or its members, or which impairs the operations of the Commission and/or the Division.
- B** It shall be the responsibility of each member of the Division of Law Enforcement to promote and adhere to the Division's Code of Ethics (FWC/DLE-515) and the standards of conduct provided in this General Order.

- C** Sworn members shall uphold the U.S. Constitution and the Constitution of the State of Florida, obey all federal, state, and local laws in the jurisdiction in which the member is present, and comply with decisions and orders of the courts.
- D** Members shall promptly obey any lawful orders of a superior. This shall include orders relayed from a superior by a person of the same or lesser rank or by a Duty Officer.
- E** Members shall maintain a level of moral conduct in their personal and business affairs that is in keeping with the highest standards of the law enforcement profession. Sworn members shall not participate in any, incident involving moral turpitude, which impairs their ability to perform as law enforcement officers or causes the Division to be brought into disrepute.
- F** In order to maintain a professional work environment and reduce the perception of favoritism, sexual harassment, or inappropriate conduct, any member who enters into any intimate or romantic relationship with any supervisor, subordinate, or co-worker employed by The Division of Law Enforcement shall be required to report the relationship immediately to their immediate supervisor, who shall notify the Division Director through the appropriate chain-of-command. The Division Director shall then determine whether the member's work arrangement is acceptable or counterproductive to good order. If such relationship is deemed inappropriate, such as a supervisor and subordinate, changes in work assignments or removal from the supervisory position may be required at the discretion of the Division Director.
- G Additional Responsibilities for Supervisors in the Division of Law Enforcement**
 - (1)** Supervisory personnel shall be responsible for subordinates' adherence to Commission and Division rules, regulations, policy, orders, directives and procedures.
 - (2)** Supervisors shall provide leadership, supervise and set a positive example, to ensure the efficiency of Division operations.
 - (3)** Supervisors are accountable for the job performance and professional development of all subordinates.
 - (4)** Supervisors may delegate authority and functions but responsibility remains with the supervisor who made the assignment.
 - (5)** Supervisory personnel remain answerable and accountable for all job related failures on the part of their subordinates when the supervisor was aware of the potential for failure and failed to take the appropriate action to correct the deficiency.

3 PROCEDURES

A. Oath of Office

- (1)** The Division Director or designee shall administer the Oath of Office (FWC/DLE-514AR) to personnel upon becoming sworn members of the Division.
- (2)** After reciting the oath, the newly sworn member shall sign their name and identification number on a notarized and dated copy of the oath.
- (3)** A copy of the signed, dated and notarized oath shall be placed in the personnel file of the newly sworn member. The newly sworn member shall receive a copy of the signed oath.
- (4)** The Division Director or designee shall administer the Oath of Office to members of the Division's Reserve Officer Program.
- (5)** Text of the Oath of Office:

I, [insert full name here] do solemnly swear; that I am a citizen of the State of Florida and the United States of America, and I will support, protect, and defend the Constitution of the United States and the State of Florida. As a duly commissioned law enforcement officer of the State of Florida, I will courageously, faithfully, diligently, and honestly perform my duties; enforcing the law in a fair and impartial manner with all due courtesy, discretion,

and compassion; I will always conduct myself in a fashion which ensures the integrity and ethics of myself and the agency, as well as the law enforcement profession; I will observe and abide by all lawful orders and regulations prescribed by my superiors and the rules and regulations of the Fish and Wildlife Conservation Commission, so help me God.

B. Civil Actions

- (1) Members shall not initiate any civil litigation arising from their official duties without first notifying the Division Director in writing through the chain of command.
- (2) Members shall not use or threaten to use their positions with the Commission as a means of forcing or intimidating persons with whom they are engaged in civil matters.

C. Contacts and Lobbying

- (1) No member officially representing the Division or Commission shall initiate contact with Legislators, the Governor and Cabinet or the Commissioners except via the chain of command or as outlined by FWC or Division policy and procedures.
- (2) Lobbying by Division members as a representative of the Commission is prohibited unless authorized by the Commission.

D. Official Commission Correspondence

- (1) Members shall not use any official Commission stationery except for authorized Commission correspondence.
- (2) All correspondence leaving GHQ, the Region, or Section shall be under the signature or upon authority of the appropriate Section Leader, Regional Commander or above.

E. Division Logo and Business Cards

- (1) All use of the Commission or Division of Law Enforcement logo(s) or representation thereof shall be approved by the Division Director. All business cards shall be in an approved format.

F. Telephone Service

- (1) Any member subject to call based on their job assignment shall maintain a reliable telephone service and shall keep his or her supervisor informed of the current telephone number.
- (2) Members subject to call shall notify their supervisor within 24 hours of any change in their telephone number. Such notification shall be in writing to their immediate supervisor who shall forward a copy to the affected Communications Center and General Headquarters.

G. Use of Intoxicants

- (1) Members shall not report for duty when under the influence of alcohol, when impaired, or when the use of alcohol can be detected. Members shall not drink alcoholic beverages on-duty except when it is necessary in the performance of duty or authorized to do so in accordance with a special assignment.
- (2) Sworn members in uniform shall not enter any establishment or place where the principal business is the sale of alcoholic beverages, except in the performance of duty.
- (3) Members shall refer to and comply with the FWC IMPP regarding alcohol abuse.

H. Use of Controlled Substances

- (1) Members shall not use any controlled substances except as lawfully prescribed. When controlled substances are prescribed or other medication is being used, members shall notify their supervisor if the use may affect their job performance.
- (2) Members shall not store or bring into any State facility, vehicle, vessel, or aircraft any controlled substances, except those substances which are held as evidence, used for training or other official purpose, or are lawfully prescribed.

(3) Members shall not use or possess marijuana, including medical marijuana, regardless of duty status, even if the member has been prescribed medical marijuana and/or possesses a medical marijuana card which identifies him or her as a qualified "caregiver" or "patient".

(a) Possession of marijuana, including medical marijuana, as necessary while in the performance of official law enforcement duties is permitted.

(4) Members shall refer to and comply with the FWC IMPP regarding substance abuse.

I. Use of Tobacco and Smoking Products

(1) The use of tobacco and smoking products, including the use of electronic cigarettes and vaporizing devices, while on-duty shall be as inconspicuous as possible at all times.

(2) A member shall not smoke or use electronic cigarettes or vaporizing devices in any public or private place where such use is prohibited.

(3) Members shall refrain from chewing or spitting tobacco products while in public.

(4) When allowed, the use of tobacco products while in an agency vehicle or vessel shall be as inconspicuous as possible. Employees who use tobacco products in accordance with this policy are responsible for properly disposing of any byproduct (see also FWC IMPP 5.3.12).

(a) Vehicles: The use of smoking products, including electronic cigarettes and vaporizing devices, is prohibited in agency vehicles. Employees may use other tobacco products while in an agency vehicle with the consent of fellow passengers.

(b) Vessels: The use of smoking products, including electronic cigarettes and vaporizing devices, is prohibited in enclosed portions of an agency vessel. Employees may use other tobacco products while in enclosed portions of an agency vessel with the consent of fellow passengers. The use of tobacco products is allowed on deck when it is possible to use the products away from fellow employees. Smoking products should be disposed of in a receptacle designed for that purpose; employees may not dispose of a smoking product by throwing it into the water.

J. Conflicts of Interest

(1) Members are prohibited from selling or trading any wildlife, seafood, or other fisheries products for commercial purposes.

(2) Members are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention or which arose out of their employment with the Commission.

(3) Members and their immediate families are prohibited from bidding on seized property that has been recovered by the Commission as a result of being evidence, stolen property or fruits/instruments of a crime.

(4) Members shall not borrow money from or otherwise become indebted or obligated to any person or concern whose business is subject to regulation by the Commission. Supervisory members shall not borrow money from or become indebted to any subordinate or any member of a subordinate's immediate family.

(5) Personal activities or associations of a member that knowingly create an apparent or real conflict of interest with the conduct of official duties are prohibited. A "conflict of interest" arises when a member's private interest, whether of a financial nature or otherwise, conflicts with the member's impartial conduct of official duties and responsibilities.

(6) Members shall notify supervisory personnel when they receive an assignment involving a person or group with whom the member has had social, business, or other relationships of a nature that might impair or give the appearance of impairing the member's impartiality or independence in the conduct of an assignment.

- (7) Members shall adhere to Chapter 112, Part III, Florida Statutes, in reference to the "Code of Ethics for Public Officers and Employees."
- (8) Sworn members shall not exercise police authority or enforcement profiling based solely upon an individual's race, ethnic origin, gender, age, sexual orientation or income status.

K. Acceptance of Gifts, Gratuities, Fees, Loans, and Rewards

- (1) Members shall not solicit or accept either directly or indirectly, for themselves or others, any gift, gratuity, fee, loan or any other thing of value, pecuniary or otherwise, arising from or offered because of employment or any activities connected with said employment as outlined in Section 112.313, Florida Statutes.
- (2) Members shall not accept any gift, gratuity, fee, loan or any other thing of value, monetary or otherwise, the acceptance of which might tend to influence or appear to influence, directly or indirectly, the actions of a said member or the actions of any other members in any matter of Commission business; or might tend to cast adverse reflection on the Commission, or any member thereof.
- (3) Nothing herein shall be construed to preclude a member from accepting rewards for services performed in apprehending any criminal, as authorized by law and with the approval of the Division Director.
- (4) In the event a member is offered a gift, gratuity, fee, loan or thing of value, monetary or otherwise, and the offer is made with no criminal intent or expectation of favorable treatment, the member shall politely, but firmly, decline such offers. But, when an offer is made corruptly, with an intent or purpose to influence the performance of any act or omission of such act which would be in violation of public duty, then such members shall at all times contact their supervisor immediately and advise of such offer.
- (5) Members receiving information of bribe offers or bribe attempts to other Commission members shall do the same as if the bribe offer were made to them. An Incident Summary Report explaining the circumstances must be filled out by the member and a copy sent to the Division Director within 72 hours of such offer. If the circumstances are such that the sworn member can conduct an arrest and take into evidence whatever is being offered, then they should do so.

L. Referrals

- (1) Members shall not suggest or recommend the name of any bondsman, attorney or counsel to any prisoner, suspect, or person acting in behalf of such prisoner or suspect.
- (2) Members shall not recommend the use of any marine towing, wrecker, discharge cleanup organization, response contractor or ambulance service in preference to any other such service.
- (3) Members shall request assistance from available wrecker or towing rotation lists where available.

M. Human Relations

- (1) The most important public or human relations principle is to "do unto others as you would have them do unto you". All members shall:
 - (a) Treat the public in a polite and courteous manner.
 - (b) Communicate in a calm professional manner.
 - (c) Not use sarcasm.
 - (d) Maintain a businesslike demeanor.
 - (e) Not use or communicate insults.
 - (f) Not treat the public in an inferior or patronizing manner.
 - (g) Provide information to which the public is entitled when available.

- (h) In the performance of their duties, members shall not use coarse, violent, profane or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, or lifestyle.

N. Routine Inquiry

- (1) A "Routine Inquiry" can be a vessel/vehicle stop or any other inquiry of an individual. The three elements contained in a "Routine Inquiry" are introduction, fact finding or evaluation, and decision making and/or termination.
- (2) The introduction should include an appropriate greeting (good morning, evening, etc.), identification by rank and name (The official title of Division officers is "FWC Officer"), the entity represented by the member (Florida Fish and Wildlife Conservation Commission), and why the member stopped or approached the individual(s).
- (3) The fact-finding element shall include:
 - (a) Identifying the subject, if appropriate.
 - (b) Advising the subject you will be checking their vessel/vehicle and paper work for compliance with Florida Statute, federal law, rules, etc., if appropriate.
 - (c) Checking the registration, documentation, licenses, etc., if appropriate.
 - (d) Checking harvested/possessed fish and wildlife, quality control, and safety equipment, etc., if appropriate.
- (4) The decision making and termination element shall include the following as appropriate to the situation: advising the subject of the reason a citation or warning is being issued, writing the citation or warning, providing the subject with direction and/or options he or she may have to address the charges of any citation issued.

O. Member Conduct

- (1) Members shall report for duty at the appropriate time and place required or report their inability to do so by notifying their supervisor or another superior officer in sufficient time for a replacement to be found, if necessary. Members shall not leave their assigned duty posts during a tour of duty except when authorized by proper authority. They shall report with the appropriate issued equipment and be cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Any notice (verbal or written) of subpoena related to Commission business shall constitute an order to report for duty, including those relayed through the Division.
- (2) Members shall respond in a prompt manner appropriate to the circumstances when dispatched or ordered to respond to a situation.
- (3) Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of this Division or any other governmental agency or any individual authorized to conduct such an inquiry as to the condition of their health.
- (4) Members shall remain awake while on duty. If unable to do so, they shall notify a supervisor who shall determine the proper course of action.
- (5) Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.
- (6) Members shall not be disruptive, uncooperative, engage in horseplay, loaf, waste time, gossip, or conduct personal business during work hours.
- (7) Members shall not be excessive in tardiness or absenteeism.
- (8) Except when acting under proper and specific orders from a supervisor, sworn members on-duty shall maintain a neat, well-groomed appearance.

- (9) Members shall not represent themselves as members of the Division, use their official position, agency identification cards or badges for personal or financial gain for themselves or others.
- (10) No member shall use his or her official position to avoid the consequences of illegal acts.
- (11) Members shall not lend to another person their identification cards or badges, or permit them to be photographed or reproduced without the approval of the Division Director.
- (12) Sworn members shall not authorize the use of their names, photographs or official titles which identify them as officers, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Division Director.
- (13) Sworn members shall carry their identification cards (and badge when carrying a weapon) on their person at all times, except when impractical or dangerous to their safety or to an investigation. Sworn members shall make every effort to ensure the security and safekeeping of the identification card and badge at all times. They shall furnish their name and identification number to any person requesting that information, when they are on-duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.
- (14) When any person needs assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information shall be obtained in an official and courteous manner and shall be properly and judiciously acted upon consistent with established procedures.
- (15) Except in the performance of official duties, or where unavoidable because of family relationships, sworn members shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are under criminal investigation or indictment, or present or past involvement in felonious or criminal behavior.
- (16) Except in the performance of official duties, or while acting under proper and specific orders from a supervisor, sworn members shall not knowingly visit, enter or frequent a house of prostitution, gambling house or establishment wherein the laws of the United States, the State or local jurisdiction are violated.
- (17) Sworn members shall not engage or participate in any form of illegal gambling at any time, except in the performance of official duties and while acting under proper and specific orders from a supervisor.
- (18) Members shall not publicly criticize or ridicule the Commission or Division, its policies or other members by speech, writing or other expression which is defamatory, obscene, unlawful, or undermines the effectiveness of the Commission or Division.
- (19) Members shall not address public gatherings, appear on radio or television, grant interviews to newspaper reporters, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge information or any other matters of the Division while holding themselves out as representing the Division in such matters without supervisory approval.
- (20) Members shall not accept compensation, honorariums or permit their travel expense to be paid by sources other than the state of Florida for speaking or writing assignments performed as part of their official duties unless specifically authorized by the Director or designee.
- (21) Members shall not adversely or improperly interfere with cases being handled by other members of the Division or by any other governmental agency.
- (22) Sworn members shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their supervisor unless the exigencies of the situation require immediate police action.
- (23) Members shall treat the official business, evidence, documents and photographs of the Division in accordance with established laws and procedures.

- (24)** Involvement in political activities shall not be permitted during sworn members' on-duty time. Political activities include soliciting or receiving any contribution for any political party or cause, or storing, posting, carrying or distributing political literature of any nature. Specifically, Florida Statutes (s. 110.233, F.S.) provide that members shall not:
- (a)** Hold or be a candidate for public or political office while in the employment of the State or take any active part in a political campaign while on-duty or within any period of time during which they are expected to perform services for which they receive compensation from the State. However, when authorized by the agency head and approved by the Department of Management Services, members in career service may be a candidate for or hold a local public office which involves no interest which conflicts or interferes with their State employment.
 - (b)** Use authority of their position to secure support for, or oppose any candidate, party or issue in a partisan election or affect the results thereof.
 - (c)** Use any promise of reward or threat of loss to encourage or cause any member to support or contribute to any political issue, candidate or party.
 - (d)** Perform any police duty connected with the conduct of any election.
- (25)** Reports submitted by sworn members shall be truthful and complete, and no sworn member shall knowingly make false statements, charges or allegations in connection with any citations, warnings, assistance rendered, accident reports, field reports, investigative reports, and computer entries or by any other means which creates an official record of the Commission or Division.
- (26)** Members shall use Division equipment only for its intended purpose, in accordance with established Commission and Division procedures and shall not abuse or damage Division equipment. Members shall use reasonable care to avoid loss of equipment. All equipment issued to members shall be maintained in proper order.
- (27)** Members shall operate vehicles, vessels, and aircraft in a careful and prudent manner, and shall obey all laws and all Commission and Division directives pertaining to such operation. Revocation or suspension of any driver license shall be reported to the Division immediately.
- (28)** Upon the order of a supervisor or an Investigator with the Office of the Inspector General (OIG), members shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Division.
- (29)** Members are required to truthfully answer questions by, or render material and relevant assistance to, competent authorities pursuant to any official investigation undertaken by the Division. However, this rule shall not supersede the member's constitutional rights concerning self-incrimination if the investigation indicates that criminal prosecution shall be brought against the member from which such statements/assistance is sought.
- (30)** Members shall not induce a witness or any other person who has knowledge regarding any issue under investigation by the Division, or any other law enforcement agency, to make false statements, withhold information, conceal information, absent themselves or otherwise fail to cooperate with lawful investigating authorities.
- (31)** When a member becomes the subject of a criminal investigation, has been arrested or has been issued a citation for an infraction, the member shall immediately notify his or her supervisor and inform the supervisor of the circumstances surrounding the incident.
- (32)** A member's conviction for violation of any criminal law shall be subject to disciplinary action.
- (33)** Sworn members shall not submit to any interview or give a statement concerning the performance of their official duties to any officer or official of another agency, federal, state, or local, without first informing the Division Director through the chain of command.

- (34) When a law enforcement officer or an agent from another law enforcement agency requests a member of the Division to submit to an interview concerning a non-duty related issue, the member shall inform their supervisor as soon as possible. Participation in the interview shall be at the discretion of the member.

P. Remedial Training

- (1) On occasion, members may require Remedial Training to assist them in their job-related duties and responsibilities.
- (2) Remedial training is available to all members when performance deficiencies are identified through evaluation or observation. Minor deficiencies can be corrected through informal training or counseling sessions. Serious deficiencies shall be reported to the member's Regional Commander and addressed as indicated within the Training Section's SOP Manual.
- (3) All remedial training shall be recorded on the Remedial Action Plan (RAP) (FWCDLE 896FTO).

Q. Computer Use

- (1) Members shall refer to and comply with the FWC IMPP regarding the use of agency computers.
- (2) If a member accidentally enters a web site that is expressly prohibited by FWC policy and procedures or is inadvertently linked to such a web site through a "search engine", the member should immediately exit this site and advise their supervisor.
- (3) Downloading shareware or free software from the Internet is prohibited except as specifically approved in writing by the Commission's Office of Information Technology (OIT).
- (4) Members shall also refer to General Order 53, Division Computer Equipment and Use for additional information.

R. Sexual Harassment

- (1) Members shall not engage in any conduct that constitutes sexual harassment as herein defined. The term sexual harassment, within the context of Commission and Division employment includes any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - (a) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.
 - (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
 - (c) Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- (2) Members shall not engage in any conduct that constitutes racial, ethnic, age, disability, marital status, political affiliation or gender harassment. The term racial, ethnic, or gender harassment, within the context of Commission/Division employment, includes any action which may reasonably be interpreted as derogatory to a particular race, ethnicity or gender and such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- (3) Complaints of sexual harassment and/or discrimination shall be reported to the Commission's Office of Human Resources or the Office of the Inspector General (OIG).

S. Division of Law Enforcement Code of Ethics

As a sworn member of the Division of Law Enforcement, my fundamental duty is to serve humankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all people to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and in deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of the Fish and Wildlife Conservation Commission. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecutions of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report
FWC/DLE-514AR	Oath of Office
FWC/DLE-515	Code of Ethics
FWC/DLE-896FTO	Remedial Action Plan



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

COMMUNICABLE DISEASE CONTROL

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
08	November 30, 2017	October 25, 2017	All Sworn Members

References

S. 381.0031 (2), 381.004 and 384.287 F.S.; 64E-16.004 (2)(c) F.A.C.
CFA 14.08M and 29.01M

1 POLICY

- A** It is the policy of the Division to safeguard, to the highest degree possible, sworn members who come in contact with citizens who have, or are suspected of having, a communicable disease, while continuing to provide essential services to the citizens of the community.
- B** It is the policy of the Division to consider and treat all medical information or records (e.g., test results) pertaining to a member or arrestee as confidential. Access to such information is limited to only those persons who have a legal right to know. Disclosure of any information except as required by law must not be made unless the prior written consent of the person is obtained.
- C** It is the policy of the Division to adopt a Universal Precautions philosophy, which means that sworn members shall treat all human blood and certain human body fluids as if infectious for Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), and other bloodborne pathogens.
- D** Extreme caution should be exercised and all procedures set forth in this General Order shall be used when dealing with blood and blood stained items, other body fluids, and suspected infectious persons.
- E** The precautionary measures found in this General Order are necessary under certain, specified conditions to minimize the risk of infection to the sworn members. Sworn members are reminded, that at this time, there is no medical evidence which indicates that Hepatitis B or HIV/AIDS can be transmitted by casual contact. The kinds of non-sexual, person-to-person contact that generally occur between a sworn member and an arrestee or victim of a crime do not pose a risk of disease transmission.
- F** The routine handling, transporting, and detention of persons should continue according to present policy and procedure.
- G** This General Order will serve as both the Division's Infectious Disease Exposure Control Plan, and Biomedical Waste Operating Plan, and applies to all sworn members who, while performing their normal occupational duties, may anticipate exposure to blood borne pathogens or other contagious diseases.

- H This General Order will be reviewed annually by the Training Section to ensure its contents remain current and to evaluate and update procedures designed to eliminate or minimize occupational exposure.

2 RESPONSIBILITIES

A Division

- (1) The Division is responsible for providing a voluntary hepatitis vaccination program.
- (2) The Division's Regional Commanders or Section Leaders are responsible for continuously maintaining an adequate supply of disease control supplies and for making these supplies available to all sworn members through the Staff Lieutenants in the regional field offices or other designated members in the regions/sections.

B Sworn Members

- (1) Sworn members are always responsible for treating people fairly and humanely.
- (2) When handling or assisting persons with medical afflictions, sworn members bear additional responsibility of being especially sensitive to the person's condition and for treating each person with the same dignity which is reserved for all people with whom they have contact.
- (3) Sworn members should use discretion to limit their exposure to contagious diseases. Direct contact with blood and other body fluids should be avoided whenever possible.
- (4) In accordance with section 381.0031 (2), Florida Statutes, sworn members shall, through the chain of command to the appropriate Regional Commander or Section Leader, report to the Department of Health knowledge of any animal bite, diagnosis of disease in an animal, or suspicion of a grouping or clustering of animals having similar disease, symptoms, or syndromes that may indicate the presence of a threat to humans. This report shall be done using the Captive Wildlife Incident/Bite/Escape Form (FWC/DLE-609). The Regional Commander or Section Leader shall then contact the appropriate local Health Department.

3 PROCEDURES

A Exposure Determination to Communicable Diseases

- (1) An exposure may occur when the blood or body fluid from an infected person is transferred into the blood stream of another. This transmission may occur in five ways:
 - (a) Through needle sticks (e.g., accidental needle stick while searching people or places).
 - (b) Through openings in the skin (cuts, sores, bites, abrasions, etc.) which are exposed to blood or body fluids.
 - (c) Through fluids which are splashed into the eyes, nose, or mouth.
 - (d) Through sexual contact.
 - (e) Through airborne transmission (e.g., tuberculosis, etc.)
- (2) Body fluids known to contain viruses include blood, semen, and vaginal secretions. Viruses have been isolated in other body fluids including tears, vomit, urine, and feces.
- (3) The mere handling of an arrestee during the arrest process or during subsequent detention may or may not constitute an exposure. For an actual exposure to occur, at least one of the above conditions must be met.

B Significant Exposure Treatment

- (1) A sworn member who has been exposed to a communicable disease shall:
 - (a) Immediately and thoroughly wash the contact area with soap and water. Eyes should be flushed out with cool water for at least twenty (20) seconds.
 - (b) The sworn member shall proceed to the nearest emergency room and if appropriate their personal physician should be contacted.
- (2) With concurrence of the attending physician it is highly recommended that within two hours of probable exposure to the HIV virus the sworn member be started on a post exposure prophylaxis (PEP).

C Reporting Process

- (1) Document the incident and gather information about the person involved, keeping in mind confidentiality.
- (2) Information collected by the sworn member shall include name, address, and date of birth, any medical information legally available and where the person is presently located. Additionally, any high risk factors should be included.
- (3) If a sworn member is exposed to a communicable disease, they shall report the injury/exposure to their supervisor immediately. The supervisor will report the injury to the State Workers' Compensation Program which can be located on the [FWC Human Resources page](#). Reporting of injuries shall be done in accordance with General Order 31, *Reporting of Injuries and Temporary Reassignments*.
- (4) Should a sworn member undergo AIDS/Hepatitis testing, Workers' Compensation will be responsible for any costs incurred.
- (5) If a sworn member is off duty and acts in the line of duty, the same procedures apply.
- (6) To maintain compliance with the Ryan White HIV/AIDS Treatment Modernization Act, the names of persons exposed to a possible infection shall remain confidential except to those immediately involved.

D Human Bites

- (1) While the risk of some types of infection through a human bite is very low, the following measures should be undertaken should a sworn member be bitten by a human:
 - (a) Conduct "back bleeding" by applying pressure and "milking" the wound.
 - (b) Follow the procedures given under Section 3 (Procedures), Subsection C *Reporting Process* above.

E Blood Tests

- (1) A sworn member who has been exposed to another person's body fluid in the line of duty shall request the suspect carrier to submit to a blood test as outlined in section 384.287, Florida Statutes. The test shall be administered at a hospital emergency room.
- (2) In the event that the person refuses to consent to a blood test, the Commission's Legal Office shall be contacted to initiate legal proceedings for a court-ordered blood test.

F General/Universal Precautions

- (1) In performing their responsibilities, a sworn member should undertake the following preventive measures:
 - (a) Use a one-way resuscitator mask when performing mouth-to-mouth resuscitation or CPR.

- (b) Wear latex disposable gloves when handling blood or other body fluids, regardless of whether such fluids are wet or dry. When possible, sworn members shall wear latex gloves when handcuffing subjects. Sworn members are required to have latex gloves readily accessible while on duty.
- (c) Sworn members should be aware that rings, jewelry or long fingernails may compromise the structural integrity of latex disposable gloves. Members should make certain the gloves are not torn before they put them on.
- (d) Sworn members should wear disposable shoe coverings if considerable blood or body fluid contamination is encountered.
- (e) Wash hands thoroughly and immediately with soap and water following contact with blood or other body fluids even if gloves have been worn.
- (f) Bandage open wounds or cuts on hands to avoid direct contact with contaminated blood or body fluids even if gloves are worn. Bandages should be changed if they become wet or soiled.
- (g) Use extraordinary care when conducting searches of suspects or vehicles. Whenever possible and practical, suspects should be directed to empty their own pockets. Never blindly place hands in areas where there may be sharp objects that could puncture the skin. Although they cannot protect against direct punctures, gloves should be worn.
- (h) Sworn members shall not eat, drink, or smoke at crime scenes where blood or body fluids are present or other contagious factors exist.
- (i) Sworn members should be aware that certain prescribed medications, such as steroids and asthma medications, suppress their immune systems and make them more susceptible to infectious disease.
- (j) Pregnant sworn members should report to their physician any direct contacts with body fluids in the line of duty. Infectious viruses can cause severe problems in newborns.
- (k) Sworn members who have been diagnosed as having leukemia or other forms of cancer, or who are taking medicine which suppresses the immune system, should not knowingly enter areas where there is blood or body fluids present or knowingly have contact with persons with a communicable disease.

G Hepatitis B Vaccination Series Program

- (1) The Division provides mandatory infectious disease training and a voluntary hepatitis vaccination program. Vaccinations will be made available at the Division's expense at a reasonable time and place after receipt of infectious diseases training and within ten working days of initial assignment to duties. Sworn members are required to complete a Hepatitis B Vaccine Acceptance-Declination Consent form (FWC/DLE-565). If a sworn member declines the vaccination, and at a later date decides to be vaccinated, the member may receive the inoculations and post-test at the Division's expense. Vaccinations will be administered by a licensed medical professional. Vaccination records shall be secured in the sworn member's official personnel file at GHQ.
 - (a) A pre-test for Hepatitis B (optional).
 - (b) Vaccination offered during recruit school.
 - (c) Vaccination offered to all rehired sworn members and to newly hired members who are already Florida certified law enforcement officers.
 - (d) Vaccination offered again after "significant exposure" as defined by section 381.004, Florida Statutes.

- (e) Three inoculations:
 1. The initial injection.
 2. The second injection 30 days later.
 3. The final injection five (5) months after the second injection.
 - (f) All three injections must be administered for the vaccine to be effective.
 - (g) If requested by the sworn member, a post-test (titer test) may be administered six (6) weeks after the final injection to determine if immunization has occurred.
- (2) Staff Lieutenants in the regional field offices or other members designated by the Regional Commander/Section Leader are responsible for ensuring that new sworn members entering the FTO program receive infectious disease training and are then afforded an opportunity to complete the Hepatitis B Vaccination Series Program, or to receive the full set of inoculations if the new sworn member did not begin the inoculation process at the academy or in a previous position. If the vaccination series was previously received outside of the Agency, a titer test which checks the sworn member's level of Hepatitis B immunity may be provided at no cost to the sworn member.
 - (3) Staff Lieutenants in the regional field offices or other members designated by the Regional Commander/Section Leader are responsible for ensuring that a sworn member's vaccination records, including any Hepatitis B Vaccine Acceptance-Declination Consent forms (FCW/DLE-565), are submitted to the sworn member's personnel file at GHQ.
 - (a) If the Hepatitis B vaccination series is completed in the region, a record of completion shall be submitted to the training center for tracking purposes.

H Supplies

- (1) Staff Lieutenants in the regional field offices or other designated members in the regions/sections will be responsible for continuously maintaining an adequate supply of disease control supplies. This includes, but is not limited to, ensuring that:
 - (a) Personal protection equipment in appropriate sizes, quantities and locations are available.
 - (b) Alternative materials will be provided to those that are allergic to materials normally provided.
 - (c) First aid supplies and disinfecting materials are readily available at all times.
- (2) For protection, sworn members shall have the following supplies readily accessible; to include at a minimum:
 - (a) Protective gown
 - (b) Protective disposable gloves
 - (c) Red plastic biohazard waste bags and sealing ties, or sealable plastic bags as outlined in section 64E-16.004 (2)(c), Florida Administrative Code;
 - (d) Mouth and eye protection
 - (e) First Aid supplies
 1. CPR Mask
 2. Gauze pads and adhesive tape
 3. Anti-microbial hand wipes or gels

- (3) The above-listed supplies will be stocked and issued through the appropriate regional field office, or via Section Leader or designee for sworn members assigned to GHQ facilities or the academy.
- (4) Sworn members are responsible for ensuring their supervisors are aware of replacement needs when expended.

I Custody Procedures

- (1) Persons with a communicable disease (or persons who claim to have a communicable disease) but do not appear to need emergency care should generally be treated with caution and transported as any other suspect.
- (2) Persons in obvious need of medical attention will be transported to the nearest medical care facility according to current Division procedures.
- (3) Persons of high-risk groups should be treated with caution. Where violence or an altercation is likely, protective disposable gloves should be worn. Extreme caution should be used during the search of suspected drug users or dealers to prevent accidental skin punctures by needles. Whenever practical, the suspects should empty their own pockets. Extreme caution must also be used when reaching into areas that are not visible (e.g. underneath car seats, etc.).
- (4) After a search where protective disposable gloves may have been contaminated they should be removed with caution, placed in a plastic bag and disposed of as a "Bio-Hazard". Hands should be washed after this task is completed.
- (5) Subjects with blood or body fluids present on their person should be transported separately from other subjects when possible. Sworn members will inform communications when a subject should be transported alone. Communications personnel will notify the responding car or ambulance when solo transportation is recommended.
- (6) Sworn members have an obligation to inform other responding personnel (firefighters, paramedics, deputies, correctional employees, detox personnel, etc.) whenever change or transfer of custody occurs and the subject has blood or body fluids present on his person, or if the subject has made a voluntary statement that he has a contagious disease.
- (7) Information in records (e.g.; test results) regarding a sworn member or arrestee with HIV/AIDS or other communicable disease is confidential. Access to such information is limited to staff who have a legal need to know. Disclosure of any information, except as required by law, must not be made unless the expressed written consent of the sworn member/arrestee is obtained.
- (8) Persons who die while in the custody of the Division shall be examined by the Medical Examiner for the presence of infectious diseases if any of the following conditions exist:
 - (a) A sworn member was exposed to the person's body fluids.
 - (b) Information indicates the person was a disease carrier.
 - (c) The person was a high risk carrier.
- (9) The supervisor on duty shall ensure that a specific request be made to the Medical Examiner for communicable disease testing in the above cases.

J General Disinfection Procedures

- (1) Protective disposable gloves will be worn during all phases of disinfection. Sworn members should be aware that rings, jewelry, or long fingernails may compromise the structural integrity of the gloves. They should make certain the gloves are not torn before they attempt to begin any phase of the disinfection process.
- (2) Any excess of blood or body fluids should first be wiped up with disposable absorbent material. Afterwards, the absorbent materials should be immediately placed in a plastic bag and placed

in a designated "BIO-HAZARD" waste container.

- (3) Prepare a fresh disinfecting solution of one part household bleach and 10 parts water or use a commercially available disinfecting cleaning solution.
- (4) The affected area shall be cleansed with the solution and allowed to air dry.
- (5) All disposable contaminated cleaning items shall be placed in plastic bags and placed in a designated "BIO-HAZARD" waste container.
- (6) Sworn members shall be careful not to contaminate themselves during this cleaning regimen or when taking off their disposable protective gloves. As always, hands should be immediately washed.

K Personal Contamination

- (1) Wash hands immediately and thoroughly with water. Proper hand washing requires soap, running water and at least twenty seconds of rubbing soap under nails and between fingers. Hand washing is your best protection against infectious diseases.

L Building Contamination

- (1) Disinfection procedures shall be initiated after blood and/or other body fluids are discharged in any area of a Division building.
- (2) A supervisor shall be notified and will ensure the area is cleaned and disinfected.

M Vehicle Contamination

- (1) When blood or other body fluids contaminate a vehicle, vessel or aircraft, the sworn member shall decontaminate and disinfect the vehicle, vessel or aircraft in accordance with Section 3 (Procedures), Subsection J, *General Disinfection Procedures* of this General Order.
- (2) If the sworn member is unable to safely decontaminate the vehicle, vessel or aircraft, the sworn member shall notify their supervisor, and a "BIO-HAZARD" label shall be immediately placed visibly on the driver's window. The date and time will be written on the label and the vehicle will be placed out of service for a minimum of forty-eight hours.
- (3) After a minimum of forty-eight hours, a designated vendor shall be contacted to complete disinfection and decontamination.

N Crime Scene Evidence and Property Handling

- (1) Evidence, property or other materials coming into the custody of the Division and suspected of being contaminated should be treated with extraordinary care.
- (2) All evidence, property or other materials contaminated with blood or other body fluids, whether wet or dry, should be handled with disposable gloves.
- (3) Sharp objects shall be packaged in puncture-resistant containers. To prevent needle stick injuries, needles should not be capped, bent, broken, removed from syringe or otherwise manipulated by hand.
- (4) Packages containing contaminated evidence or other materials suspected of being contaminated shall be clearly labeled. The warning "BIO-HAZARD" shall be prominently written on the outside of the packaging materials in such a fashion that anyone coming in contact with the item will be aware of the risk.
- (5) All clothing with blood or body fluids will be treated as if contaminated.
- (6) Property/Evidence personnel will furnish protective disposable gloves to anyone handling contaminated evidence or property.

- (7) Sworn members working in areas for extended periods of time where blood or other body fluids have been shed should wear bio-hazard protective gear.
- (8) Property/Evidence personnel will adhere to a precise regimen when handling, processing and storing potentially contaminated materials.
- (9) Materials known to be contaminated with suspected HIV/ AIDS, Hepatitis B or other contagious diseases will be placed in a specified area and clearly labeled with a "BIO-HAZARD" label.
- (10) Any clothing known or suspected to be contaminated with any contagious disease, bloody or not, will be handled by Property/Evidence personnel only while wearing protective disposable gloves.
- (11) Evidence containing suspected blood or other body fluids should be handled with gloves. If the stain or sample is dry, it should be placed in a paper bag. A proper evidence tag, an evidence processing request, and a "BIO-HAZARD" label should be affixed to the outside of the package. If the evidence consists of a syringe and needle, the needle portion should be removed in the evidence room with pliers and gloves and returned to the puncture resistant container and placed in a "BIO-HAZARD" waste container. The syringe should be placed in a paper bag with a "BIO-HAZARD" label and the bag should be tagged with an evidence tag and a processing request. Clothing or similar materials with liquid samples on them should be placed in a paper bag with a "BIO-HAZARD" label.
- (12) Property/Evidence personnel shall wash their hands immediately and thoroughly with soap and water after handling any possibly contaminated material even if having worn gloves.
- (13) All contaminated materials, property, and evidence ready for disposal shall be placed in a clearly labeled sealed plastic bag(s) or sharps container(s) and placed in a "BIO-HAZARD" waste container for disposal.

O Uniform/Work Clothes Contamination

- (1) Medical research has determined that no person has ever contracted an infectious disease, whether it is mumps, measles, smallpox, HIV/ AIDS, or Hepatitis B, through laundered clothing. Consequently, should Commission issued or personal clothing be contaminated by blood or body fluids, the following measures should be undertaken:
 - (a) While wearing protective gloves remove the clothing and place it in a clearly marked BIO-HAZARD plastic bag.
 - (b) Describe the contaminated contents of the bag and forward it to a supervisor for commercial laundering or disposal approval.

P Contaminated Materials Disposal

- (1) Upon supervisory approval, all contaminated materials shall be collected and transported to the nearest medical, fire, or law enforcement facility or hospital which accepts contaminated materials for disposal.

Q Records to be Maintained by the Division

- (1) An accurate medical record will be kept in a confidential file for each sworn member with an occupational exposure. This record will contain all necessary information as required by OSHA Bloodborne Pathogens Standards.
- (2) Medical records will be kept confidential and not disclosed or reported without the sworn member's express written consent to any person within or outside the workplace, except as required by OSHA standards or by law.
- (3) Medical records will be maintained for the duration of employment plus 30 years as required by OSHA standards.

- (4) Medical records will contain appropriate information regarding the sworn member's Hepatitis B vaccination or refusal form.
- (5) Training records will be maintained as required by OSHA standards.


R Training

- (1) All sworn members affected by this plan are required to participate in the blood borne pathogens standard training program. Training shall be provided prior to assignment where risk of occupational exposure may occur. Records of this training shall be maintained by the Division in accordance with the General Schedule for State and Local Government Agencies and must include the contents or summary of the training session, names and qualifications of persons conducting the training, and names and job titles of all persons attending. The training outline shall contain, at a minimum, the following elements:
 - (a) Familiarization with this General Order on infectious diseases and the OSHA regulations;
 - (b) Familiarization with the basic epidemiology, symptoms, and the modes of transmissions of infectious diseases;
 - (c) An explanation of the use and limitations of methods that will prevent or reduce exposure, including personal protective equipment;
 - (d) Information about the agency Hepatitis B vaccination program;
 - (e) An explanation of procedures to follow at any incident involving blood or other potentially infectious materials;
 - (f) An explanation of procedures to follow if an exposure occurs, including reporting requirements and medical follow-up;
 - (g) An explanation of the signs, labels and color coding identifying bio-hazardous waste;
 - (h) Familiarization with the agency's bio-hazardous waste disposal procedures; and
 - (i) An opportunity to have questions answered.
- (2) Refresher training is required at least every three years for members who are affected by this plan.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-565	Hepatitis B Vaccine Acceptance-Declination Consent Form
FWC/DLE-609	Captive Wildlife Incident/Bite/Escape Form

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement

	TITLE	GENERAL ORDER 09
	<p align="center">VEHICLE/VESSEL TOWING AND IMPOUNDMENT</p>	EFFECTIVE DATE December 16, 2008
APPLICABILITY	ALL SWORN MEMBERS AND DUTY OFFICERS	RESCINDS/AMENDS July 21, 2008 IPM 08-09
REFERENCES S. 323.001, F.S.		

1 POLICY

- A** The FWC Division of Law Enforcement authorizes its sworn members to tow, impound and store vehicles and vessels in accordance with Florida Statutes and the procedures provided in this General Order.
- B** It is the policy of the FWC Division of Law Enforcement to establish procedures for the towing/impoundment of vehicles and vessels in order to:
 - (1) Protect the property of arrested individuals upon incarceration;
 - (2) Take precautions to protect the owner’s property after an accident, if the owner/operator is unable to do so;
 - (3) Protect the Division from liability claims; and to
 - (4) Effectively provide public service assistance if required.

2 RESPONSIBILITIES

- A** Members are responsible for following the policies and procedures given in this General Order to protect individual and public property, secure evidence of crime, and to minimize the potential of risk exposure of the Division and its members.
- B** Members are responsible for adhering to Section 323.001, Florida Statutes regarding holds placed on vehicles in storage at a wrecker operator storage facility.

3 PROCEDURES

A Vehicles and Vessels

- (1) Vehicles and Vessels shall be towed and impounded for the following reasons:
 - (a) To secure evidence of a crime.
 - (b) To protect the public or property of the public.
 - (c) To protect the owner’s/operator’s vehicle/vessel and property within.
 - (d) To protect the Division from liability claims.
 - (e) If the driver/operator has been arrested for DUI/BUI and no other licensed driver/operator is available. Also, no vehicle/vessel will be left in the possession of any person who appears to be impaired from the use of alcohol or drugs.

- (f) As provided in Florida Statutes.
- (2) When sworn members are not required to impound or tow a vehicle, they may determine from the driver/owner, if present, if the driver/owner has a preference. The vehicle may be left at the scene, removed by the owner's representative or the owner may request a towing company. If not, the local law enforcement agency maintaining a Rotation Wrecker Selection System will be contacted.
- (3) Sworn members shall not discuss alternatives to impoundment after the determination that the vehicle/vessel should be towed and a wrecker service has been notified.
- (4) When a vehicle/vessel is towed at the sworn member's request, a Vehicle/Vessel Storage Receipt and Written Hold Order (FWC/DLE-120) will be completed. The form must be completed in its entirety to include all of the following information:
 - (a) Date and Time;
 - (b) Location;
 - (c) Name of requesting member;
 - (d) Reason for removal or tow;
 - (e) Name of towing service;
 - (f) Location of vehicle;
 - (g) Notification (or attempts) to the registered owner;
 - (h) Members may attach an Incident Report Summary Narrative (FWC/DLE-045A) if necessary to document any additional information.
- (5) If the vehicle does not need to be held then the Hold Sections on the form should not be completed. The following areas will be inventoried and any property contained therein listed on the Vehicle/Vessel Storage Receipt and Written Hold Order (FWC/DLE-120):
 - (a) The passenger compartment of the vehicle, including all packages and containers.
 - (b) The trunk compartment of the vehicle, including all packages and containers.
 - (c) The glove compartment of the vehicle.
 - (d) Any other areas that may be designed and normally used to hold personal property of the owner.
 - (e) Any locked, secured or wrapped packages or containers shall be noted as being locked and will not be opened unless prescribed by law or with the owner's consent.

B Holds Placed on Vehicles/Vessels

- (1) A sworn member shall have the authority to place a verbal hold on a vehicle/vessel not to exceed 5 days, excluding holidays and weekends.
 - (a) Verbal holds shall be removed as soon as possible.
 - (b) The sworn member placing the hold is responsible for notifying the wrecker operator when the hold has been removed.
- (2) On verbal holds the Hold Section of the Vehicle/Vessel Storage Receipt and Written Hold Order (FWC/DLE-120) shall not be completed.
- (3) As soon as possible, the sworn member shall notify their supervisor and the communications center of the verbal hold and for what reasons.
- (4) Written approvals for hold extensions beyond the five day requirement must be approved by a Regional Captain or above and the Hold Sections of the Vehicle/Vessel Storage Receipt and Written Hold Order (FWC/DLE-120) must be completed within the 5 day limitation. The

Regional Captain shall also verbally verify the Division's intentions with the towing/storage facility.

- (5) The Division may have the vehicle/vessel removed to a designated impound lot, in which event the vehicle/vessel will not be released by the Division to the owner or lienholder of the vehicle until proof of payment of the towing and storage charges incurred by the wrecker operator is presented to the Division.
- (6) If the Division chooses to have the vehicle/vessel remain at the wrecker operator's storage facility beyond 5 days, excluding holidays and weekends, pursuant to the written notification (Vehicle/Vessel Storage Receipt and Written Hold Order (FWC/DLE-120)), the Division shall be responsible for payment of the storage charges incurred by the wrecker operator for the extended period.
 - (a) In such event, the owner or lienholder shall be responsible for payment of accrued towing and storage charges for the first 5 days, excluding holidays and weekends, or any period less than the first 5 days, excluding holidays and weekends, when the Division either moves the vehicle from the wrecker operator's storage facility to a designated impound lot or provides written notification (Vehicle/Vessel Storage Receipt and Written Hold Order) to extend the hold on the vehicle prior to the expiration of the 5 days, excluding holidays and weekends.
- (7) The towing and storage rates for the owner or lienholder of the held vehicle/vessel shall not exceed the rates for the Division.
- (8) If there is a judicial finding of lack of probable cause for maintaining the immobilization or impoundment, the Division must pay the accrued charges for any towing and storage.
- (9) The requirements for a written hold apply when the following conditions are present:
 - (a) The sworn member has probable cause to believe the vehicle/vessel should be seized and forfeited under the Florida Contraband Forfeiture Act, section 932.701 - section 932.704, Florida Statutes.
 - (b) The sworn member has probable cause to believe the vehicle/vessel should be seized and forfeited under chapter 379, Florida Statutes.
 - (c) The sworn member has probable cause to believe the vehicle/vessel was used as the means of committing a crime.
 - (d) The sworn member has probable cause to believe that the vehicle/vessel is itself evidence that tends to show that a crime has been committed or that the vehicle/vessel contains evidence, which cannot readily be removed, which tends to show that a crime has been committed.
 - (e) The sworn member has probable cause to believe the vehicle/vessel was involved in an accident resulting in death or personal injury and should be sealed for investigation and collection of evidence by an investigator.
 - (f) The vehicle is impounded or immobilized pursuant to section 316.193 or section 322.34, Florida Statutes.
 - (g) The sworn member is complying with a court order.
- (10) All written holds are to be so indicated on the Vehicle/Vessel Storage Receipt and Written Hold Order (FWC/DLE-120).
- (11) When it becomes necessary to place a written hold on a vehicle/vessel, the Regional Captain shall notify the wrecker operator of the approved written hold.
- (12) It shall be the responsibility of the Regional Captain requesting the written hold to also notify the wrecker operator when the written hold is approved to be released.
- (13) Sworn members should not tow privately owned vehicles with a Commission vehicle.

C Towing Disabled Vessels

- (1) Generally, a sworn member should not tow a disabled vessel, especially if the towed vessel is larger than the patrol vessel being operated.
- (2) Whenever feasible, arrangements should be made to have disabled vessels towed by commercial or other towing services.
- (3) Towing of disabled vessels should be limited to those instances in which the sworn member determines that persons or property are in peril and other towing resources are not available.
- (4) In cases, where towing a disabled vessel becomes necessary, occupants of both vessels must wear personal flotation devices.
- (5) Sworn members intending to tow a disabled vessel will request an incident summary number and advise the communications center of the following:
 - (a) The registration or description of the vessel.
 - (b) The number of occupants on board.
 - (c) Where the member intends to tow the vessel.
- (6) The sworn member should tow the disabled vessel to the closest safe place unless other factors dictate another location.
- (7) The sworn member will advise the communications center where and when the disabled vessel is safely secured.


D Procedures for FCIC Entries

- (1) Sworn members shall contact the appropriate communications center to initiate an FCIC entry on a vehicle when the vehicle is found abandoned and the owner cannot be notified or located.
 - (a) Upon towing of the vehicle, the FCIC entry shall document the vehicle as "Abandoned and Impounded."
- (2) If the requesting member is later able to locate the owner or receives information that the vehicle has been returned to the owner, the member shall contact the communications center and request removal of the FCIC entry on the vehicle.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-045A	Incident Report Summary Narrative
FWC/DLE-120	Vehicle-Vessel Storage Receipt and Written Hold Order

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement

	TITLE	GENERAL ORDER 10
	<p align="center">DOMESTIC AND SEXUAL VIOLENCE INTERVENTION/ REFERRAL OF SEXUAL OFFENDERS AND PREDATORS</p>	EFFECTIVE DATE March 28, 2013
		APPLICABILITY ALL MEMBERS
<p>REFERENCES</p> <p>S. 775.082 and 775.083, and s. 794.052, F.S.; CFA 18.11 and 18.12</p>		

1 POLICY

- A** This General Order provides guidance for sworn members who encounter and investigate incidents of domestic or sexual violence.
- B** This General Order provides guidance to all members regarding the referral of sexual offenders and sexual predators to the appropriate authorities and to assist in community notification efforts.
- C** It is the policy of the Division to treat domestic and sexual violence as an illegal act, rather than a private matter.
- D** Sworn members must ensure that incidents of domestic and sexual violence are handled in a manner consistent with Florida Statutes.
- E** It is the policy of the Florida Fish and Wildlife Conservation Commission's Division of Law Enforcement to refer all persons requesting to register as a sexual predator to the nearest sheriff's or FDLE office.
- F** It is the policy of the Division of Law Enforcement to assist with community notification, when requested, by making available to any resident of the state of Florida the sexual predator database (website) maintained by the Florida Department of Law Enforcement (FDLE).

2 RESPONSIBILITIES

A Division

- (1)** By Florida Statute, the FWC Division of Law Enforcement is not responsible for, and will not register sexual offenders or sexual predators.
- B** Members are responsible for following the procedures regarding the referral of sexual offenders and predators given below and for following all applicable State statutes as identified in this General Order.
- C** Any sworn member who encounters an incident of suspected domestic or sexual violence shall:
 - (1)** Take immediate, positive enforcement action to ensure the safety of all parties involved.
 - (2)** For sexual violence incidents, secure the scene until the investigation can be turned over to the appropriate jurisdictional law enforcement agency, or conduct an investigation, if appropriate.
 - (3)** For domestic violence incidents, either secure the scene and conduct an investigation, or provide support to the appropriate jurisdictional law enforcement agency as needed.
- D** Supervisors will ensure that a copy of any domestic violence reports, excluding victim/witness

statements and other materials that are part of an active criminal investigation, are sent to the certified domestic violence center in their areas within 24 hours of receipt of the report.

- (1) Supervisors can contact the certified domestic violence center in their area by calling the Florida Domestic Violence Hotline at 1-800-500-1119 or by contacting the local Sheriff's Office.

3 PROCEDURES

A Investigations of Incidents of Domestic Violence

- (1) Incidents of domestic violence encountered by a sworn member while on duty will be immediately handled so as to ensure the safety of all parties involved.
- (2) A sworn member who investigates a domestic violence incident shall do the following:
 - (a) Assist all parties in obtaining medical treatment, if such treatment is required or requested.
 - (b) Complete an Incident Summary Report (FWC/DLE-045). Such report, in addition to a detailed account of the incident, shall contain:
 1. The phrase "Domestic Violence Incident" in bold print on the first line of the narrative portion.
 2. A description of physical injuries observed, if any. Photographs of the participants should be taken to document the presence or absence of visible signs of injury.
 3. If a sworn member decides not to make an arrest, or decides to arrest two or more parties, the sworn member shall include the grounds for not arresting anyone or for arresting two or more parties.
 4. The date and time that the Domestic Violence Brochure was given to the complainant(s).
 - (c) Whenever possible, the sworn member shall obtain a written statement from the victim and witnesses concerning the alleged domestic violence.
 - (d) Obtain copies of any recordings of participants made by 911 or other agencies.
 - (e) Submit the report to a supervisor by the end of the member's shift. After review by the appropriate supervisor, a determination will be made as to whether follow-up investigation is required or referral for prosecution is warranted.
- (3) Sworn members shall not mediate the complaints in order to avoid making an arrest when physical violence or the threat of violence has occurred.

B Arrests for Domestic Violence

- (1) A sworn member may arrest a person without a warrant when there is probable cause to believe that a person has committed an act of domestic violence.
- (2) A sworn member may arrest a person without a warrant for a violation of a domestic violence injunction for:
 - (a) Refusing to vacate the dwelling that the parties share;
 - (b) Going to the victim's residence, school, place of employment, or a specified place frequented by the victim and any named family or household member;
 - (c) Committing an act of domestic violence against the victim;
 - (d) Committing any other violation of the injunction through an intentional unlawful threat, word or act to do violence against the victim;

- (e) Telephoning, contacting or otherwise communicating with the victim directly or indirectly, unless the injunction specially allows contact through a third party.

C Injunctions for Protection From Domestic Violence

- (1) Sworn members will enforce injunctions for protection from domestic violence and are authorized to arrest any person violating the terms of such injunctions.
- (2) Injunctions for protection from domestic violence issued by a court of a foreign state must be enforced as if it were an order of a Florida Court. "Foreign State" means a state of the United States, other than Florida; the District of Columbia; an Indian Tribe; or a commonwealth, territory, or possession of the United States.
 - (a) Before enforcing a foreign protection order a sworn member should confirm the identity of parties present and review the order to determine that it has not expired. The copy of the protection order does not have to be certified.
 - (b) A sworn member shall make reasonable efforts to verify that the suspect has been served the protection order by obtaining a sworn statement from the victim or the suspect.
- (3) A person may not have in their care, custody, possession, or control any firearm or ammunition if the person has been issued a final injunction that is currently in force and effect, restraining that person from committing acts of domestic violence.

D PROCEDURES RELATED TO DIVISION MEMBERS WHO ARE THE SUBJECT OF A DOMESTIC VIOLENCE ALLEGATION OR INJUNCTION ARE OUTLINED IN DIVISION GENERAL ORDER 11.

E Investigations of Incidents of Sexual Violence

- (1) The Division does not have primary responsibility for investigating crimes of sexual violence. However, sworn members may investigate crimes of sexual violence if the alleged crime occurred on state lands patrolled by the Division and if the investigating member has the appropriate training and experience to conduct such an investigation. It is the policy of the Division to assist local law enforcement with sexual violence investigations, whenever requested. All employees shall exercise sensitivity when responding to the special needs of victims of sexual violence.
 - (a) Any sworn member, who in the course of their normal duties, receives any information that an act of sexual violence has occurred, is occurring or is about to occur or who through observation, establishes probable cause that such an act has or is occurring or about to occur, shall take immediate appropriate action. Sworn member encountering a situation involving any crime with a sexual connotation shall adhere to the following guidelines:
 - 1. Reassure the victim that they are safe. Because the victim is in crisis, the sworn employee should be gentle, speak softly, and guard against body language and facial expressions which could upset or alienate the victim.
 - 2. Ascertain if the victim is in need of emergency medical assistance. Sexual battery victims requiring medical assistance will be transported to the nearest medical facility with the ability to treat victims of sexual violence. If not, it is preferred that the victim remain at the scene to assist the responding investigator.
 - 3. Advise the victim that he or she may contact a certified rape crisis center from which the victim may receive services. The member shall give the victim immediate notice of the legal rights and remedies available to a victim pursuant to s. 794.052, F.S. This is accomplished by providing the victim with the Sexual Battery Victim's Rights and Services Brochure (FWC/DLE-518). The member shall include the resource listing, including telephone number, for the area certified rape crisis center as designated by the Florida Council against Sexual Violence.

The addresses and contact information for local rape crisis centers in Florida can be found here: <http://www.fcasv.org/information/find-your-local-center> or in the Division's List of Certified Rape Crisis Centers by Region (FWC/DLE-518A).

4. Obtain a brief description of the suspect and the last known direction of travel by the assailant. This information should be broadcast immediately. A brief description will suffice; descriptions that are more complete will be obtained later by an investigator. Any questioning of the victim should be done by only one sworn member to minimize confusion and reassure the victim.
 5. Interview the victim to determine the circumstances of the allegation. Determine the venue of jurisdiction. Determine what sexual acts occurred and if the victim knows the identity of the suspect.
 6. Secure the scene and cordon as quickly as possible. The importance of preserving potentially valuable physical evidence prior to forensic examination is crucial. The sworn member should explain to the victim that such evidence could inadvertently be destroyed by activities such as washing, showering, changing clothing, brushing teeth, smoking, using mouthwash, or douching. In those cases of home intrusions with sexual battery therein, it is imperative that the scene be preserved as much as possible. All personnel, including the victim, must be removed from the immediate areas involved in the crime. Sworn members may assist local law enforcement in the collection of evidence, keeping in mind the area in which the suspect entered and exited the residence. This area needs to be preserved for the purpose of a tracking attempt.
 7. The initial responding sworn members assigned to the crime scene shall not be released prior to the arrival of the investigating member or local law enforcement personnel.
 8. Gather witness information and take statements. Sworn members should note any excited utterances made by any witnesses or the victim.
 9. Assist local law enforcement with obtaining medical/counseling assistance for victims, if required.
- (b) All assistance to local law enforcement of allegations of sexual battery will be documented in an Incident Summary Report (FWC/DLE-045). The narrative portions of the report shall contain all pertinent information. Sworn members are not responsible for conducting follow-up investigations, but may provide a witness statement to local law enforcement personnel outlining what assistance was provided.
- (c) Any investigation of crimes of sexual violence conducted by members of the FWC Division of Law Enforcement shall be conducted in accordance with best practices, applicable training, and General Order 37, *Investigations* as appropriate.

F Registration

- (1) In the event a person enters a Division office and requests to register as a sexual offender or sexual predator, a member will complete a Sexual Offender/Predator Registration Referral Form (FWC/DLE-553AR), and refer the person to the local sheriff's office or nearest FDLE office.
- (2) Upon completing the Sexual Offender/Predator Registration Referral Form, the member will provide one (1) copy of the form to the requesting person, and will fax the form to the referred office (local sheriff's office or FDLE office). The original form will be retained by the referring office.
 - (a) The Sexual Offender/Predator Registration Referral Form (FWC/DLE-553AR) shall be considered sensitive information and maintained and disposed of in accordance with established records management practices.

G Community and Public Notification


- (1) Upon request, members will make available to any resident of the state the website (www.flsexoffender.net) of FDLE for the purposes of identifying sexual offenders and predators within specific areas. Upon providing the website offered by FDLE, the referring employee will inform the requesting party that:

Any person who misuses public records information relating to a sexual predator/offender (as defined by statute), to secure a payment from such a predator or offender; who knowingly distributes or publishes false information relating to such a predator or offender which the person misrepresents as being public records information; or who materially alters public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on web sites or provided through other means of communication, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-045	Incident Summary Report
FWC/DLE-045A	Incident Summary Report Narrative
FWC/DLE-553	Sexual Offender/Predator Registration Referral Form
FWC/DLE-518	Sexual Battery Victim's Rights and Services Brochure
FWC/DLE-518A	List of Certified Rape Crisis Centers by Region

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement

	TITLE	GENERAL ORDER 11
		EFFECTIVE DATE June 15, 2011
	APPLICABILITY ALL MEMBERS	RESCINDS/AMENDS July 21, 2008
REFERENCES 18 USC 922; Chapter 741, F.S.; S. 790.233, F.S.; CFA 18.11 G.		

1 POLICY

- A** The State recognizes that domestic violence is a serious issue. Court ordered injunctions to protect victims from further abuse must be enforced to be effective, and the availability of firearms must be restricted to ensure the safety of the victims.
- B** The Division reserves the right to review any domestic violence injunction of which a member is the subject. The Division may also implement procedures to restrict the availability of firearms and ammunition by such member or reassign a sworn member to administrative duties and conduct an investigation of any incident which led to the filing of the injunction.
- C** Federal and State law prohibits the subject of a domestic violence injunction from having in their possession any firearm or ammunition. Federal and State law exempts law enforcement officers from the firearm prohibition while on-duty, unless agency policy prohibits the possession of firearms and ammunition by members subject to a domestic violence injunction.
- D** The implementation of the procedures outlined in this General Order is not considered disciplinary action. However, disciplinary action may be taken if the circumstances which led to the filing of the injunction or the behavior of the member after receiving the injunction constitute a violation of law, Commission or Division policy or of the Florida Administrative Code.
- E** Allegations of domestic violence made against members of the Division will be subject to criminal and administrative investigations and if proven true may result in disciplinary action, up to and including dismissal, as well as criminal prosecution.
- F** It is the policy of the FWC Division of Law Enforcement to apply this General Order equally to all members of the Division, to include sworn, non-sworn, full-time, and part-time, FTE, OPS, reserve, and volunteer members.

G Authority

(1) Injunctions

- (a)** 18 USC, Section 922 (g) (8), prohibits the shipping, transporting, receiving or possessing of any firearm or ammunition by anyone who is the subject of a domestic violence injunction, described in the law as a :

"...court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaged in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and included a finding that such person

represents a credible threat to the physical safety of such intimate partner or child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury."

- (b) Section 790.233(1) Florida Statutes states, "A Person may not have in his or her care, custody, possession, or control any firearm or ammunition if the person has been issued a final injunction that is currently in force and effect, restraining that person from committing acts of domestic violence, and that has been issued under s. 741.30."

2 RESPONSIBILITIES

A Division

- (1) It is the responsibility of the Division of Law Enforcement to ensure that allegations of domestic violence against Division members are handled in a fair and consistent manner and in accordance with relevant statutory requirements.

B Members

- (1) Members are required to immediately report domestic violence injunctions against themselves.

3 PROCEDURES

A Receipt of a domestic violence injunction by a Division member

- (1) Any member who becomes the subject of a domestic violence injunction shall notify their supervisor immediately. The member shall also provide their supervisor a copy of the injunction immediately upon being served.
- (a) If the supervisor is a non-sworn member of the Division, the supervisor shall involve a sworn supervisor in the chain of command to coordinate with local law enforcement regarding the location and security of any privately owned firearms and ammunitions.
- (2) The supervisor will immediately notify their respective Deputy Director via the chain of command, fax the Deputy Director a copy of the injunction and initiate a supervisory inquiry into the events which led to the injunction being filed.
- (3) The Deputy Director will notify and provide a copy of the injunction to the Division Director and the Office of Inspector General (OIG).

B When the Division receives an allegation of domestic violence made against a member

- (1) Immediate steps will be taken to ensure the safety of the parties. If the incident is in progress the local law enforcement agency having jurisdiction will be contacted to respond. A Division sworn supervisor will respond immediately.
- (2) If one or more of the parties involved are sworn members or reserve members, the responding Division sworn supervisor and local law enforcement agency having jurisdiction will be notified of the involvement of law enforcement officers. This provision is made to alert the responding officers of the likely presence of firearms.
- (3) If an arrest following the allegation is made, and/or if a domestic violence injunction against the member is subsequently made, the responding sworn supervisor will, as soon as practical, locate and secure all firearms and ammunition.
- (4) The Division supervisor will immediately notify the Division Director via the chain of command.
- (5) Any criminal investigation of the incident will be conducted by the appropriate local law enforcement agency. If the local agency is unable or unwilling, the Florida Department of Law

Enforcement will be contacted for assistance and will conduct the criminal investigation. Appropriate victim assistance provided to the victim will be coordinated with the local law enforcement agency.

C Division response to a domestic violence injunction being filed against one of its members

- (1) Upon a determination that an injunction meets the criteria established in 18 USC, Section 922 (g) (8), the Division Director will issue a letter to the member stating such determination, the availability of assistance and support services and place the following restrictions upon the sworn member, effective immediately upon being served:
 - (a) The member is to surrender Division issued equipment to include but not limited to, firearms, ammunition, badges, keys, ID case/identification cards and patrol vehicle/vessel in their possession to a supervisor for safekeeping.
 - (b) The member is to surrender all privately owned firearms and ammunitions in their possession to the local law enforcement agency having jurisdiction for safekeeping. The responding sworn supervisor shall coordinate the transfer and receipt of privately owned firearms and ammunition to the local agency having jurisdiction.
 - (c) Authorizations to carry off-duty or secondary weapons are revoked.
 - (d) Authorizations to work extra-duty and hireback employment are revoked.
- (2) Based on the circumstances which led up to the injunction being filed, a sworn member will be assigned to alternate duties or placed on administrative leave. Such assignment may be made based upon the facts outlined in the injunction or as a result of information received at a later time.

D Disposition of firearms and ammunition

- (1) The supervisor receiving any firearms or ammunition from a member shall:
 - (a) Document firearms, ammunition and other equipment received.
 - (b) Ensure that all Division firearms and ammunition are delivered to the Regional Evidence Custodian for secure lockup in the region's or other approved law enforcement facility's firearm locker or safe.
 - (c) Ensure that all privately owned firearms and ammunition are delivered to the local law enforcement agency having jurisdiction. If the local agency having jurisdiction is unable or unwilling to store privately owned firearms and ammunition for safekeeping, the Division shall arrange for safe storage and lockup at a Division evidence facility or other approved law enforcement agency's evidence facility.

E Work assignment for sworn members who are the subject of a domestic violence injunction

- (1) Sworn members must provide their own transportation between their residence and duty station.
- (2) Travel to and from the duty station at the beginning and end of the sworn member's shift will not be considered time worked.
- (3) Sworn members assigned to alternate duties are not to be given assignments, which allow them access to firearms or ammunition. No firearms or ammunition are to be left unattended in the presence of the sworn member.

4 FORMS

FORM NUMBER	FORM TITLE
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Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

CARRY AND DISPLAY OF WEAPONS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
12	May 9, 2019	November 30, 2017	All Sworn Members Duty Officers

References

S. 790.001, 790.052, 790.174, 775.082 and 775.083, F.S.; IMPP 5.8.5 and 5.8.7; GO 38;
CFA Chapters 4.05, 4.06M, 4.07M, 10.04M

1 POLICY

- A** It is the policy of the Division to direct sworn members in the use of weapons and to provide sworn members with requirements concerning training, equipment, and proficiency.
- (1) All sworn members will successfully complete the minimum state certification program prior to assignment in any capacity in which the sworn member is allowed to carry a firearm or is in any position to make an arrest.
- B** It is the policy of the Division to direct members when carrying Division-issued or approved weapons and ammunition while on and off-duty in a law enforcement capacity.
- (1) Only Division-issued or approved non-lethal weapons, firearms, magazines and ammunition shall be used in the performance of duty.
 - (2) A record of each weapon approved by the agency for official use shall be maintained by the Training Section in the officer's training file.
 - (3) The expandable baton, the Conducted Electrical Weapon (CEW), and OC spray are the only non-lethal weapons authorized for use by FWC officers.
 - (4) Other non-lethal ammunitions and weapons are not authorized for use by FWC officers.
 - (5) Prior to issuance of other non-lethal weapons and/or firearms, the Division's Training Section shall conduct a review and evaluation of the weapon. Upon completion, the Training Section shall submit a recommendation for approval to the Division Director or designee for final approval of deployment and use.
- C Safe Storage of Firearms**
- (1) When a sworn member is not on duty and is not carrying a firearm on his or her person, all firearms shall be secured in accordance with section 790.174, Florida Statutes. This shall apply to all firearms a sworn member may be in possession of, whether owned by the sworn member or the Commission.

- (a) A person who stores or leaves, on a premise under his control, a loaded firearm, as defined in section 790.001, Florida Statutes, and who knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor's parent or the person having charge of the minor, or with the supervision required by law, shall keep the firearm in a securely locked box or container or in a location which a reasonable person would believe to be secure or shall secure it with a trigger lock, except when he is carrying the firearm on his body or within such close proximity thereto that he can retrieve and use it as easily and quickly as if he carried it on his body.
- (b) It is a misdemeanor of the second degree, punishable as provided in section 775.082, Florida Statutes or section 775.083, Florida Statutes, if a person violates subsection (1) by failing to store or leave a firearm in the required manner and as a result thereof a minor gains access to the firearm, without the lawful permission of the minor's parent or the person having charge of the minor, and possesses or exhibits it, without the supervision required by law.

D Carrying Firearms

- (1) Sworn members shall be authorized to carry approved firearms and other Division-issued weapons within the State of Florida in accordance with Florida Statutes and Division policy in the performance of their official duties.
- (2) Sworn members are authorized to carry approved firearms and other Division-issued weapons outside the State of Florida, commensurate with the laws in the jurisdiction in which the members are physically located.

E Carrying Firearms Off-Duty

- (1) Sworn members may carry concealed approved firearms and other Division-issued weapons when off-duty, in accordance with the provisions of section 790.052, Florida Statutes.
- (2) The sworn member shall be discreet in the manner in which the firearm is worn. No firearms shall be visible or openly flaunted in view of the public. Proper clothing shall be worn to protect the firearm from view.
- (3) The sworn member shall carry their ID card and badge on their person when carrying a firearm.
- (4) No Division firearms shall be carried by off-duty sworn members during times when they have been, are currently, or will be consuming alcoholic beverages.

F Carrying Firearms on Commercial Aircraft

- (1) Only sworn members who completed the Transportation Security Administration's (TSA) course entitled "Law Enforcement Officers Flying Armed" shall be eligible to receive an authorization letter from the Division Director or designee.
- (2) When a sworn member travels on commercial aircraft and is required to carry their firearm on their person, a letter granting Authorization to Fly Armed from the Division Director or designee is required. The letter is included in the Armed Air Travel Information Package (FWC/DLE-559AR), which includes a checklist for members to ensure compliance with applicable Transportation Security Administration (TSA) rules and regulations.
- (3) Upon receiving authorization to fly armed, the member is responsible for submitting a copy of the letter of authorization along with the travel information to the appropriate Regional Communications Center **at least 24 hours** prior to travel.
- (4) Upon receipt of the letter of authorization, the Regional Communications Center shall immediately initiate a NLETS message to the Transportation Security Operations Center (TSOC at ORI VAFAM0199) requesting a Unique Alphanumeric Identifier.
- (5) Immediately upon receipt, the Regional Communications Center shall forward the TSOC Response with the Unique Alphanumeric Identifier to the traveling member.

- (6) The Regional Communications Center shall maintain the letter of authorization, the NLETS Message and the response in a file that is accessible 24/7 by the duty officers until after completion of the member's travels.
- (7) On the day of travel the member checks-in at the airline ticket counter, provides identification and presents the original letter of authorization. The member completes the armed traveler paperwork provided by the airline and proceeds to the Armed LEO Screening Checkpoint.
- (8) At the Armed LEO Screening Checkpoint the member provides the Unique Alphanumeric Identifier from the TSOC response and displays his/her badge, ID card, boarding pass, a second form of government-issued identification, proof of having completed the TSA Course "Law Enforcement Officers Flying Armed", and the required airline paperwork.
- (9) The final approval or denial to carry a weapon on a commercial aircraft is at the sole discretion of the commercial airline.

G Approved Weapons, Magazines, Sights and Ammunition

- (1) Weapons approved for use by sworn members when on duty and acting in their official capacity are as follows:
 - (a) Glock 21 or Glock 21SF .45 caliber
 - (b) Glock 30 .45 caliber
 - (c) Glock 36 .45 caliber
 - (d) Glock 17 9mm
 - (e) Glock 26 9mm
 - (f) Remington Marine Magnum Shotgun
 - (g) Bushmaster M-4 Carbine
 - (h) Colt M16 Rifle
 - (i) Colt M4 Carbine
 - (j) FN Mark 46 (belt fed machine gun)
 - (k) Aversive Conditioning Firearm
 - (l) OC spray
 - (m) Expandable Baton
 - (n) Conducted Electrical Weapon (Taser M-26, X-26, or the Taser X2)
 - (o) Bolt Action Rifles with magnification capabilities (scopes) assigned to members of the Captive Wildlife Section as approved by the appropriate Deputy Director.
 - (p) Members working in undercover operations may carry special weapons (such as revolvers and compact semi-autos) with approval by Investigations and Training Section leaders.
- (2) Either a Glock 30, 36, or 26 may be issued to the following positions in addition to the Glock 21, 21SF, or 17:
 - (a) Colonel, Lieutenant Colonels, and the Deputy Chief;
 - (b) Regional Commanders and sworn Section Leaders;
 - (c) Captains;
 - (d) Administrative and Investigative Lieutenants;
 - (e) Pilots;
 - (f) Investigator 2's;

- (g) Port K-9;
 - (h) Honor Guard;
 - (i) Special Operations Group (SOG) (four per region for dignitary protection responsibilities);
 - (j) Resource Protection Unit (RPU) members (one per field Captain), the weapon may be issued to the sworn member(s) assigned to the RPU position.
- (3) A list of approved weapons modifications can be found on the Division's Training Web page.
 - (4) Members who carry a Division-issued rifle are not authorized to carry personal rifles.
 - (5) Personally owned rifles, if carried on duty, shall only be AR-15 military specification rifles in .223 or 5.56 mm caliber or Ruger Mini 14 rifle in .223 caliber.
 - (6) Sworn Members may carry personally owned backup and off-duty firearms, and shall demonstrate proficiency with each firearm they carry in an official capacity. Firearms intended for use in a back-up and/or off-duty law enforcement capacity shall be handguns in .380 or larger caliber.
 - (7) The issued handgun shall be the primary duty weapon. The carry of a personally owned handgun as a primary duty weapon is prohibited.
 - (8) Knives may be carried concealed (the clip portion of a knife may be visible) or on the gun belt in an issued holder. If a member carries a fixed blade knife, it shall be carried concealed and total knife length shall not exceed seven (7) inches. The Division considers knives as tools not weapons.
 - (9) Only Division-issued or approved magazines and Division-issued ammunition shall be carried in issued weapons on-duty, off-duty, and during extra-duty employment.
 - (10) All sights installed on rifles shall allow for the use of factory sights or flip-up iron sights and shall not have laser or light projection. Rifles shall not have magnification capabilities (scopes), except for those as described in subsection "a" below approved for use by Captive Wildlife Section members.
 - (a) Rifles approved for use by Captive Wildlife Section members for the purpose of destroying dangerous escaped captive wildlife or destruction of cervids from game farms or hunt preserves may have magnification capabilities (scopes).
 - (11) Ammunition carried in non-issued firearms shall be unaltered, factory ammunition. Reloads are not authorized. Full metal jacketed bullets are prohibited for use in duty rifles.
 - (12) Issued Advanced Combat Optical Gunsight (ACOG) scopes are authorized for SOG and do not require back-up iron sights.

H Wearing and Care of Firearms

- (1) The appropriate issued gun belt, holster, weapons and badge shall be worn by uniformed sworn members while on duty unless working in an undercover capacity as described in General Order 38, *Undercover, Surveillance and Decoy Operations*, Section 3 (Procedures), Subsection D, *Undercover Operations*.
- (2) Sworn members in plain clothes shall carry their firearm in a concealed manner to safeguard against placing themselves at a tactical disadvantage.
 - (a) When carrying concealed, the member shall have the Division badge readily accessible to display.
 - (b) The member shall also have handcuffs, and at least one extra magazine containing Division issued ammunition readily accessible.

- (3) Non-uniformed sworn members who wear an FWC logo shirt with an embroidered Division badge, may carry their primary firearm in plain view.
 - (a) When the firearm is in plain view the sworn member shall prominently display the Division badge, and shall carry handcuffs and at least one extra magazine containing Division issued ammunition.
- (4) The ability of the public or other law enforcement officers to recognize and easily identify sworn non-uniformed Division members is paramount. Research of best practices indicates that placement of the badge on a member's body can contribute to officer safety and recognition in certain situations. Therefore, members are strongly encouraged to display their badge from a chain around their neck whenever possible. The chain should be in the military identification tag (dog tags) style, which breaks easily and thus cannot be used as a strangulation device. The chain should be black or silver in color and should not be of a design that can be mistaken for jewelry.
- (5) The Commission identification card shall also be possessed by the member at all times while in possession of issued or approved weapons.
- (6) If a back-up weapon is carried, it shall be concealed.
- (7) Sworn members shall only wear firearms in a holster designed to fit that particular firearm.
- (8) Sworn members shall demonstrate proficiency with any type of holster they intend to use by completing a course of fire approved by the training section while utilizing the holster.
- (9) Shotguns shall be loaded to the capacity of the magazine, but a round is not to be chambered until the weapon is to be used (cruiser ready).
- (10) Rifles shall be loaded two less than the capacity of the magazine, but a round is not to be chambered until the weapon is to be used (cruiser ready).
- (11) All firearms carried under the authority of the Commission are the responsibility of the sworn member and shall be subject to inspection at any time.
- (12) All firearms shall be maintained in a clean and fully functional condition.
- (13) When a sworn member is transferred within the Division, all firearms and associated equipment shall be retained by the transferred sworn member. (Excluding SOG firearms and offshore patrol vessel rifles).

I Loading and Unloading of Firearms

- (1) All weapons shall be loaded and unloaded safely minimizing endangerment to life and property. Except for law enforcement use of force purposes, a member shall not remove a firearm from its holster/case inside a commission facility unless a supervisor, firearms instructor, or Armorer authorizes it and the removal/clearing/reloading is done utilizing a commercially manufactured clearance device.

2 RESPONSIBILITIES

A Division Responsibilities

- (1) All sworn members shall be properly trained and demonstrate proficiency in the use of all issued or carried weapons when acting in an official capacity.
- (2) The Training Academy shall maintain a record of firearms proficiency for all sworn members.
- (3) The Division Armorers shall be responsible for inspecting weapons for serviceability and approving all firearms prior to carrying by sworn members in an official capacity.

B Member Responsibilities

- (1) All sworn members shall demonstrate proficiency with each weapon they carry in an official capacity.
- (2) A sworn member shall not use an issued weapon for hunting.
- (3) Reserve members shall only carry weapons of the same make, model, and caliber as the standard full-time sworn member issue and for which they have received the same required training.
- (4) Sworn members may be required to provide ammunition when demonstrating proficiency with non-issued weapons.

3 PROCEDURES

A Weapon or Firearm Repair and Disposal

- (1) Disassembly beyond field stripping, alteration, or repair to issued firearms is prohibited except by a Division Armorer. Prior to any alteration being made to Division-issued firearms approval in writing shall be obtained from the Advanced Training Captain. When a firearm is damaged, in need of repair, or has been submerged, it shall be immediately taken to a Division Armorer. The armorer shall notify the appropriate supervisor. The firearm shall be repaired or a replacement firearm shall be issued to the sworn member.
- (2) A Division Armorer shall repair or send the firearm to the manufacturer for repair or replacement. Once repaired and tested, the firearm should be returned to the sworn member from whom it was taken and a weapon work order shall be placed in the appropriate Regional Training Lieutenant's weapon history file.
- (3) A firearm that cannot be repaired or returned to the manufacturer for replacement shall be classified as scrap property in accordance with the Commission's Internal Management Policies and Procedures (IMPP) Manual, section 5.8.5 *Surplus Property*.
- (4) All approved personal firearms shall be re-examined by an FWC Armorer after any repair or modification.

B Lost or Stolen Firearms

- (1) All lost or stolen agency owned firearms shall be reported immediately to the Regional Commander or Section Leader. It is the responsibility of the Commander or Section Leader to ensure entry into the FCIC/NCIC property data base.
- (2) An Incident Summary Report shall be submitted by the member to the Regional Commander or Section Leader within 24 hours, documenting all circumstances of such loss or theft, including police reports, if applicable. The Regional Commander or Section Leader shall forward a copy to the appropriate Deputy Director.
- (3) In accordance with IMPP 5.8.7, *Lost, Stolen, Missing or Destroyed Property*, the Regional Commander or Section Leader shall report the lost or stolen firearm to the Commission's Asset Management Section within 14 days of the loss being noted by the employee via the Notification of Missing Property Form.

C Securing Firearms

- (1) At the conclusion of a sworn member's tour of duty, and unless being carried while off-duty, any authorized handgun shall be secured in the sworn member's residence or locked within the issued lock box of the assigned vehicle. If the sworn member is unable to secure the handgun in his or her residence and does not have an issued lock box, the handgun shall be secured in the locked trunk of his or her assigned vehicle. If the vehicle does not have a trunk, then the handgun shall be out of sight and secured in the locked vehicle.

- (2) The Division shall provide trigger locks for Division-owned handguns. If a trigger lock is used, the firearm shall be unloaded first.
- (3) No firearms shall be left in vehicles or vessels that are in the shop for repairs or stored at an unsecured storage facility.
- (4) When a Division issued or authorized long gun lock box is provided in a sworn member's assigned vehicle, the sworn member shall lock long guns in the lock box and lock the vehicle:
 - (a) At the end of each shift.
 - (b) When the vehicle will be left unattended, except for brief periods.
- (5) Sworn members may remove their long guns from Division issued or authorized lock boxes and place in a Division issued or authorized long gun retention device at the beginning of each shift, however, when the vehicle will be left unattended (except for brief periods) any long gun shall be locked in the lock box and the vehicle shall be locked.
- (6) When the sworn member's assigned vehicle is not equipped with a long gun retention device but is equipped with a lock box, the sworn member shall unlock the lock box at the beginning of each shift and re-lock the lock box at the end of each shift. The lock box shall also be locked when the vehicle will be left unattended, except for brief periods.
- (7) When the sworn member's assigned vehicle is not equipped with a Division-issued or authorized lock box, a Division-issued or authorized long gun retention device shall be used.
- (8) When the sworn member's assigned vehicle is not equipped with either a lock box or a long gun retention device, all issued long guns shall be secured in the locked trunk of the assigned vehicle or secured in the sworn member's residence at the end of each shift unless the firearm is being carried off-duty. If the vehicle does not have a trunk, then the long gun shall be out of sight and secured in the locked vehicle.
- (9) The use of unauthorized long gun lock boxes or retention devices is prohibited.

D Firearms Proficiency Training

- (1) On-duty firearms training shall take place bi-annually based on the in-service training plan outlined in the Training Standard Operating Procedures Manual.
 - (a) Sworn members may train with issued firearms while off-duty in a safe manner and in accordance with Florida State Statute 790.
 - (b) Sworn members may use an issued weapon for law enforcement competitions with supervisory approval.
- (2) The course of fire shall be approved in advance by the Advanced Training Director or the Academy Director.
- (3) The Division shall provide ammunition for on-duty proficiency training for all Division-issued weapons.
- (4) Each proficiency training period shall include safety instructions.
- (5) While on the range, the firearms instructor shall have authority over all shooters. The range safety rules shall be followed.

E Failure to Qualify with a Firearm

- (1) Sworn members are expected to qualify on the first attempt. If the sworn member does not qualify on the first attempt, he or she shall qualify on two consecutive attempts on the same day. If the member does not qualify after the first three attempts, the member will receive individual remedial training with an instructor. At the conclusion of this one-on-one training, the member may have up to three additional attempts, of which the member shall qualify with two consecutive qualifying scores. At the conclusion of remedial training and qualification the first day the sworn member who fails to show proficiency with their primary weapon shall be placed on

administrative leave or non-law enforcement duties.

- (2) The Regional Training Lieutenant shall coordinate remedial training for the sworn member during the next 14 days. At the conclusion of the remedial training the sworn member shall be allowed a maximum of six additional attempts. He or she shall successfully show firearm proficiency by qualifying on two consecutive attempts.
- (3) The sworn member shall be provided sufficient ammunition for practice along with individualized instruction as necessary.
- (4) At the conclusion of the 14-day period, any sworn member who fails to show proficiency shall be immediately removed as a law enforcement officer.
- (5) All remedial training shall be documented on the Remedial Action Plan (RAP) (FWCDLE 896).

F Conducted Electrical Weapon (CEW)

- (1) Before carrying a CEW, members shall successfully complete the CEW operator's initial and annual recertification training courses coordinated by the Training Section.
- (2) No changes, alterations, modifications, or substitutions shall be made to the CEW. Requests for all repairs or accessories shall be forwarded to the Training Section.
- (3) The CEW shall be carried on the member's support side and deployed with a cross draw using the dominant hand, or carried on the support side and deployed with a conventional draw using the support hand.
- (4) A spare air cartridge shall be carried in conjunction with the CEW.
 - (a) The spare cartridges shall be stored and carried in a manner consistent with training.
 - (b) The cartridges shall be replaced consistent with the manufacturer's expiration requirements.
- (5) The device shall be carried fully armed with the safety on in preparation for immediate use.
- (6) Only properly functioning and charged CEWs shall be used. Inoperable or defective weapons shall be returned to the Training Section's CEW Coordinator for replacement.
- (7) CEWs shall be properly secured when not carried by the sworn member.
- (8) A CEW is subject to inspection by a supervisor or CEW instructor at any time.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report
FWC/DLE-559AR	Armed Air Travel Information Package
FWC/DLE-896	Remedial Action Plan
	Notification of Missing Property Form



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

RESIDENCE AND DUTY STATION ASSIGNMENTS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
13	August 21, 2018	July 21, 2008	All Members

References
60B-1 F.A.C.

1 POLICY

- A** It is the policy of the Division to establish residency requirements for sworn members to ensure efficient law enforcement coverage and to maintain adequate response times.
- B** It is the policy of the Division to provide a timely response on a 24-hour basis for the protection of life, property, and resources. As such, sworn members may be subject to call from their residence.
- C** It is the policy of the Division to provide sworn members vehicles in accordance with Rule 60B-1, Florida Administrative Code (F.A.C.).
- D Definitions**
 - (1) **Residence** - A place which the member recognizes and intends to maintain as a permanent home.

2 RESPONSIBILITIES

A Regional Commanders/Section Leaders

- (1) Regional commanders/section leaders shall be responsible for:
 - (a) Reviewing all positions that become vacant within their region/section and determining whether the position's geographic area of assignment should be changed.
 - (b) Approving/disapproving requests to reside outside of the geographic area of assignment.

B Member Responsibilities

- (1) All Members are responsible for submitting FWCDLE 010 - Change of Information Form to the appropriate regional commander/section leader when relocating their residency.
- (2) Sworn members are responsible for ensuring that their residential address and telephone numbers are kept accurate with the appropriate Regional Communication Center.

3 PROCEDURES

A Residency Requirements

- (1) Sworn members shall reside in the State of Florida and within the designated geographical area of assignment. The Division shall inform the member in writing of the geographic limits for the position when the appointment is made.
- (2) Sworn members shall notify their regional commander/section leader in writing prior to relocating their residency. The sworn member's supervisor shall then determine whether the proposed location is within geographic limits for the position.
 - (a) Sworn members who are assigned to a Division office must reside within a 35-mile radius of the office.
 - (b) The Division Director or designee may allow sworn members to reside up to 5 miles beyond the boundaries of a position if it is in the best interest of the Division.
 - (c) Sworn members may use utilize the Divisions residency mapping tool located at http://atoll.floridamarine.org/DLE_GISdocs/flexviewers/DLE_residency/ to verify compliance with the residency requirements and to evaluate options for relocation within their assigned geographic area.
 - (d) Merely maintaining a residence within the geographic limits of a position but not living there is prohibited.
- (3) All other Division members shall notify their regional commander/section leader in writing no later than five business days after relocating their residency.

B Change of Residence Due to Promotion or Transfer

- (1) Sworn members shall establish a permanent residence in their new geographic area of assignment upon the effective date of a transfer or promotion.
 - (a) Sworn members shall be allowed up to sixty calendar days to relocate their residence upon appointment to a different position.
 - (b) Sworn members may request additional time for relocation. Requests shall be submitted to the Division Director, via the chain of command, in writing prior to the expiration of the sixty calendar days limit. Extension requests shall be evaluated on a case by case basis.

C Geographic Area of Assignment Review

- (1) A geographic area of assignment is provided for all positions to ensure that proper operational coverage can be achieved.
- (2) When a position becomes vacant the appropriate regional commander/section leader shall conduct a review of the position's geographic area of assignment. This review should include, but not be limited to, whether the position's current assignment:
 - (a) Provides a timely response to areas which have the greatest number of calls for service.
 - (b) Provides visibility and coverage to areas that would not otherwise receive such coverage.
 - (c) Has sufficient housing available within the geographic area of the position's assignment.
- (3) Based on the results of the review the regional commander/section leader shall:
 - (a) Determine if the geographic area of assignment should be changed or remain the same.
 - (b) Report the results of the review to the appropriate Deputy Director if the geographic area of assignment should be changed.
- (4) The Deputy Director is authorized to change a vacant position's geographic area of assignment, provided the position remains within the original region/section of assignment.

- (5) A change of a position's region/section of assignment requires the approval of the Division Director.

4 FORMS

FORM NUMBER	FORM TITLE
FWCDLE 010	Change of Information Form



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

PERSONNEL ACTIONS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
14	March 3, 2015	December 1, 2014	All Members

References

S. 1.01 (14), F.S., S. 119.071, F.S. and Ch. 295, F.S.; R. 55A-7, F.A.C.;
CFA Chapter 15

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to provide written procedures for promotions, lateral actions, reassignments and demotions within the Division.
- (1) This process is within the guidelines of the Career Service Rules and Commission policies and procedures and is implemented so that the Division may select the best candidates available. All criteria used to evaluate candidates for promotions lateral actions, and reassignments are job-related, nondiscriminatory and are based on a position description.
- B** It is the policy of the Division to use existing rate and salary appropriations to grant pay additives when warranted and authorized by law, based on assigned duties and responsibilities as allowed by law. A pay additive shall be removed or adjusted if there is a change in the conditions upon which it was originally granted or subsequently adjusted, including failure by the legislature to authorize or adequately fund the additives.
- C** Appointments to positions within the Law Enforcement Collective Bargaining Unit will be made in accordance with the Collective Bargaining Agreement.
- (1) Grievances concerning eligibility for, or appointment to, promotional vacancies shall be handled in accordance with applicable state personnel rules or the applicable Collective Bargaining Unit Agreement process.
- D** Affirmative Action and veterans' preference guidelines, when applicable, will be taken into consideration when filling any vacant position within the Division. Veterans' preference and promotional preference for veterans shall be applied in accordance with Section 1.01(14), Florida Statutes, Chapter 295, Florida Statutes, and Rule 55A-7, Florida Administrative Code.

E Public Records Requests

- (1) In accordance with Section 119.071(1)-(a), Florida Statutes, examination questions and answer sheets of examinations administered for the purpose of employment are exempt from public records requests. A person who has taken such an examination shall have the right to review only his or her own completed examination.
- F** The Division will follow statutory authority and the FWC Internal Management Policies and Procedures (IMPP) for hiring, promotions, lateral actions, reassignments and demotions or any personnel-related matter not addressed by this General Order.
- G** It is the policy of the FWC Division of Law Enforcement that all travel incurred due to participation in examinations and interviews, and time spent participating in examinations and interviews is considered work time, which authorizes the use of state vehicles and reimbursement for applicable travel expenses. If an exam or interview date falls on a scheduled day off, the supervisor may adjust the employee's days off at the employee's request.

2 RESPONSIBILITIES

A Division

- (1) No later than June 15 of each year, the Division will administer an annual exam for promotion to Investigator 1 and 2. Applicants must meet the minimum qualifications set by the Division.
- (2) No later than June 15 of each year, the Division will administer a written examination to establish eligibility for promotion to Lieutenant. Applicants must meet the minimum qualifications set by the Division.
- (3) The Division will schedule the promotional exam for Investigators 1 and 2 and the written examination for Lieutenant Candidates in a manner that allows members to sit for all exams in the same year.

B Members

- (1) Members interested in taking promotional exams shall complete a Request to Take the Law Enforcement Promotional Test (FWC/DLE-235).
 - (a) All requests to take a promotional exam must be filed every two (2) years and must be received by the Division Personnel Manager no later than the first business day after January 15 of each calendar year and shall remain effective until revoked by the member or expiration of the request.
 - (b) Applicants meeting eligibility requirements will be notified when and where they are to report to take the written exam(s).
- (2) Sworn members covered under the collective bargaining agreement are responsible for submitting a Request for Lateral Action or Reassignment (FWC/DLE-177).
- (3) Sworn members covered under the collective bargaining agreement are responsible for rescinding a request for lateral action or reassignment in writing when they are no longer interested.
- (4) Members wishing to claim promotional preference for veterans are solely responsible for providing the appropriate documentation (i.e. DD-214 or comparable document) to the People First Service Center in accordance with the instructions provided during the application process.

C Division of Law Enforcement Personnel Manager

- (1) Is responsible for posting promotional and lateral reassignment opportunities on the Division of Law Enforcement website and on State of Florida People First Human Resource Management system.

D Division Director

All selection decisions must be approved by the Division Director or designee before an offer may be made to the recommended applicant. Offers may be made verbally, but will be documented in writing by the Division Director or designee. A member declining a selection offer must do so in writing.

3 PROCEDURES

A Lateral Action or Reassignment Opportunities for Positions covered by the Law Enforcement Collective Bargaining Unit

- (1) When approving lateral actions or reassignments, the Division Director will give first consideration to those sworn members with the greatest length of in-class service and who have submitted a Request for Lateral Action or Reassignment (FWC/DLE-177) to the Division Personnel Manager, except when a vacancy is filled by demotion, or when lateral action or reassignment is not within the best interest of the Division.
- (2) Members may submit a request for lateral action or reassignment at any time; however, all such requests shall expire on June 30 of each calendar year. Requests for lateral action or reassignment for the next fiscal year may be filed on or after June 1 of the preceding fiscal year.
- (3) Members, whose request for reassignment is not submitted by the first day of the month, shall not be considered for vacancies which occur during that month.
- (4) When other factors, such as position requirements, preferred criteria, work history, and agency needs are equal, the Division Director should normally fill a vacancy with the sworn member who has the greatest length of service in the class or is of a higher rank and who has a request for lateral action or reassignment on file for the county in which the vacancy exists.
 - (a) If several candidates meet the criteria given in Section A (4), the member who submitted the request for lateral action or reassignment first will be assigned to fill the vacancy.
- (5) Sworn members may request lateral action or reassignment to vacant positions in their current class after one year of satisfactory service in their present position. The date of the sworn member's graduation from the Basic Recruit Training Program shall determine the beginning date for the first year of eligibility. Sworn rehires shall use their agency hire date to determine the beginning date for the first year of eligibility.
- (6) When a sworn member has been appointed pursuant to a filed Request for Lateral Action or Reassignment, all other pending requests shall be canceled. No other request may be filed for a period of twelve (12) months following the sworn member's appointment. If a sworn member declines an offer pursuant to a filed request, the sworn member will not be eligible for consideration for assignment to the specific class (es) or county (ies) declined, for a period of twelve (12) months.
- (7) The Division may make the necessary staffing changes during an emergency or as otherwise required to meet urgent law enforcement needs of the State.
- (8) The Division Director may approve a lateral action or reassignment prior to one year in the position for:
 - (a) Sworn member hardships,
 - (b) Critical needs of the Division, or
 - (c) Positions that are open and no permanent sworn member has sought lateral action or reassignment to the position.
- (9) In approving an appointment under Section A-(8)-(c) above, the Division Director shall give first consideration to sworn members based upon length of sworn service with the Division of Law Enforcement.

- (10) Law enforcement officer lateral actions or reassignments may be filled without being posted or advertised.
- (11) All reassignments will be at the discretion of the Division Director if the member is the subject of an internal investigation or pending disciplinary action.

B Filling vacant Positions not included in the Law Enforcement Collective Bargaining Unit

- (1) A vacant position not included in the Law Enforcement Collective Bargaining Unit may be filled through lateral action, reassignment, promotion of an eligible candidate, or voluntary demotion, based on Division needs.
 - (a) When a vacant position is announced for lateral action or reassignment, members may submit a Request for Lateral Action or Reassignment during the announced open period.
 - (b) When a vacant position is announced as a promotional opportunity, eligible candidates may apply by submitting their application through the State of Florida People First Human Resource Management system during the open period.
 - (c) When a vacant position is announced as a promotional opportunity and for lateral action or reassignment, eligible candidates shall apply using the appropriate method for their status as outlined in Section B (1) (a) or Section B (1) (b) above.
- (2) Time extensions of the promotional lists for positions NOT covered under the applicable collective bargaining agreement may be made at the discretion of the Division Director.
- (3) All applications for vacant positions not included in the Law Enforcement Collective Bargaining Unit are thoroughly reviewed and vacant positions are filled based on Division needs.
 - (a) An interview may be conducted of all qualified applicants.
 - (b) All travel, examination and interview times are considered work time, to include the use of state vehicles and reimbursement for applicable travel expenses. If the exam or interview date falls on a scheduled day off, the supervisor may adjust the employee's days off at the employee's request.

C Pay Additives for specific duties

- (1) Pay additives are a valuable management tool which allows for recognition and compensation of members for identified duties without providing a permanent pay increase. The following chart illustrates the specific positions for which a pay additive is authorized and the amount of the additive.

Pay Additive Title	Amount of Pay Additive	Length of Time Pay Additive Will be Issued
K-9 Law Enforcement Officers	5%	Granted at time of K-9 graduation extending until member leaves or is removed from the position.
Law Enforcement Officer Recruiter/Community Relations	5%	Granted at time of appointment to duties, extending until member no longer performs duties.
Law Enforcement Breath Test Operator/Inspector	5%	Granted at time of appointment to duties, extending until member no longer performs duties.
Law Enforcement Field Training Officer	10%	Granted at time of appointment to field training duties, lasting 14 weeks...

Offshore Patrol Vessel	5%	Granted at time of assignment to crew, extending until member leaves or is removed from the crew.
Special Operations Group (SOG)	5%	Granted at time of assignment to SOG team, extending until member leaves or is removed from the team.
Covert Investigation (Class 1 only)	10%	Granted during time of investigation, usually 12 to 24 months, until investigation is complete.
Duty Officer Trainer	5%	Granted at time of appointment, not to exceed 90 days,

D Promotional Exam Protocols for Positions Included in the Law Enforcement Collective Bargaining Unit

- (1) The promotional exam will be held no later than June 15 of each year, and the scheduled date will be posted at least three months before the exam date.
- (2) All travel for promotional exams are considered work time, to include the use of state vehicles. If the exam date falls on a scheduled day off, the supervisor may adjust the employee's days off at the employee's request.
- (3) Make-up exams
 - (a) Request for make-up exams must be made in writing not less than five working days before the exam date. Members shall provide documentation stating the reason(s) for the request. Members requesting a make-up exam for a medical emergency shall provide a doctor's note supporting the reason(s) for the request. Medical emergencies shall include only those situations involving the member himself or herself or an immediate family member wherein the member's presence is necessary. The Division retains the right to determine if the member's presence was necessary.
 - (b) All make-up exam requests will be submitted through the chain of command to the appropriate Deputy Director who will make the decision.
 - (c) Members with approved annual leave (approved prior to posting of the exam date), medical emergencies, subpoenas, or military leave will notify the Regional Training Lieutenant to schedule a make-up exam as soon as practical, but no later than 48 hours after return to duty.
- (4) Review process – The test proctors will conduct a review of the test immediately following the exam. The review will consist of providing the officers and investigators with the correct answers and allowing them time (not to exceed one hour) to review their answers.
- (5) Test analysis – Each question will be reviewed following FDLE law enforcement certified grading criteria procedures. The review process will be conducted by at least one captain and one lieutenant.
- (6) Challenges
 - (a) Challenges must be made in writing, to include email, by the test taker within five days, indicating the question number and an explanation of the basis for the challenge. Examples would include; more than one correct answer, no correct answer, etc.
 - (b) All challenges to test questions shall be submitted to the Training Center Director or designee.

- (c) The Training Center Director or designee will determine the appropriateness of the challenge.

E Promotional Lists and Ranking of eligible Members for Positions Included in the Law Enforcement Collective Bargaining Unit

- (1) The promotional lists, by class, will be published effective July 1 of each year, listing the candidates according to their final score on the written exam. Lists will be effective for one year from the publishing date expiring on June 30 every year.
- (2) Time extensions of the promotional lists for positions included in the collective bargaining agreement may be made only through a memorandum of understanding (MOU) with the applicable collective bargaining agent unit.

F Promotion to Investigator 1

- (1) Promotion to Investigator 1 will be made through a competitive process. In order to be considered for promotion, each applicant must be eligible, meet the requirements specified below, and have applied for the vacancy as indicated on the job announcement.
- (2) Qualifications
 - (a) The sworn member must have two years of sworn law enforcement experience (one of which must be FWC law enforcement) and successfully passed the annual written promotional examination.
 - (b) College education from an accredited institution can substitute at the rate of 30 semester or 45 quarter hours per year for a maximum of one year of the required experience. Any college credit awarded for completing the FWC Law Enforcement Academy or any other Law Enforcement Basic Recruit Program cannot be included in the total number of college credit hours needed to substitute college education for experience.
 - (1) If the member claims college education as a substitute for experience, the member cannot also claim military service as a substitute for experience.
 - (c) Certain military service with a branch of the U.S. armed forces can substitute for a maximum of one year of the required experience. In order to be eligible for substitution, the military service must meet the following requirements:
 - (1) At least two (2) years of active duty service. Time spent on Active Duty for Training and/or required drill for reserve or guard members does not qualify. Service time does not have to be consecutive.
 - (2) Only members discharged with their character of service noted on the DD-214 form as one of the following are eligible to substitute their military service for years of experience:
 - (a) Honorable
 - (b) General – under honorable
 - (3) The member is responsible for submitting an accurate DD-214 together with the Request to take the Law Enforcement Promotional Test form (FWC/DLE-235) in order to claim the military service for experience substitution.
 - (4) If the member claims military service as a substitute for experience, the member cannot also claim college credit as a substitute for experience.
- (3) Written Examination – The score on the written promotional examination will be used and will carry a relative weight of 100 percent for ranking purposes on the promotional list.
- (4) Interview Panel – The Division may utilize a panel to interview employees who apply for an Investigator 1 vacancy in accordance with the Collective Bargaining Agreement.

- (5) Applicant Selection – Promotion to the rank of Investigator 1 will be made by the Division Director from one of the top five applicants on the promotional list who requested the class and county.
 - (a) If no suitable internal candidate for a vacant Investigator 1 position can be identified through the promotional process, the Division Director may waive the requirements listed above and advertise the position open competitively for internal agency and external applicants.

G Promotion to Investigator 2

- (1) Promotion to Investigator 2 will be made through a competitive process. In order to be considered for promotion, each applicant must be eligible, meet the requirements specified below, and have applied for the vacancy as indicated on the job announcement.
- (2) Qualifications
 - (a) The sworn member must have three years of sworn law enforcement or sworn investigator experience (one of which must be FWC law enforcement) and successfully passed the annual written promotional examination.
 - (b) College education from an accredited institution can substitute at the rate of 30 semester or 45 quarter hours per year for a maximum of one year of the required experience. Any college credit awarded for completing the FWC Law Enforcement Academy or any other Law Enforcement Basic Recruit Program cannot be included in the total number of college credit hours needed to substitute college education for experience.
 - (1) If the member claims college education as a substitute for experience, the member cannot also claim military service as a substitute for experience.
 - (c) Certain military service with a branch of the U.S. armed forces can substitute for a maximum of one year of the required experience. In order to be eligible for substitution, the military service must meet the following requirements:
 - (1) At least two (2) years of active duty service. Time spent on Active Duty for Training and/or required drill for reserve or guard members does not qualify. Service time does not have to be consecutive.
 - (2) Only members discharged with their character of service noted on the DD-214 form as one of the following are eligible to substitute their military service for years of experience:
 - (a) Honorable
 - (b) General – under honorable
 - (3) The member is responsible for submitting an accurate DD-214 together with the Request to take the Law Enforcement Promotional Test form (FWC/DLE-235) in order to claim the military service for experience substitution.
 - (4) If the member claims military service as a substitute for experience, the member cannot also claim college credit as a substitute for experience.
- (3) Written Examination – The score on the written promotional examination will be used and will carry a relative weight of 100 percent for ranking purposes on the promotional list.
- (4) Seniority Consideration – One point will be added to an applicant's score on the promotional exam for each year of satisfactory service as an Investigator 1 up to a maximum of five (5) points.
- (5) Interview Panel – The Division may utilize a panel to interview employees who apply for an Investigator 2 vacancy in accordance with the Collective Bargaining Agreement.

- (6) Applicant Selection – Promotion to the rank of Investigator 2 will be made by the Division Director from one of the top five applicants on the promotional list who requested the class and county.
 - (a) If no suitable internal candidate for a vacant Investigator 2 position can be identified through the promotional process, the Division Director may waive the requirements listed above and advertise the position open competitively for internal agency and external applicants.

H Promotion to Lieutenant

- (1) Promotion to Lieutenant will be made through a competitive process. In order to be considered for promotion, each applicant must establish eligibility by completing the Written Examination for Lieutenant Candidates.
- (2) In order to take the Written Examination for Lieutenant Candidates, applicants must have:
 - (a) Completed four years of sworn law enforcement experience (two years of which must have been FWC law enforcement).
 - (b) College education from an accredited institution can substitute at the rate of 30 semester or 45 quarter hours per year for a maximum of one year of the required experience. Any college credit awarded for completing the FWC Law Enforcement Academy or any other Law Enforcement Basic Recruit Program cannot be included in the total number of college credit hours needed to substitute college education for experience.
 - (1) If the member claims college education as a substitute for experience, the member cannot also claim military service as a substitute for experience.
 - (c) Certain military service with a branch of the U.S. armed forces can substitute for a maximum of one year of the required experience. In order to be eligible for substitution, the military service must meet the following requirements:
 - (1) Must have at least two (2) years of active duty service. Time spent on Active Duty for Training and/or required drill for reserve or guard members does not qualify. Service time does not have to be consecutive.
 - (2) Only members discharged with their character of service noted on the DD-214 form as one of the following are eligible to substitute their military service for years of experience:
 - (a) Honorable
 - (b) General – under honorable
 - (3) The member is responsible for submitting an accurate DD-214 together with the Request to take the Law Enforcement Promotional Test form (FWC/DLE-235) in order to claim the military service for experience substitution.
 - (4) If the member claims military service as a substitute for experience, the member cannot also claim college credit as a substitute for experience.
- (3) Written Examination – The written examination plus any preference points will result in numeric scores used to rank and to establish a list of candidates eligible for consideration for promotion to Lieutenant.
 - (a) Preference points
 - (1) One preference point for completion of the 64-hour Florida General Instructor Techniques Course or FDLE-approved equivalent
 - (2) One preference point for completion of an 80-hour First-Line Supervision Course
 - (3) One preference point for completion of a 40-hour CMS Field Training Officer (FTO) Course

- (4) One preference point per year of satisfactory service as an Investigator 1 or 2, up to a maximum of two points.
- (b) The final examination score used to establish a candidate's ranking on the promotional list is determined in the following manner: (Written Examination Score + preference points) = Final Examination Score.
 - (1) Qualifying courses must be completed prior to July 1 in order to be counted for preference points. The member is responsible for submitting the appropriate documentation to the Training section prior to July 1.
 - (2) Qualifying courses completed after the promotional list publication date of July 1, will only be considered for the following year.
- (c) The eligibility list will be posted on the Division website by the Division of Law Enforcement Personnel Manager.
- (4) Interview Panel – The Division may utilize a panel to interview employees who apply for a Lieutenant vacancy. The panel shall consist of a Major, a Captain, and a Lieutenant unless waived by the Division Director. The Division may reduce the number of applicants interviewed if desired. A written exercise or skills test evaluated by the interview panel members may also be included as part of the promotional process and factored into the final interview score.
- (5) After the interview, the final promotional score will be determined in the following manner: (Final Examination Score + Interview score) ÷ 2 = Final Promotional Score.
- (6) Applicant Selection – Promotion to the rank of Lieutenant will be made by the Division Director from one of the top applicants on the promotional list who requested the class and county, considering the recommendations of the interview panel.
 - (a) If no suitable internal candidate for a vacant Lieutenant position can be identified through the promotional process, the Division Director may waive the requirements listed above and advertise the position open competitively for internal agency and external applicants.

I Promotion to Law Enforcement Captain

- (1) In order to be considered for promotion to Law Enforcement Captain, each applicant must be eligible, meet the requirements specified below, and have applied for the vacancy as advertised.
- (2) In order to be considered for promotion to Captain, the individual must have (or equivalent):
 - (a) Completed five years of sworn law enforcement experience, one year of which must have been in a supervisory capacity.
 - (b) College education from an accredited institution can substitute at the rate of 30 semester or 45 quarter hours per year for a maximum of one year of the required non-supervisory experience. Any college credit awarded for completing the FWC Law Enforcement Academy or any other Law Enforcement Basic Recruit Program cannot be included in the total number of college credit hours needed to substitute college education for experience.
 - (1) If the member claims college education as a substitute for experience, the member cannot also claim military service as a substitute for experience.
 - (c) Certain military service with a branch of the U.S. armed forces can substitute for a maximum of one year of the required experience. In order to be eligible for substitution, the military service must meet the following requirements:
 - (1) At least two (2) years of active duty service. Time spent on Active Duty for Training and/or required drill for reserve or guard members does not qualify. Service time does not have to be consecutive.

- (2) Only members discharged with their character of service noted on the DD-214 form as one of the following are eligible to substitute their military service for years of experience:
 - (a) Honorable
 - (b) General – under honorable
- (3) The member is responsible for submitting an accurate DD-214 to the Division Personnel Manager as part of the application packet in order to claim the military service for experience substitution.
- (4) If the member claims military service as a substitute for experience, the member cannot also claim college credit as a substitute for experience.
- (d) Preferred Criteria
 - (1) Completion of a 40-hour Middle Management Course
 - (2) Completion of the 64-hour Florida General Instructor Techniques Course or FDLE-approved equivalent
 - (3) Completion of a 40-hour Stress Management Techniques Course
 - (4) Completion of the Intermediate Tier (Principles of Leadership) of the FWC Leadership Development Process
 - (5) Completion of the Florida Leadership Academy approved by FDLE
- (3) Selection Process
 - (a) The Division Director may choose to institute a formal selection process for candidates eligible to promote to the rank of Captain. This process may include, but is not limited to, the following elements:
 - (1) Interview Board: qualified candidates may be interviewed by the Division Director or designee, a Deputy Director, a Major, and a Captain.
 - (2) Evaluation of an applicant's relevant training and experience.
 - (b) Promotions to Captain are made at the discretion of the Division Director based on the outcome of the selection process.

J Promotion to Major

- (1) Promotions to Major are made at the discretion of the Division Director based on an applicant's relevant training and experience.

K Promotion to Lieutenant Colonel

- (1) Promotions to Lieutenant Colonel are made at the discretion of the Division Director, with the approval of the Executive Director, based on an applicant's relevant training and experience.

L Promotion of Non-Sworn Members

- (1) The Division of Law Enforcement does not conduct a promotional process for non-sworn members. Positions available in the Division are defined by the State of Florida Department of Management Services as original appointments, promotions or reassignments.
- (2) Vacant non-sworn positions may be posted to People First and open to eligible members, internal agency, or external applicants.

M Voluntary Demotion

- (1) Sworn Members in good standing may voluntarily demote to an available Law Enforcement position, if requested by the member and agreed to by the Division Director. A voluntary demotion may be denied or delayed at the Division Director's discretion if the member is the

subject of a current internal investigation or pending disciplinary action.

- (2) Before approving a demotion to an investigative or non-bargaining unit position, the Division Director will consider the employee's suitability for the position and may convene a board to assess the employee's fitness for the position.
- (3) When members are demoted, based upon a voluntary request, they will receive a reduction in pay. The reduction will be based upon the following guidelines:
 - (a) They will be reduced to the rate of pay of an officer, plus any legislative pay increases that occurred after they left the officer classification. If demoting to a class other than officer, the member will be reduced to the rate of pay for an officer plus any legislative pay increases, plus an additional 10% or to the base pay of the class demoted to, which ever is greater. A member's final pay shall not exceed the maximum of the pay range of the class to which the member is demoted.
 - (b) All voluntary demotions are subject to review and approval by the Division Director. Voluntary demotions may be granted in other circumstances by virtue of a settlement agreement.

N Reclassification of Non-Vacant Positions

- (1) In order to facilitate necessary changes to the Division's organizational structure, it may become necessary to occasionally reclassify positions currently occupied by a member.
 - (a) If the proposed reclassification would change a member's rank below the rank currently held by the incumbent, the salary reduction program described in Section K is not applicable. Instead, an affected member may retain the salary associated with the position prior to the reclassification.
 - (1) If the reclassification results in a demotion for a member who has attained permanent status in his current position, the member may accept a voluntary demotion, and will be demoted with permanent status provided the member held permanent status in the agency in the lower position; or the member may appeal the action in accordance with Section 110.227, Florida Statutes or grieve the action in accordance with an applicable collective bargaining agreement.
 - (b) Any reclassifications will be done on a case by case basis determined by agency needs and at the discretion of the Division Director. If the classification is contained in a bargaining unit represented by a certified bargaining representative, the representative shall be notified of the proposed reclassification and afforded the opportunity to impact bargain over the change.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report
FWC/DLE-523A	Form Change Request



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

JUVENILE POLICY AND PROCEDURE

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
15	October 30, 2017	July 21, 2008	All Sworn Members and Duty Officers

References

S. 39.401 F.S.; 984.13, F.S., 985.04, F.S., 985.101, F.S., 985.25, F.S., 985.11 F.S. and GO 02;
CFA 2.02, 16.01M, 16.02M, 16.03M, 16.04M, 18.01, 21.01M, 26.08

1 POLICY

- A** It is the policy of the Division to protect the youth of the State of Florida. When dealing with juveniles, members shall use the least coercive method among reasonable alternatives, and shall be consistent with preserving public safety, order, individual liberty, and the laws of the State of Florida.
- B** It is the policy of the Division to follow rules and procedures as dictated by each Florida County concerning juveniles. Each county may use different terminology and forms in the juvenile process.
- C** It is the policy of the Division that no person under 18 years of age be treated or regarded as an adult by officers unless documentation of “emancipation” to adulthood or “adjudication” to adulthood is readily available (for example NCIC/ FCIC confirmation or court order).
 - (1) Juveniles who have been adjudicated as adults by Florida law shall be treated as adults in relation to arrests, custody, booking and detention procedures.

D Definitions

- (1) **Emancipated Juvenile** – Emancipation of a child by his/her parents involves an entire surrender of the right to the care, custody, and earnings of such child as well as a renunciation of parental duties.
- (2) **Juvenile Intake Facility (JIF)** – Facility to house those juveniles in custody.
- (3) **“Child” or “juvenile” or “youth”** – Any person under the age of 18 years or any person who is alleged to have committed a violation of law occurring prior to the time that person reaches the age of 18 years.
- (4) **The Florida Department of Juvenile Justice (DJJ)** – The State agency responsible for juveniles upon arrest, incarceration, or when they are otherwise involved in the justice system.
- (5) **The Florida Department of Children and Families (DCF)** – The State agency responsible for juveniles that have been taken into custody due to abuse, neglect or abandonment.

2 RESPONSIBILITIES

A Regional Commanders

- (1) Regional Commanders shall ensure that all members under their command are familiar with the rules and procedures concerning juveniles as required by the counties in their assigned region.

B Members

- (1) Members shall ensure that the constitutional rights of juveniles are protected.

3 PROCEDURES

A Allegations of Juvenile Harm

- (1) Regardless of the purpose of the contact, when encountering ill or injured juveniles, a member shall summon medical assistance or render first-aid without unnecessary delay and the following shall be adhered to:
 - (a) If a juvenile is sick or intoxicated to the degree that the juvenile is unable to care for him/herself and a parent or guardian cannot be contacted, once medically cleared at a hospital, the Department of Children and Families (DCF) shall be contacted for shelter admission.
 - (b) If conducting an investigation with a juvenile alleged to have been harmed, the member shall make every effort to investigate the nature of the injury and contact the local jurisdiction, as necessary.
- (2) When encountering juveniles in danger, the following shall be adhered to:
 - (a) A juvenile is considered to be in danger if the juvenile alleges, or has been reported as being physically, mentally, or sexually abused by a person of familial or custodial authority, and the accused lives within the juvenile's residence or has ready access to the juvenile.
 - (b) A juvenile may be taken into protective custody whenever a sworn member has reasonable grounds to believe that the juvenile has been abandoned, abused (physically or sexually), neglected, is suffering from illness, injury, or is in immediate danger from their surroundings and that removal is necessary to protect the juvenile. The sworn member shall:
 1. Provide medical attention, if necessary.
 2. Notify a sworn supervisor and the appropriate jurisdictional authority.
 3. Sworn members shall immediately contact the statewide DCF hotline at 1-800-962-2873 to report abuse. The sworn member shall obtain a case worker identification number from the Abuse Registry Operator. An Incident Summary Report shall be completed documenting the situation and include the case worker identification number.
 4. If necessary, the child shall be transported to a Division or local agency office to await the arrival of a DCF authorized agent. When transporting children, a seat belt or child safety seat is required.
 5. The lack of a criminal charge against the legal guardian or parent does not, in any way, affect the sworn member's authority to take a child into custody as outlined in section 39.401, Florida Statutes.

B Juveniles engaged in or alleged to have engaged in non-criminal behavior

- (1) Sworn members are encouraged to warn and disperse juveniles that they find engaged in or alleged to have engaged in inappropriate activities, disturbances, or other non-criminal misbehavior. When practical, sworn members should advise the juvenile's parent or guardian of the incident. Alternative programs may also be recommended.

C Taking Juveniles into Custody

- (1) When a juvenile is taken into custody for a violation of law, the sworn member shall process the juvenile without undue delay, unless the juvenile is in need of medical attention which shall be administered expeditiously.
- (2) As an alternative to arrest, all sworn members should appreciate the discretionary intent of juvenile law. Its purpose is to allow as many juveniles as practical to be diverted from the formal aspects of the Juvenile Justice System, and be placed into counseling, mentoring, or other alternative programs when in the best interest of the public and the juvenile. Sworn members must hold this mandate in consideration when they select legal procedures applicable to juvenile situations that they encounter. Sworn members wishing to refer juveniles to a diversionary program shall complete the necessary forms as mandated by the county in which the offense took place.
- (3) Misdemeanors
 - (a) Juveniles arrested for misdemeanor offenses shall require the completion of an Incident Summary Report and any other paperwork which may be required by each county.
 1. If the juvenile is arrested for a misdemeanor traffic offense, a Probable Cause Affidavit (FWC/DLE-390FO) shall be completed.
- (4) Felonies
 - (a) Juveniles arrested for ANY felony are to be processed as a juvenile. Additional reports for juveniles may be required by a local jurisdiction when processing a juvenile.
- (5) Runaways
 - (a) A law enforcement officer has the authority to take a juvenile into custody when there are reasonable grounds to believe the child has run away from his parents, guardian, or other legal custodian. The child is to be released to a parent, guardian, legal custodian, responsible adult relative, or a DCF Case Worker for placement in a shelter when located.
- (6) Strip or Body Cavity Searches
 - (a) As used in statute, the term "strip search" means having an arrested person remove or arrange some or all of their clothing so as to permit visual or manual inspection of the genitals; buttocks; anus; breasts, in the case of a female; or undergarments of such person. Members are prohibited from conducting strip searches or body cavity searches.
- (7) Fingerprinting
 - (a) Juveniles who are arrested for a violation of law shall be fingerprinted and the fingerprint cards shall be forwarded to the Florida Department of Law Enforcement (FDLE) marked "**Juvenile/Confidential**" in accordance with Florida law.
 - (b) Sworn members shall not retain any copies of juvenile fingerprint cards.
- (8) No Contact between Juveniles and Adults
 - (a) Juveniles cannot be transported, held, or confined with adults. Per 985.101 (2), Florida Statutes, except in emergency situations, a child may not be placed into or transported in any police car or similar vehicle that at the same time contains an adult under arrest, unless the adult is alleged or believed to be involved in the same offense or transaction as the child.
 - (b) Precautions shall be taken to ensure there is no regular visual or audible contact between adult prisoners/detainees and juvenile prisoners/detainees, other than haphazard or accidental.

- (9) Photographs of Juveniles
 - (a) Sworn members may photograph juveniles under any circumstance that would justify or require the photographing of an adult.
 - (b) The photographs of juveniles taken into custody shall be marked “**Juvenile/Confidential**,” and shall be kept in confidential files separate from adult files, unless not required by Florida Law.
- (10) Parent/Guardian Notification
 - (a) An active effort to notify the parent or guardian of a juvenile who is in police custody shall be made, and shall continue until notification occurs or custody is transferred:
 - 1. Notification results shall be included in the Incident Summary Report and on any affidavits.
 - 2. Unsuccessful notification attempts must be detailed in the Incident Summary Report and any affidavits, including any contact information that was used in the effort to notify.
- (11) Release – Members have the following options when releasing a juvenile from custody:
 - (a) Deliver the juvenile to the appropriate county Juvenile Intake Facility. The intake officer must accept the child from the sworn member even if the child does not meet the criteria for detention, pursuant to s. 985.25 Florida Statutes.
 - (b) Juveniles may be released to a parent, guardian, or legal custodian. If the juvenile’s parent, guardian, or legal custodian is unavailable, unwilling, or unable to provide supervision for the juvenile, the juvenile may be released to a responsible adult.
 - 1. Before releasing the juvenile to a responsible adult, (other than the parent, guardian or legal custodian), a criminal history check shall be conducted on the potential responsible adult.
 - 2. If the person has a prior felony conviction or a conviction for child abuse, drug trafficking or prostitution, that person does not qualify as a responsible adult and the juvenile shall not be released to such person.
- (12) Referring charges to the State Attorney’s Office
 - (a) Sworn members may refer criminal charges to the appropriate State Attorney’s Office in lieu of making a physical arrest (example, a sworn member detains a juvenile for a criminal violation then releases the juvenile to a parent or legal guardian without making a physical arrest or transporting the juvenile to the Detention Center for processing).
 - 1. An Incident Summary Report, and any other paperwork as required by the State Attorney’s Office documenting the criminal charges shall be completed and forwarded to the State Attorney’s Office.
 - 2. A parent or guardian must be notified.
 - 3. Misdemeanors not committed in the member’s presence can also be referred to the State Attorney’s Office in this manner.

D Criminal Justice System

- (1) Criteria governing the Referral of Juvenile Offenders to Intake (In-Custody Arrests)
 - (a) A sworn member has the authority to take a child into custody under the same circumstances and in the same manner as an adult. Juveniles may be taken into custody via the following:
 - 1. The completion of an Incident Summary Report and any other arrest affidavit paperwork, as required by the intake facility, which documents the violation(s) of criminal law.

2. Sworn members shall take a juvenile into custody when there is a court order directing the child to be apprehended.
 - a. The sworn member shall confirm through NCIC/FCIC that there is a valid Pick-up Order for the juvenile. The sworn member must also confirm whether the pickup order is for delinquency or dependency.
 - b. If confirmed as a delinquency pickup order, the member shall notify local law enforcement for delivery of the juvenile to the appropriate JIF.
 - c. If the pickup order is for dependency, the child shall be delivered to appropriate personnel from the Department of Children and Families.
 - d. The member must complete an Incident Summary Report.
- (2) Criteria governing the Referral of Juvenile Offenders to Intake (Not-In-Custody Arrests)
 - (a) A sworn member has the authority to refer a juvenile offender for intake, in lieu of arrest, as follows:
 1. When issuing a Notice to Appear, sworn members shall follow the procedures outlined in the current version of General Order 02, *Warnings, Arrests, Traffic Enforcement and Interviews*.
 2. Juveniles stopped for traffic infractions shall be treated as an adult. They may be issued a citation, assigned a court date when appropriate, and released on scene. Members shall follow the procedures outlined in the current version of General Order 02, *Warnings, Arrests, Traffic Enforcement and Interviews*.
 3. Incident Summary Reports and any other paperwork required by the local jurisdiction shall be completed and submitted to the State Attorney's Office in the same manner as Adult Probable Cause Affidavits.
- (3) Juvenile Traffic Procedures
 - (a) Juvenile misdemeanor traffic offenses are not delinquent acts. Juvenile paperwork shall be processed in the same manner as adults. Members shall follow the procedures outlined in the current version of General Order 02, *Warnings, Arrests, Traffic Enforcement and Interviews*.

E Interviews

- (1) Procedures for the custodial interrogation of juveniles are as follows:
 - (a) The Miranda Warning shall be given verbally and if possible in writing prior to questioning. Sworn members shall request the detainee to complete the Miranda Rights Signature Form (FWC/DLE-207FO).
 - (b) The parent or guardian cannot make the decision for the juvenile to invoke or waive their rights; however, juveniles shall be allowed to confer with them if requested, pending custodial interrogation. If a parent or guardian cannot be contacted, juveniles may still be questioned after their Miranda Warning has been read.
 - (c) To prevent allegations of coercion, no more than two persons shall interview juveniles during any interview session. Others, such as Investigators, DCF Case Workers, Rape Treatment Center Counselors, etc., may be present, but not involved in the interview.
 - (d) Juvenile interviews shall be for reasonable lengths of time and shall include periodic breaks and rest periods, allowing time for drinks, food, and rest room visits. The juvenile's age, apparent level of intellect, health, physical condition, and mental and emotional state shall be considered.
- (2) The Division of Law Enforcement currently does not have any interview rooms within any of our facilities. Sworn members using interview/processing rooms at other law enforcement facilities,

or those obtained by the FWC Division of Law Enforcement in the future, shall adhere to the procedures outlined in the current version of General Order 02, *Warnings, Arrests, Traffic Enforcement and Interviews*.

F Notifications to School Authorities

- (1) When a juvenile student is taken into custody, the sworn member shall notify, or shall direct the Regional Communications Center to notify, the appropriate school administrator in accordance with the local jurisdiction's interagency agreement as soon as possible. The sworn member shall document the notification in the Incident Summary Report.
- (2) When a juvenile of any age is taken into custody by a law enforcement officer for an offense that would have been a felony if committed by an adult, or a crime of violence, the sworn member must notify the superintendent of schools that the child is alleged to have committed the delinquent act. The sworn member may direct the Regional Communications Center to make the notification. The sworn member shall document the notification in the Incident Summary Report.
- (3) If the juvenile is a "drop-out", the sworn member shall ascertain which school the juvenile would normally attend and identify the school on the Incident Summary Report and any other reports required by the local jurisdiction.

G Found Child

- (1) When a sworn member encounters a found child, the following shall be conducted:
 - (a) A check of the immediate area should be made to obtain any information that could assist in identifying the child. If no information can be obtained as to the identity of the child, the child should be transferred to the local jurisdiction.
 - (b) In the event the child is unable to supply information as to their identity and all attempts to locate the child's parents have failed, the sworn member shall contact DCF or the local jurisdiction for temporary shelter arrangements.

H Truancy

- (1) Section 984.13, Florida Statutes authorizes sworn members to take truant juveniles into custody. Sworn members should notify local law enforcement and turn over the truants, if possible.
 - (a) Truants shall be frisked when the sworn member reasonably believes that the juvenile is in possession of a weapon and the sworn member is in danger of physical injury. The frisk can be used to feel for any weapons and it is essentially a "pat down" of the subject.
 - (b) When it is necessary to transport a truant juvenile to school, JIF, or other location, it shall be done immediately. Sworn members shall also document their juvenile's behavior in the Incident Summary Report for future reference.
 - (c) Truants shall not be placed in secure detention, or otherwise mixed or associated with juveniles being held for criminal or non-status violations.
 - (d) Sworn members have the following options and responsibilities regarding truants:
 1. Release to JIF or other truancy sites as provided for in each county.
 2. Release to a local law enforcement officer, who shall deliver the juvenile to the appropriate facility.
 3. Release the truant to the appropriate school.
 4. Release the truant to a parent or guardian.

I Use of Juvenile Informants

- (1) Special precautions shall be taken with juvenile informants to include:

- (a) Unless prior approval has been granted by the sworn member's supervisor and the child's parent/guardian, no juvenile shall be used as informants
- (b) The use of a paid juvenile informant must be authorized by the Division Director.
- (c) Any juvenile that freely provides information shall not be considered an informant. (A juvenile voluntarily giving information, or responding to questions during a field interview or in a custody interview would not be defined as an informant).

J Juvenile Records

- (1) Incident Summary Reports shall be marked "**Juvenile**" and submitted via the Division approved electronic reporting system.
- (2) Division of Law Enforcement records pertaining to juveniles shall be collected according to the procedures outlined in General Order 35, *Division Reports and Records*, and the Division shall follow established guidelines set forth in the Florida Department of State Records Retention Schedules.
 - (a) Copies of Division reports involving juveniles are released upon request as appropriate after any applicable fees are paid. The juvenile's name and identifying information are redacted from the report when applicable, pursuant to s. 985.04, F.S.
 - (b) Juvenile offender non-redacted records are confidential and may only be disclosed to authorized court personnel, the Department of Juvenile Justice and its designees, the Department of Corrections, parole agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under s. 985.04, F.S., or by court order.
- (3) Copies of Traffic Reports involving juveniles are released upon request as appropriate after applicable fees are paid. The juvenile's name and identifying information are not redacted from the report.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report
	Incident Summary Report Narrative
FWC/DLE-390FO	Probable Cause Affidavit
FWC/DLE-207FO	Miranda Rights Signature Form



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

COLLECTION, PRESERVATION, AND DOCUMENTATION OF EVIDENCE AND PROPERTY

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
16	January 25, 2019	November 30, 2017	All Members

References

Chapters 379, 561-569, 705, 831, 849, 860, 893 and 932, Florida Statutes.; Ch. 68, F.A.C.; GO 09 and 49; CFA Chapters 27.01M, 27.02M, 27.05, 27.07M, 27.09M, 27.10M, 27.12M, 27.13M, 28.01M, 28.02M, 28.05M, 30.01M, 30.02M

1 POLICY

- A** The Division's resource protection mission often requires the seizure of perishable or live resources and equipment which necessitates unique storage and disposal requirements distinctive to conservation law enforcement. All such wildlife, fisheries, or equipment and property seizures shall be conducted in accordance with Chapters 379 and 932, Florida Statutes.
- B** A seizure is any action by a sworn member taking control or possession away from any person of any fish, wildlife, or property, no matter the form or format. A seizure may be actual or constructive.
- C** An item may be seized or maintained by the Division:
 - (1) Pursuant to a warrant or other court order.
 - (2) When the item is contraband.
 - (3) When the item is stolen or otherwise the fruit of a crime, or when the item has been used as an instrument in the commission of a crime, or when the item has evidentiary value.
 - (4) Pursuant to Chapter 705, Florida Statute, lost or abandoned property.
 - (5) For safekeeping of personal property if the owner is unable to maintain or take possession of their property.
- D** The Division shall adhere to Federal Law, Florida Statutes, Court Orders, and Division General Orders when seizing, disposing, or donating all evidence, seized, lost or abandoned property, or property maintained for safekeeping.
- E** The Division shall adhere to the Florida Department of Law Enforcement (FDLE) Crime Laboratory Evidence Submission Manual when collecting, safeguarding, preserving, and processing evidence.
- F** Sworn members are authorized to seize any wildlife, freshwater or saltwater products, or contraband which have been unlawfully harvested, taken, processed, or unlawfully possessed or transported in violation of any of the laws of this state or any FWC rule.

- G** In the interest of conservation, the seizure of any unlawfully possessed live fish or wildlife shall be properly documented and the fish or wildlife returned unharmed to the wild.
- H** Non-native species or captive wildlife shall not be released or returned to the wild but shall be maintained in a properly licensed or permitted facility.
- I** If a court order exists allowing the pre-conviction disposal of evidence which consists of perishable product(s) or illegal gear and that evidence has been properly documented, it may be donated, sold, or destroyed prior to final disposition of the related criminal case(s).
- J** Evidence and seized property shall be stored only in a Division-approved storage facility.
- K** The personal use, loaning, or giving away of any item of evidence or property coming into a member's possession in the course of his or her official duties is prohibited.

L Definitions

(1) Audit / Inspection / Inventory

- (a) Audit** – The examination of records and activities to ensure compliance with established controls, policies, and operational procedures, as well as any recommendations for modification of activities, controls, policies or procedures.
- (b) Inspection** – Inspecting permanent and temporary evidence and property facilities to ensure the following standards are met: security, handling and packaging of items, and neatness and orderliness.
- (c) Inventory** – The act or process of cataloging, through a full accounting of the quantity of goods or materials on hand, unless a standard specifically allows for a partial accounting.

(2) Constructive Seizure – Occurs when the Division falls short of actual physical seizure or possession of another person's property and instead issues a notice or statement of forfeiture action.

(3) Digital Equipment – For the purpose of this General Order, digital equipment is defined as any storage device which has the potential to store evidence including, but not limited to, a computer, external hard drive, CD, DVD, DVR and Blue ray players, cell phone, video recorder, global positioning system (GPS), body camera recordings, or any personal recording device.

(4) Hazardous Materials – Any chemical or biological agent which, after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any person, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction), or physical deformations in such persons or their offspring.

2 RESPONSIBILITIES

A The Division

- (1)** Provides secure storage facilities for evidence and seized property at locations throughout the state.
- (2)** Provides a system for tracking evidence and seized or found property and for documenting the chain of custody to include the following:
 - (a)** Current location
 - (b)** Date and time received and released
 - (c)** Description
 - (d)** Chain of custody from time of receipt to final disposition

- (3) Provides inspection, inventory, and audit of evidence and property storage facilities. The annual audit of records and activities shall be conducted by the designee of the Operational Support Section Leader and shall be documented and reported to the appropriate Deputy Division Director.

B Regional Commanders

- (1) Ensure that members under their supervision follow evidence and seized property procedures.
- (2) Appoint and document in writing an Evidence Custodian and Alternate Evidence Custodian(s) for each evidence and property storage facility.
- (3) Ensure that training is provided to the Evidence Custodian and their alternates on the procedures for collection, preservation, disposition, forfeiture, donation and destruction of evidence and seized property.
- (4) Ensure an annual inventory of evidence and seized property is performed by the Evidence Custodian or alternate and a member who is not routinely or directly connected with the evidence and seized property function. The annual inventory shall be a 100% inventory and shall be documented on the Inventory and Unannounced Inspection Report (FWCDLE-039A) with the original retained by the Evidence Custodian and a copy emailed to the Accreditation Manager.
 - (a) Seized live evidence or property located at offsite permitted facilities, as referenced in section 3(G) of this General Order, shall be accounted for when conducting the annual inventory.
- (5) Ensure that an unannounced inspection of evidence and seized property is performed annually of all evidence and seized property storage facilities within his or her Region. Ensure that the unannounced inspection is conducted by a supervisor who is not routinely or directly connected with the facilities. Unannounced inspections shall be documented on the Inventory and Unannounced Inspection Report (FWCDLE-039A) with the original retained by the Evidence Custodian and a copy emailed to the Accreditation Manager.
- (6) Annual inventories and unannounced inspections of evidence and seized property facilities shall be conducted as separate events and shall not be conducted simultaneously.
- (7) Ensure an inventory of evidence and seized property is performed when a Primary Evidence Custodian leaves the position and a new one is appointed. The inventory shall be a 100 % inventory, conducted simultaneously by both the outgoing and the newly appointed Evidence Custodian and shall be documented on the Inventory and Unannounced Inspection Report (FWCDLE-039A) with the original retained by the Evidence Custodian and a copy emailed to the Accreditation Manager.
- (8) Designate the area to be served by each evidence storage facility and ensure that all documentation associated with evidence and seized property is provided to the assigned facility. Exceptions to use an alternate evidence storage facility may be made with approval by the Regional Commander.
- (9) Ensure that training is provided to members processing digital equipment collected as seized or abandoned property or evidence. Staff shall use a Division approved lesson plan outlining the collection, processing, and preservation of digital records to train members to properly package evidence and seized or abandoned property for submission to an evidence facility.
- (10) Review, edit as necessary, and approve a list of institutions or entities, including scientific research facilities such as the Florida Fish and Wildlife Research Institute (FWRI) or other scientific organizations where donations of fish or wildlife may be made by sworn members. This list shall be maintained in the Evidence Tracking System by the Evidence Custodian.

- (11) Review, edit as necessary, and approve a list of all non-FWC storage facilities which are accredited by the Commission for Florida Law Enforcement Accreditation (CFA). These facilities may be used to store evidence under extenuating circumstances and with Regional Commander Approval. This list shall be made available in the Evidence Tracking System.

C Supervisors

- (1) Ensure that members under his or her command comply with the procedures contained within this policy.
- (2) Ensure that the most recent statutes and Division policies are consulted prior to authorizing forfeiture proceedings.
- (3) Ensure that forfeitures are conducted to deter and prevent the continued use of contraband articles for criminal purposes while protecting the proprietary interests of innocent owners and lienholders.

D Evidence Custodians

- (1) Are responsible for maintaining chain of custody and tracking of all evidence and seized property delivered to evidence and property storage facilities within their control.
- (2) Shall adhere to the Division Evidence Custodian Manual.
- (3) When property or evidence stored in a Division evidence storage facility is determined to be lost, missing, or potentially stolen, an Incident Summary Report shall be submitted through the chain-of-command to the FWC Office of Inspector General for follow up within 14 days of the discovery. The FWC Office of Inspector General may conduct an investigation of the lost, missing, or potentially stolen property or evidence, if applicable, and report the results to the Division Director. If the investigation results indicate the property or evidence may have been stolen, the Office of Inspector General shall require the Evidence Custodian to file a report with the local law enforcement agency.

E Members

- (1) Members shall adhere to the FDLE Crime Laboratory Evidence Submission Manual and applicable Division General Orders regarding the proper collection, processing, marking, labeling, packaging, and delivery of all evidence or seized property.
- (2) Members shall provide safe and secure storage of evidence and property.
- (3) Members shall notify the Regional Communications Center anytime property or evidence is seized and request an incident number. The member's notification shall include a brief description of items seized and intended disposition or storage location of seized items.
- (4) Sworn members shall obtain the appropriate supervisory approvals in accordance with this General Order prior to initiating forfeiture proceedings.
- (5) When seizing evidence or property, an accurate description including make, model, serial number, color, size or other identifying characteristics shall be documented on the Property Receipt (FWCDLE-029).
- (6) When seizing commercial quantities of fish or wildlife, an accurate description of species, size, and quantity or other identifying characteristics shall be documented on the Property Receipt (FWCDLE-029).
- (7) When seizing recreational quantities of fish, wildlife, or other natural resources, an accurate description including species, size, and quantity and disposition shall be documented on the Citation (FWCDLE-025) or Official Warning (FWCDLE-065).
- (8) Provide a Property Receipt (FWCDLE-029) and a copy of the Citation (FWCDLE-025), if issued, listing the items seized to the person from whom the evidence or property was seized. If the person refuses to sign the Property Receipt (FWCDLE-029), the sworn member shall write **"REFUSED TO SIGN"** in the signature location.

- (9) Submit a signed copy of the Property Receipt (FWCDLE-029) along with a copy of the Citation (FWCDLE-025), if applicable, to the Evidence Custodian.
- (10) When placing items into evidence storage, sworn members shall attach the EPID (FWCDLE-074) or equivalent tracking tag. Each separately packaged item must include an EPID (FWCDLE-074) or equivalent tracking tag.
- (11) Secure all collected evidence and seized property at a Division approved storage facility prior to the end of a sworn member's shift
 - (a) Ensure an Evidence Custodian is notified by a pre-determined method when evidence is placed in any evidence storage facility.
 - (b) Notify an Evidence Custodian if temporary storage is full or not available.
 - (c) If an Evidence Custodian is not available, contact a supervisor for guidance.
 - (d) If evidence is placed at an approved non-FWC facility, a copy of the paperwork shall be provided to the Evidence Custodian as soon as possible, but no later than 72 hours after placement. This includes providing proof of transfer of custodian to the receiving agency. This may be in the form of the receiving agency signing the completed Property Receipt (FWCDLE029) or providing a copy of the receiving agency's property receipt to the submitting FWC officer.
- (12) Request a National Crime Information Center/Florida Crime Information Center (NCIC/FCIC) check on all seized property and recovered items with identifying numbers and document findings on the Incident Summary Report Narrative
- (13) Obtain approval from a supervisor prior to seizing a vessel, vehicle, outboard motor, trailer, or aircraft. Consult and follow Division General Order 09, *Vehicle and Vessel Towing and Impoundment* for impoundment procedures.
- (14) Deliver perishable items of evidence or seized property to an approved, secure refrigerated storage facility in a timely manner and by end of shift to ensure preservation of the item(s).
- (15) Suspected or known hazardous materials shall not be packaged, transported or stored. Hazardous materials shall not be stored in a Commission storage facility. Hazardous material samples shall be collected by a governmental hazardous materials team or their contractor(s).
- (16) Notify the Evidence Custodian of case disposition as soon as possible in order to dispose of evidence and property as efficiently as possible.

F Regional Communications Center

- (1) Upon notification of a seizure, a Duty Officer shall record the information into the Computer Aided Dispatch (CAD) System. The information shall include:
 - (a) Brief description of the evidence or property seized.
 - (b) Intended storage location.
- (2) At the request of the Evidence Custodian, the Duty Officer Supervisor or designee shall provide the Evidence Custodian at each evidence storage facility with a CAD-generated report of all seizures made since the last update.

3 PROCEDURES

A Photographs, Digital, and Electronic Media

- (1) Members shall only use recording devices issued and approved by the Division and shall utilize these devices in accordance with applicable state and federal laws.
 - (a) Members with Division issued recording devices shall be trained on the collection, upload, and storage of digital evidence.
 - (b) Using personally owned recording devices is not authorized.
- (2) Photographs, videos, and digital/electronic records, including digital/electronic storage devices seized as evidence shall be listed on a Property Receipt (FWCDLE-029), assigned an evidence number, and handled as evidence.
 - (a) Body camera recordings are an exception since they are automatically retained in the Division approved cloud upon upload.
 - (b) Digital equipment seized as evidence shall be processed according to the Division guiding document, *Procedures for Seizing and Preserving Digital Equipment as Evidence*, found in the Division's manual library and via PowerDMS.
- (3) With the exception of body camera recordings, audio or video recordings taken by members shall begin with the member verbally stating their name and identification number, followed by date, time, incident number, location of seizure, description of items or purpose of the recording, and the name of the property owner (if applicable).
 - (a) Any audio or video recording taken by a member, regardless of evidentiary value, is a public record and shall be stored and/or destroyed according to record retention requirements.
 - (b) Images, audio and/or video recordings are the property of the Division and shall not be copied, released, or disseminated in any form or manner outside the parameters of general orders and laws of the State of Florida without approval by authorized Division personnel. Authorized personnel shall consult, as necessary, with the agency clerk or the legal office regarding release of this type of record.
 - (c) The release of images, audio and/or video recordings requested through a public records request will be subject to the same statutory exemptions from disclosure as any other Division records.
 - (d) Under no circumstances shall any member of the Division make a personal copy of any recorded images.
 - (e) Commission issued recording devices shall only be used for agency business and shall not be used to record personal matters and shall not be activated in places where there exists a reasonable expectation of privacy, such as locker rooms, dressing rooms, restrooms or any other area where someone has exhibited a reasonable expectation of privacy.
 - (f) Images, audio and/or video recordings taken for evidentiary purposes shall be downloaded and stored via procedures established in this General Order.
 - (g) No member shall alter or enhance any digital data submitted for evidence except as provided herein:
 1. The original recorded images shall not be altered, changed, edited, or in any way modified from the original format.
 2. Working copies of images, audio and/or video recordings may be altered so as to enhance audibility and/or visual clarity. Originals must be submitted as evidence in an unaltered condition.

- (4) With the exception of body camera recordings, a member who records digital data shall deliver the digital data to an agency approved data storage system by the end of their shift unless it is part of an ongoing investigation with supervisory approval.
 - (a) The Evidence Custodian shall transfer the digital data to a non-rewriteable optical disc or other approved digital equipment to preserve the evidence and/or public record.
 - (b) If an evidence storage facility has a dedicated computer with a hard drive that is permanently housed inside the facility, digital data of evidentiary and/or public record value shall be stored on that computer's hard drive. In this circumstance, the Evidence Custodian is responsible for backing up the entire digital evidence library from the hard drive to an optical disc or other portable digital equipment. The backup must be completed within 72 hours after adding any new digital data and the portable device must be stored inside the evidence storage facility.
 - (c) Transferring or duplication of digital data shall be done by the Evidence Custodian, or their designee in accordance with the manufacturer's instructions using approved, properly licensed software.
- (5) Photographs of illegally taken wildlife, freshwater fish, or saltwater fish that have been documented in accordance with Section 3 (Procedures), Subsection F *Seized Fish and Wildlife*, bullet (5)(b) of this General Order as permitted by Section 379.3381, Florida Statutes, shall be inserted or attached to the Incident Summary Report Narrative to be filed as part of the incident documentation and are not required to be submitted to the Evidence Custodian for transfer to a non-rewriteable optical disc or other approved digital media storage device.
- (6) Photographs of captive wildlife inspections, investigations or complaints needed as evidence shall be inserted or attached to the Incident Summary Report Narrative to be filed as part of the incident documentation and are not required to be submitted to the Evidence Custodian for transfer to a non-rewriteable optical disc or other approved digital media storage device.
- (7) Body camera recordings shall be uploaded daily. Exceptions due to exigent circumstances shall be approved by a Captain or above.

B Diagram of a Crime Scene

- (1) If appropriate, or as directed by a supervisor, a member shall diagram the location of evidence found at the scene of the violation(s). The diagram should include all critical dimensions of the scene so that an accurate reconstruction of the incident can later be accomplished.

C Photographs, Video, and Audio Recordings of Defendants

- (1) Photographs, video, and audio recordings may be utilized for court identification, or other investigative or evidentiary purposes.
- (2) Photographs, video, and audio recordings of defendants shall not be posted by members on web sites or social media without prior approval by the Division Director.

D Evidence and Property Identification Tag (EPID)

- (1) The EPID (FWCDLE-074) shall be utilized to identify an item as evidence or seized property in the custody of the Division and shall be attached to each item of evidence or seized property unless circumstances require a weather resistant alternative. The weather resistant alternative shall perform the same function as the EPID, however the EPID shall be completed and retained with the property receipt for tracking.
- (2) The EPID shall contain the agency name and shall include an incident number, evidence/property/item number, description of item(s), subject name, seizing sworn member, and case type.
- (3) In the event an EPID is not the most feasible method of identifying an item as evidence, an equivalent may be utilized with the same procedure as the requirements of the EPID.

E Chain of Custody

- (1) The chain-of-custody shall be maintained on all seized items being held as property or evidence. Each separately packaged item must have its own corresponding EPID (FWCDLE-074) or equivalent tracking tag.
- (2) The chain-of-custody shall be documented on the Property Receipt (FWCDLE-029) at time of seizure with the following information:
 - (a) Date, time, and method of transfer.
 - (b) Receiving persons name and responsibility.
 - (c) Reason for transfer.
- (3) For items requiring analysis, the following shall be completed:
 - (a) Name and location of the laboratory/entity with synopsis of the event and examinations desired.
 - (b) Date and time of transit to the laboratory/entity.
 - (c) Name and signature of person receiving the item.
- (4) When receiving or transferring evidence and property between members within the Division, each member shall complete the Property Receipt (FWCDLE-029).
- (5) For items that are removed or transferred from an evidence facility, the following shall occur:
 - (a) The Evidence Custodian shall document the removal transaction on the Property Receipt (FWCDLE-029).
 - (b) The receiving member or other person shall document that they received the item(s).
 - (c) The receiving member shall obtain a photocopy of the Property Receipt (FWCDLE-029), then return the original documents to the Evidence Custodian with any additional documents useful in explaining the incident.
- (6) When transferring items of property and evidence to any entity outside of the Division, the chain-of-custody shall be documented on the Property Receipt (FWCDLE-029) and a copy provided to the Evidence Custodian.
- (7) When transferring items of evidence or property by mail or freight, additional proof of transaction must be attached to the Property Receipt (FWCDLE-029) and may be in the following forms:
 - (a) If items are shipped by commercial carrier, shipping receipts or tracking documents.
 - (b) Official documents or receipts from other entities such as approved non-FWC evidence storage facilities, legal entities, law enforcement agencies, laboratories, etc.
- (8) After a member properly documents the transfer of property and evidence to a person or entity outside the Division, the item and chain of custody is no longer under the control of the Division. If property or evidence returns to the control of the Division, members are responsible for documenting receipt and continued chain of custody for those items. If item(s) are not under the physical control of the Division, and if appropriate, the case status may reflect as "open".

F Seized Fish or Wildlife

- (1) Sworn members shall seize all fish and wildlife necessary for the prosecution of an offense or as required by any court of appropriate jurisdiction.
- (2) Seized fish and wildlife not released live, donated, or destroyed shall be retained by the seizing sworn member and stored in an evidence storage facility.
- (3) Sworn members shall document all seized items to be retained by the Division, or by another approved entity on a Property Receipt (FWCDLE-029).

- (4) Sworn members dealing with fish and wildlife that are neither contraband nor evidence may exercise their discretion by taking “no action” in accordance with General Order 49, *Community Oriented Policing Philosophy and Strategic Planning*. The member may also issue an Official Warning (FWCDLE-065) or Citation (FWCDLE-025) and not seize the fish or wildlife.
- (5) Photographs Deemed Competent Evidence
- (a) Section 379.3381, Florida Statutes, states that in the prosecution of a violation of chapter 379, Florida Statutes, any other chapter, or rules of the Florida Fish and Wildlife Conservation Commission, a photograph of illegally taken wildlife, freshwater fish, or saltwater fish may be deemed competent evidence of such property and may be admissible in the prosecution to the same extent as if such wildlife, freshwater fish, or saltwater fish were introduced as evidence.
- (b) Photographs of illegally taken wildlife, freshwater fish, or saltwater fish shall be inserted or attached to the Incident Summary Report Narrative and include the following information:
1. A written description of the wildlife, freshwater fish, or saltwater fish alleged to have been illegally taken.
 2. Name of the violator.
 3. Date the photograph was taken
 4. Location where the alleged illegal taking occurred.
 5. Incident number and citation number.
 6. Name of the investigating member.
 7. Name of the photographer.
- (c) A copy of the completed Incident Summary Report Narrative documenting the circumstances of the case and a copy of the photographs shall be provided to the court in a timely manner.
- (6) Live Fish and Wildlife
- (a) Members shall photograph and properly document fish and wildlife returned live on the Citation (FWCDLE-025) or the comment section of the Official Warning (FWCDLE-065).
- (b) Members are not required to document non-commercial quantities of fish or wildlife returned live on a Property Receipt (FWCDLE-029).
- (c) Non-commercial quantities of fish and wildlife returned live shall be documented on the Citation (FWCDLE-025) and an Incident Summary Report Narrative.
- (d) Commercial quantities of live fish and wildlife shall be documented on a Property Receipt (FWCDLE-029).
- (7) Dead Fish and Wildlife
- (a) If there is a court order for destruction, members may destroy seized dead fish and wildlife prior to disposition of the case.
- (b) Prior to destruction, members shall photograph and document the seized dead fish and wildlife, then document the destruction on the Citation (FWCDLE-025) or the comment section of the Official Warning (FWCDLE-065).
- (c) Non-Commercial quantities of dead fish or wildlife shall be documented on the Citation (FWCDLE-025) and an Incident Summary Report Narrative.
- (d) Commercial quantities of dead fish and wildlife shall be documented on a Property Receipt (FWCDLE-029).

- (e) Members shall use discretion in their methods of destroying and disposing seized dead fish or wildlife. Items shall not be destroyed or disposed of in front of defendant(s) but returned to the food chain beyond public view or destroyed at an approved landfill.
- (8) Donating Fish and Wildlife**
- (a) If there is a court order for donation, members may donate fish and wildlife prior to disposition of the case. For purposes of this General Order, donation may also include the transfer to another unit of federal, state or local government for official use in accordance with Section 379.338(1), Florida Statutes.
 - (b) Members shall photograph and document seized fish and wildlife that is donated on both the Property Receipt (FWCDLE-029) and the Evidence & Forfeited Property Disposition (FWCDLE-028A).
 - (c) If applicable, members shall document seized fish and wildlife that is donated on the Citation (FWCDLE-025) or the comment section of the Official Warning (FWCDLE-065).
 - (d) Fish or wildlife donated or sold for human consumption must be of a good quality.
 - (e) If possession of a species of fish or wildlife is unlawful (i.e. threatened or endangered species), it cannot be donated, but must be disposed of as prescribed in Section 3 (Procedures), Subsection F *Seized Fish or Wildlife*, bullet (7) of this General Order. Exceptions can be made for game animals and fish that were taken out of season, such as deer, but that can be legally possessed at certain times.
- (9) Over-the-Bag-Limit**
- (a) Members shall follow the requirements of the court in their jurisdiction on whether to seize or photograph or to dispose of specific quantities of fish or wildlife in over-the-bag-limit cases.
- (10) Sale of Commercial Products**
- (a) If a member seizes commercial saltwater products suitable for sale, the member shall immediately contact a supervisor to initiate the sales process in accordance with Section 379.337(5), Florida Statutes.
 - (b) The proceeds from the sale of commercial products shall be sent with a cover memorandum and copies of any citations and Property Receipts to the Florida Fish and Wildlife Conservation Commission, Attn: Office of Finance and Budget, Revenue Section, P.O. Box 6150, Tallahassee, FL 32314 to be held in escrow pending disposition of the case.
 - (c) Upon final disposition and review of the associated case by the Regional Commander, Section Leader, or his or her designee, the appropriate Captain shall submit court orders and other supporting documents to the Attn: Office of Finance and Budget, Revenue Section, P.O. Box 6150, Tallahassee, FL 32314. The Captain shall also submit a memorandum to the appropriate Deputy Director, specifying that the funds are to be released to the Commission or returned to the defendant.
 - (d) The appropriate Deputy Director shall advise the Commission's Office of Finance and Budget, Revenue Section, when the funds are to be removed from escrow and deposited in another account or returned to the defendant. The applicable Evidence Custodian shall be notified of final disposition of funds.

G Storage of Seized Live Evidence and Property

- (1) The constructive seizure of live evidence and property requires supervisory approval prior to seizure and notification to the appropriate Evidence Custodian.
- (2) The welfare of the resource as well as the safety of people must be considered before making a decision to physically seize or store live evidence or property. In some cases, constructive seizure may be the best option available.
- (3) Members shall photograph and document constructive and live evidence seizures on Property Receipt (FWCDLE-029) and provide the property receipt to the appropriate Evidence Custodian within 72 hours of seizure.
- (4) If a Division evidence storage facility is not adequate, an off-site location may be pre-approved by the Regional Commander. All required documentation shall be maintained as part of the case file. The EPID (FWCDLE-074), or equivalent tracking tag, shall be maintained with the seized item(s), if feasible.
- (5) In the event that a permit holder storing live evidence or property loses their permit, evidence shall be transferred to a permitted facility within 3 business days of discovery. An extension beyond 3 days may be granted by a Section Leader for extenuating circumstances.
- (6) In all cases, photographs are to be taken of the seized live evidence or property unless a supervisor authorizes otherwise due to equipment failure or special circumstances. The equipment failure or special circumstances shall be documented on the Incident Summary Report.

H Federal (NOAA) Cases

- (1) Evidence shall be handled in accordance with the Cooperative Enforcement Agreement between the United States Department of Commerce National Oceanic and Atmospheric Administration (NOAA) and the Florida Fish and Wildlife Conservation Commission Division of Law Enforcement.
 - (a) Evidence associated with cooperative enforcement action shall be handled pursuant to this General Order, except that the evidence may be turned over to a NOAA representative at any time. Written documentation of the transfer is required on a Property Receipt (FWCDLE-029).
 - (b) Evidence associated with cooperative enforcement action may be destroyed, forfeited, or disposed of as directed with written authorization from a NOAA representative and documented on the Evidence & Forfeited Property Disposition form (FWCDLE-028).

I Firearms and Weapons

- (1) Firearms and other weapons shall immediately be rendered safe upon seizure. The method used to render the weapon safe shall be verified when entered and stored in an evidence and property storage facility.
 - (a) Firearms shall be secured with any device (i.e. zip tie, etc.) that prevents the action from closing and that allows for a quick visual inspection that the firearm is safe.
 - (b) Muzzle loaders shall not be stored in an evidence storage facility unless the primer, powder, and projectile has first been removed from the muzzle.
- (2) Firearms shall be locked in a safe, gun locker, or other lockable compartment or storage device within an evidence storage facility.
- (3) In accordance with Section 790.08, Florida Statutes, a sworn member who makes an arrest under Section 790.07, Florida Statutes (committing or attempting to commit any felony while displaying, using, threatening, or attempting to use any weapon or electric weapon or device or carrying a concealed weapon), shall take possession of any weapons, electric weapons or devices, or arms found upon the person arrested and deliver them to the Sheriff of the county,

- (b) Packaging and secure storage:
 - 1. Paraphernalia should be packaged separately from controlled substances. Do not mix different controlled substances; if two or more different drugs are found together, a separate bag shall be used to package each item.
 - 2. Any sharp paraphernalia such as razor blades, broken glass, or needles must be protected. Needles must be placed inside a sturdy, non-collapsible container.
- (c) All controlled substances shall be separated by type and sealed in individual bags or envelopes. Pills in quantities of one-hundred (100) or less shall be counted, while larger quantities shall be weighed and recorded as total package weight. The approximate amount and description of the drug shall be entered on all applicable forms. Each bag or envelope shall be sealed with the member's signature written across the seam of the tape.
 - 1. In accordance with Section 893.105, Florida Statutes, any controlled substance or listed chemical seized as evidence may be sample tested and shall be weighed by the seizing officer at the time of seizure.
 - 2. Total package weight shall be recorded on all required documentation.
 - 3. If a sample is sent to a lab for analysis, both the total package weight of the sample and the total package weight of the substance left after testing shall be documented.
 - 4. Controlled substances or listed chemicals that are not retained for sample testing as provided above may be destroyed pursuant to a court order issued in accordance with Section 893.12, Florida Statutes.
- (d) If a controlled substance cannot be stored at a Division evidence storage facility, it may be stored at another law enforcement agency meeting accreditation standards and with preapproval from the appropriate Regional Commander. A completed Property Receipt (FWCDLE-029) must be signed by the receiving agency and provided to the Evidence Custodian within 72 hours. If the receiving agency completes their own Property receipt upon receipt, a copy shall be provided to the Evidence Custodian along with the completed Property Receipt (FWCDLE-029).

K Lost and Abandoned Property and Unclaimed Evidence

- (1) Lost or abandoned property shall be delivered to the appropriate field office having an evidence storage facility, or to a local law enforcement agency in accordance with Chapter 705, Florida Statutes. An Incident Summary Report and Property Receipt (FWCDLE-029) shall be completed and submitted via chain of command to the area Captain for review.
- (2) If feasible, the area Captain shall determine if the value of the seized property is greater than or less than \$100.
- (3) If the supervisor believes the property has no intrinsic value, an Incident Summary Report including photograph(s) and description of the property shall be submitted to the appropriate Captain for review. If the property is determined to be "abandoned property" and has no intrinsic value, the area Captain may authorize disposal of the property adhering to procedures required under Chapter 705, Florida Statutes. For towing and impoundment of abandoned vehicles, refer to General Order 09, *Vehicle and Vessel Towing and Impoundment*.
- (4) Unclaimed Evidence or Property:
 - (a) If the unclaimed evidence or property is a vehicle, vessel, outboard motor, trailer, or aircraft and requires registration, an Unclaimed Evidence Action Notice (FWCDLE-033) shall be completed and submitted to the appropriate Deputy Director. The Deputy Director or designee shall determine if the property has no appreciable value and may be disposed of or assigned for use as outlined in Chapter 705, Florida Statutes.

L Procedures for a Vessel, Vehicle, Outboard Motor, Trailer, Aircraft, or Cash Found on Public Property

- (1) For vehicles or vessels subject to Florida registration or titling requirements, documentation of the destruction including photographs and notification to DHSMV for title cancellation is required if the vehicle or vessel is destroyed. Other unclaimed evidence shall be handled pursuant to Section 705.105, Florida Statutes.
- (2) When lost or abandoned property is turned over to or recovered by the Division, whether the property is actually taken into custody or is handled as a constructive seizure, an Initial Seizure Report (FWCDLE-018) shall be sent to the appropriate Deputy Director within 24 hours.
- (3) If the item is of such a nature that it cannot be easily removed or if the property is being stored by the finder, the Division shall handle pursuant to section 705.103(2), Florida Statute. The member shall indicate the appropriate action on the Property Receipt (FWCDLE-029).
- (4) If the lost property has a value of \$200 or more, is a vehicle, vessel, outboard motor, trailer, or aircraft that requires registration, a Lost or Abandoned Property Certificate (FWCDLE-003) shall be completed and submitted to the appropriate Deputy Director. The Deputy Director shall determine if the property shall be disposed of or assigned for use.

M Procedures for a Vessel, Vehicle, Outboard Motor, Trailer, Aircraft, or Cash Found on Private Property

- (1) A person who wants to claim property found on private property shall be referred to the Sheriff's Office of the county in which the property is located.

N Recovered Stolen Property

- (1) If practicable, stolen property shall be turned over to the law enforcement agency having jurisdiction. Recovered stolen property should never be left unattended after being confirmed as stolen. In the event a sworn member is unable to turn over the recovered stolen property to another law enforcement agency, he or she shall adhere to the following:
 - (a) Immediately notify a supervisor and request that a Duty Officer notify the originating law enforcement agency by teletype. A copy of the teletype message shall be made part of the investigative file and an Initial Seizure Report (FWCDLE-018) shall be sent to the appropriate Deputy Director within 24 hours.
 - (b) Within seven days of recovery, the seizing sworn member shall ensure notification of the owner or victim and the insurer. In addition, if the recovered property is a vessel, vehicle, outboard motor, trailer, or aircraft, the sworn member shall notify the registered lienholder. The initial notification may be made by telephone or in person, but those persons found to have a financial interest in the property must also be notified in writing. This notification may be delayed if the owner is a suspect in a continuing investigation. The notification shall be documented in the Incident Summary Report.
 - (c) If the stolen property is a vessel, vehicle, outboard motor, trailer, or aircraft and the person in possession or claiming ownership at the time of the recovery has a title that a reasonable person would believe identifies the property or proof of purchase to reflect a "good faith purchase," then the vessel, vehicle, outboard motor, trailer, or aircraft shall remain in the custody of the Division of Law Enforcement or under constructive seizure. If ownership of the stolen property cannot be determined, the sworn member shall contact the Legal Office for assistance.
- (2) A recovered stolen vessel, vehicle, or outboard motor as outlined in Section 860.20 Florida Statutes, or trailer with the manufacturer's identification number altered or removed may not be released from the Division's custody until DHSMV has been notified and the correct or state assigned number on the replacement decal has been placed on the property to be returned.

O Disposition – All items shall be disposed of by one of the following methods:

- (1) Disposed of in compliance with a court order or
- (2) Released to claimant, owner, or legal representative.
 - (a) A reasonable effort shall be made to identify and notify the owner or guardian of property within the Division’s custody, including but not limited to telephone, certified letter, or direct contact. Contact efforts shall be documented on the Incident Summary Report. or by email to the Evidence Custodian.
 - (b) Any seized evidence or property released to the claimant, owner or legal representative shall be documented on a Release for Returned Property (FWCDLE-028B).
 - (c) If the claimant, owner or legal representative refuses to sign the Release for Returned
 - (d) Property (FWCDLE-028B), the sworn member should write **“REFUSED TO SIGN”** in the signature location and the refusal should be witnessed by another sworn member. In the event another sworn member is unavailable, any member shall serve as witness.

P Forfeiture Procedures – Florida Contraband Forfeiture Act – Section 932.701-7062, Florida Statutes and various other statutes which require application of the procedures in Section 932.701-7062, Florida Statutes:

Action Required	Time Frame	Florida Contraband Forfeiture Act Chapter 932.701-7062 Florida Statutes Pertaining to Vehicle/Vessel Seizure
Notice of Seizure and Intent to Forfeit	Within 5 Days of Seizure	The seizing sworn member shall notify all interested parties that the property is being considered for forfeiture by using the Notice of Seizure and Right to Adversarial Preliminary Hearing form (FWCDLE-115). This form shall be used to notify all parties on or about the seized property at the time of the seizure if possible/practical. This form shall be utilized to notify all or any other interested parties within five days of the date of seizure. It can be delivered in person or if sending via mail, it should be sent Certified Mail Return Receipt.
Initial Seizure Report	Within 24 Hours	The regional office shall also email a completed copy of the Initial Seizure Report (FWCDLE-018) to the appropriate Deputy Director of Operations and the Division’s Legal Counsel.
Submit Supplemental Documentation to Deputy Director and Legal Counsel	ASAP	After seizure of property subject to forfeiture under the Florida Contraband Forfeiture Act, a sworn member has a maximum of three calendar days from date of seizure to submit supplemental documentation, i.e. Incident Summary Report, Property Receipt(s), Pictures, Forfeiture Affidavit, Notice of Seizure and Intent to Forfeit form, findings, and information through the chain of command to the Deputy Director of Operations and the Division’s Legal Counsel to determine whether to proceed with forfeiture action. Written approval (e-mail is sufficient) from the Deputy Director is required to proceed.
Flag DHSMV	As Soon as Feasible After the Approval to Continue with Forfeiture Process Under FS 932	As soon as feasible after the approval to continue with forfeiture process, the sworn member or supervisor shall submit to the Department of Highway Safety and Motor Vehicles a Law Enforcement Administrative Stop Request (DHSMV form). This will place a title/tag stop on the vessel or vehicle that has been seized and is under investigation in the DHSMV title computer. The Initial Seizure Report (FWCDLE-018) will have to be forwarded to DHSMV as well.

Publish Notice of Intent	5 Days	Within five working days after the seizure, a notice of intent to forfeit shall be published once a week for two consecutive weeks in a newspaper of general circulation, according to Section 50.011, Florida Statutes, in the county where the seizure occurred, unless directed otherwise by the Division's Legal Counsel.
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Q Forfeiture Procedures – for Seized Property under Chapter 379, Florida Statutes and as they relate to wildlife and fisheries cases as established in Sections 379.337 and 379.339, Florida Statutes:

Action Required	Time Frame	Fisheries and Wildlife Chapter 379, Florida Statutes Pertaining to Vehicle/Vessel Seizure
Notice of Forfeiture SHALL NOT be served on the violator at the time of offense even if the property is seized at that time.		
Property Receipt	At time of Seizure	<p>A Property Receipt (FWCDLE-029) is required to be completed with a copy being provided to the defendant.</p> <p>All personal property within the property of interest shall be turned over to the owner or other individual approved by the possessor prior to seizure.</p> <p>The sworn member and his or her supervisor are responsible for conducting an investigation (diligent inquiry) to determine the registered owner of all seized vessels and vehicles.</p>
Flag DHSMV	As Soon as Feasible After the Wildlife/fisheries Arrest and the Decision to Seize and Forfeit Property Under FS 379 Has Been Determined	The sworn member or supervisor shall request the Department of Highway Safety and Motor Vehicles at (850) 617-2000 to flag the vessel or vehicle in the DHSMV title computer as "Under Investigation" by electronically submitting an Initial Seizure Report (FWCDLE-018), with a notification in the narrative indicating the vessel or vehicle is or shall be seized upon conviction and completion of the forfeiture process.
File w/Court & SAO Notice of Seizure and Final Order of Forfeiture	Within 14 Calendar Days of the Date of Seizure	The arresting sworn member shall cause a notice of seizure and intent to forfeit to be sent by certified mail to the registered owner of the property. The sworn member shall also file a copy of the Notice of Seizure and Intent to Forfeit form (FWCDLE-114) and a Final Order of Forfeiture form (FWCDLE-028) with the court and the State Attorney's Office handling the related criminal charges.
Respondent May Request Hearing	21 Days	Any request for a hearing must be sent to the Division within 21 days after the registered owner's receipt of the Notice of Seizure and Intent to Forfeit.
Request for Hearing	Upon Receipt	If the registered owner submits a request for a hearing, the sworn member or supervisor shall be responsible for providing a copy of the request to both the court and the State Attorney's Office.
Provide Notice of Hearing	Upon Receipt	The arresting sworn member or supervisor shall be responsible for ensuring that the State Attorney's Office provides notice to the registered owner who has requested a hearing of the date, time, and place of the hearing. If the State Attorney has failed to provide notice,

		then the arresting sworn member or supervisor shall provide notice to the registered owner.
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R Disposition of Liens and Forfeited Property Pursuant to Florida Statute 932.7055

- (1) Forfeited property retained for agency use shall be maintained and utilized in accordance with the Contraband Forfeiture Act and shall be subject to the same control with regard to property acquired through the agency's normal acquisition and replacement.
 - (a) When placing any forfeited item with a value of \$1,000 or more into service, Commission policy shall be followed to obtain issuance of an FWC property number and decal. The property shall be assigned by the Regional Commander or Section Leader.
- (2) Forfeiture proceeds shall be maintained in a special fund as provided by law, which is subject to the rules of the Office of the Comptroller. This fund shall be administered by the Commission's Office of Finance and Budget, Revenue Section.
- (3) Forfeited property may be destroyed with the destruction witnessed by a Division supervisor
- (4) Forfeited property may be donated to a charitable organization. The Division Director shall approve the recipient organization.
- (5) Firearms forfeited to the Division shall be processed as described in Section 3 (Procedures), Subsection I, Firearms and Weapons of this General Order (see above).

S Reporting Seized Property for Forfeiture Pursuant to Florida Statute 932.7061-932.7062

- (1) Every law enforcement agency is required to submit an annual report to the Department of Law Enforcement indicating whether or not the agency has seized or forfeited property under the Florida Contraband Forfeiture Act.
- (2) The report shall be completed
 - (a) By a designee of the Division's budget section
 - (b) By following the instructions found on the FDLE website <http://www.fdle.state.fl.us/OIG/Forfeiture-Reporting.aspx>
 - (c) Submitted electronically to ForfeitureReports@FDLE.state.fl.us
 - (d) Submitted no later than December 1st of each year
 - 1. Failure to report by the deadline could result in a civil fine of \$5,000, to be determined by the State Chief Financial Officer and payable to the General Revenue Fund.

T Procedures for Federal Asset Sharing

- (1) All activities related to Federal Asset Sharing shall be coordinated through the Office of the Division Director.
- (2) The Division of Law Enforcement currently only engages in federal asset sharing with the National Oceanic & Atmospheric Administration (NOAA) Office of Law Enforcement.
 - (a) Any assets shared with the NOAA Office of Law Enforcement require the prior execution of a separate Memorandum of Understanding (MOU) between NOAA and the FWC Division of Law Enforcement.
- (3) If sharing of seized assets with other federal agencies due to joint law enforcement venture is anticipated the following guidelines must be followed:

- (a) If the federal agency is one of the U.S. Department of Justice agencies, the following publication must be consulted: *A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies*.
 - 1. Access the guide here: <http://www.justice.gov/usao/ri/projects/esguidelines.pdf>
- (b) If the federal agency is one of the U.S. Department of the Treasury agencies, the following publication must be consulted: *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies*.
 - 1. Access the guide here: <http://www.treasury.gov/resource-center/terrorist-illicitfinance/Asset-Forfeiture/Documents/greenbook.pdf>
- (4) For either Justice or Treasury agencies, a Federal Equitable Sharing Agreement must be enacted by the Division Director and the Executive Director of the Florida Fish and Wildlife Conservation Commission prior to the receipt of any shared assets.
 - (a) The Federal Equitable Sharing Agreement must be renewed every three years.
 - (b) The Federal Equitable Sharing Agreement requires the submission of an Annual Certification Report.
 - (c) The Federal Equitable Sharing Agreement can be accessed here: <https://www.justice.gov/criminal-mlars/equitable-sharing-program>
 - (d) The Annual Certification Report can be accessed here: <http://www.usmarshals.gov/assets/eshare/certification.pdf>
- (5) When asset sharing is anticipated, the Regional Commanders shall coordinate with the Office of the Division Director to ensure the following forms are completed:
 - (a) For forfeitures shared with the U.S. Department of Justice: Form DAG-71 – Application for Transfer of Federally Forfeited Property. <http://www.usmarshals.gov/assets/eshare/dag71.pdf>
 - (b) For forfeitures shared with the U.S. Department of the Treasury: the TD F 92-22.46 – Request for Transfer of Property Seized/Forfeited by a Treasury Agency. <https://www.treasury.gov/resource-center/terrorist-illicit-finance/Asset-Forfeiture/Documents/Seized%202011%20Property%20Form%20TD%20F%2092-22%2046%20OMB%201505-0152.pdf>
 - (c) The name, address, and telephone numbers of the federal agent and the responsible federal agency are to be included on the forms.
 - (d) The above form(s), the FWC Investigative Report (if available), and a brief statement of the case describing in detail FWC's involvement and the basis of the seizure are to be forwarded to the Division Director within 7 calendar days of the seizure. After review, the form(s) and reports shall be sent to the Legal Office for review and signature. The forms and reports shall be returned to the Division Director for final signature after which, the form(s) shall be sent to the appropriate federal agency.
- (6) A log of the requested shared forfeitures shall be maintained in the Office of the Division Director. The log shall be kept current and shall contain at a minimum:
 - (a) A consecutive numbering system for control purposes.
 - (b) Seizure type (property or currency).
 - (c) Amount of the seizure.
 - (d) Share amount requested.
 - (e) Name of agent and prosecutor handling the case.
 - (f) Amount received.

(g) Date share of forfeiture was received.

- (7) To ensure the timely deposit of federal asset sharing, all checks should be sent directly to the Division Director. If federal sharing checks are received by any other Division component, the supervisor in charge of that component shall immediately notify the Division Director and forward the check immediately with a memorandum referencing the case number and whether funds came from the Justice Department or Treasury Department.
- (8) For tracking purposes, the Office of the Division Director shall identify all funds received for deposit into the forfeiture account by way of the State accounting system. All expenditures of forfeiture funds obtained through the federal asset sharing agreement shall be in accordance with the guidelines set forth by the U.S. Department of Justice and the U.S. Department of the Treasury. Approval of the Director is required prior to the expenditure of any funds obtained through the federal asset sharing program and such expenditures must be made through the appropriation process or approved budget amendments.
- (9) For asset sharing with federal agencies not referenced in this memorandum, procedures need to be developed on a case-by-case basis and in accordance with the federal agency's policies and procedures and any applicable state laws and rules.

U Storage of a Seized Vehicle, Vessel, Outboard Motor, Trailer, or Aircraft

- (1) A supervisor shall determine where the seized vehicle, vessel, outboard motor, trailer, or aircraft shall be stored. A reasonable effort shall be made to store the above at a Division evidence storage facility.
 - (a) Whenever feasible, personal items (shoes, clothes, telephones, coolers, wallets etc.) shall not be seized with the property. If not feasible to release personal items at the time of seizure, items shall be returned to the owner or owner approved individual as soon as possible after the seizure.
- (2) When the estimated value of property exceeds \$100,000, a surveyor or appraiser shall be contacted to provide a written estimate of the value and to document the condition of the seized property. Prior to release, photographs or video shall be taken documenting the condition of the assessed equipment.
- (3) When identification numbers are not displayed on the property, indicate in writing "none displayed" or "removed" on the Property Receipt (FWCDLE-029).

V Evidence Storage Facilities

- (1) All persons are restricted from access into the evidence and property storage facilities unless escorted by an Evidence Custodian.
- (2) All evidence and property storage facilities shall be located in or at a Commission approved facility.
- (3) With approval from the Regional Commander, evidence may be stored at other law enforcement storage sites that meet accreditation standards, or other specific locations as required under exceptional circumstances, such as a commercial storage facility for vessels or other large equipment that cannot reasonably be stored at a Division facility.
 - (a) When seizing a weapon as the result of an arrest made under Section 790.07, Florida Statutes, the sworn member shall deliver the weapon to the Sheriff of the county, or the Chief of Police of the municipality wherein the arrest was made regardless of the accreditation status of the agency.

W Temporary Storage Areas for Evidence and Seized Property

- (1) The temporary storage areas (lockers, freezers, and refrigerators) shall be located in an area that is not accessible to the general public.
- (2) Temporary storage areas (lockers, freezers, and refrigerators) are for temporary storage of seized items until an Evidence Custodian can move the items into the permanent storage area. There must be a separate locking system for each seizure held in the temporary storage area.

- (3) Heavy Endurance Class offshore patrol vessels, as defined by General Order 30, are designated as temporary storage areas.
- (4) Temporary storage areas not in a Division facility must be approved by the Regional Commander prior to use

X Permanent and Temporary Evidence and Seized Property Compounds


- (1) Evidence and property compounds are restricted areas. The Evidence Custodian or Alternate Evidence Custodian shall escort persons entering the evidence and seized property compound. Every person entering shall be documented in the Evidence Room & Compound Entry Log (FWCDLE-336). All evidence and seized property compounds shall remain locked and secured.
- (2) The Temporary Storage Compound may be part of the Division’s evidence and seized property compound if additional fencing separates it.

4 FORMS

FORM NUMBER	FORM TITLE
FDLE	FDLE Forfeiture Reporting Spreadsheet
	Evidence Custodian Manual
	Incident Summary Report
	Incident Summary Report Narrative
FWCDLE-003	Lost or Abandoned Property Certificate
FWCDLE-018	Initial Seizure Report
FWCDLE-025	Citation
FWCDLE-028	Final Order of Forfeiture
FWCDLE-028A	Evidence & Forfeited Property Disposition
FWCDLE-028B	Release for Return Property
FWCDLE-029	Property Receipt
FWCDLE-030	Seized or Retained Currency Inventory Form
FWCDLE-033	Unclaimed Evidence Action Notice
FWCDLE-039A	Inventory and Unannounced Inspection Report
FWCDLE-065	Official Warning
FWCDLE-074	Evidence and Property Identification Tag (EPID)
FWCDLE-114	Notice of Seizure & Intent to Forfeit

FWCDLE-115	On-Site Seizure & Forfeiture Notification/ Notice of Seizure and Right to Adversarial Preliminary Hearing
FWCDLE-151	Request for Forfeiture Proceeding
FWCDLE-157	Order for Destruction of Controlled Substances
FWCDLE-336	Evidence Room & Compound Entry Log

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement

	TITLE	GENERAL ORDER 17
	SEARCHES, RAIDS, INSPECTIONS AND HIGHWAY CHECKPOINTS	EFFECTIVE DATE July 21, 2008
	APPLICABILITY ALL SWORN MEMBERS	RESCINDS/AMENDS December 20, 2004
REFERENCES S. 327.56, F.S. and Ch. 379, 901 and 933, F.S.; CFA 2.07, 2.08, 17.10, and 18.10		

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement that all searches and inspections are to be conducted within the provisions of the Fourth Amendment of the United States Constitution, Article I, Section 12 of the Constitution of the State of Florida, and Chapters 379 and 901, Florida Statutes.
- B** It is further the policy of the Division that raids or assisting other agencies with raids will only be conducted when it is within the scope of the Division's mission and when prior approval from the Division Director or designee has been obtained.

2 RESPONSIBILITIES

A Division

- (1) It is the responsibility of the FWC Division of Law Enforcement to provide guidance and directions to sworn members when conducting searches, raids, inspections and highway checkpoints.

B Members

- (1) The Fourth Amendment of the United States Constitution prohibits unreasonable searches. Sworn members of the Division have taken an oath to uphold the Constitution. If any sworn member has a question as to whether or not a search is lawful, the sworn member shall contact a supervisor. Any doubt should be resolved in favor of the individual's reasonable expectation of privacy.
- (2) Sworn Members are responsible for being familiar with the local requirements and procedures for Search Warrant affidavits based on their county and judicial circuit of assignment.
- (3) Sworn members shall not exercise police authority or enforcement profiling based solely upon an individual's race, ethnic origin, gender, age, sexual orientation or income status.

3 PROCEDURES

A Obtaining Search Warrants

- (1) Any sworn member who intends to obtain a search warrant shall contact and advise a sworn supervisor of their intent.
- (2) The sworn member should provide the following information to the sworn supervisor:
 - (a) The name and address of the primary suspect and all known associates related to the investigation.

- (b) The type of investigation.
 - (c) The location of the prospective search.
 - (d) The proposed date and time of execution of the search warrant.
 - (e) The assigned incident summary number.
- (3) If supervisory approval is granted, the sworn member shall complete the affidavit and all supporting documents. The Affidavits should be typed when feasible.
 - (4) A sworn supervisor shall review the completed affidavit and supporting documents to ensure they contain the statement of facts and circumstance in accordance with Chapter 933, Florida Statutes, establishing:
 - (a) A specific description of the place to be searched so that there can be no questions as to its whereabouts.
 - (b) A statement that evidence of a felony, fruits of a crime, instrumentalities used in the commission of a crime, property held or possessed in violation of the fish and wildlife laws or that is involved in an investigation of the FWC Division of Law Enforcement, or contraband may be found at the place to be searched.
 - (c) A statement of the name of the person or persons who occupy or control the premises, if known.
 - (d) A list of the items or classes of items to be searched for and seized if found.
 - (5) The sworn member shall present the affidavit to the designated Assistant State Attorney for review and approval.
 - (6) An additional Search Warrant form may be required to be completed depending on the county.
 - (7) Upon approval of the Assistant State Attorney, the warrant is ready to be signed.
 - (8) The search warrant should be executed as soon as practicable following signature by a judge and, in all cases, must be executed and returned within the ten-day period specified in Section 933.05, Florida Statutes.

B Execution of Search Warrants

- (1) The party executing the Search Warrant must be a designated officer as directed in the warrant; however, other law enforcement personnel or persons necessary to aid in the execution of the warrant may assist the designated officer.
- (2) Sworn members serving a Search Warrant are required to knock and announce their authority and presence. Generally, a reasonable knock followed by "State Law Enforcement with a Search Warrant" is sufficient. In most cases, this announcement must be made before sworn members cross the threshold. If sworn members are refused admittance to the house, they may break in any inner door, outer door, or any part of the house or thing therein in order to gain entry (Section 933.09, Florida Statutes).
- (3) The Florida Supreme Court has given law enforcement officers serving a Search Warrant four "no-knock" exceptions:
 - (a) The persons within already know of the officer's presence, purpose, and authority; or
 - (b) The officer justifiably believes that persons within are in danger of immediate bodily harm; or
 - (c) Where the officer's life would be greatly endangered by knock and announce procedures; or
 - (d) Where those within are made aware of the presence of someone outside and are then

engaged in activities, which justify the officer's belief that an escape or destruction of evidence is now being attempted.

- (4) There is no set time a sworn member must wait from the time of announcement until it is concluded that admission is being denied and forcibly enter. Some cases have said one minute to one minute fifteen seconds is not unreasonable. Any commotion inside the premises, which would lead sworn members to reasonably conclude occupants are attempting to destroy evidence, gives sworn members authority to immediately break in after announcing their presence and authority.
- (5) Sworn members must consider the type of evidence for which they are searching in determining how long they should wait before breaking in. For instance, sworn members searching for a stolen outboard motor would wait longer before breaking in than sworn members in search of evidence easily destroyed or disposed of.
- (6) The party executing the Search Warrant shall read the Search Warrant to the person being served and a duplicate copy of same shall be given to the person being served. In cases where the premises are unoccupied, the duplicate copy shall be conspicuously posted on the premises.
- (7) Execution of the Search Warrant shall be carefully planned out by the sworn supervisor in charge. The supervisor in charge shall also ensure a sufficient number of sworn members are available in the execution for proper service and safety. The premises shall be entered in a tactical manner that creates the least risk to the sworn members serving the Search Warrant.
- (8) Only sworn members wearing issued protective vests (body armor) and uniforms will execute Search Warrants.
- (9) The local sheriff's office should be notified prior to the execution of a Search Warrant for possible assistance and to obtain additional criminal intelligence.
- (10) Sworn members are responsible for searching, pursuant to the Search Warrant.
- (11) Persons on the premises or persons who arrive during the search may be searched if the warrant so specifies.
- (12) Sworn members shall search only in the area wherein the property described in the warrant could be hidden (e.g., cannot search dresser drawers for stolen boat motors).
- (13) While searching, the sworn member should ensure that the place searched is left in a similar condition as it was prior to the execution of the warrant. Unnecessary disturbance of property is **not** permitted.
- (14) When the search is completed a copy of the Property Receipt (FWC/DLE-029) and the inventory section of the search warrant, listing all of the items seized shall be given to the person(s) named in the warrant or to a person in control of, or living on the premises. If no person is present at the premises when the warrant is served, a duplicate copy of the Property Receipt and a copy of the Search Warrant shall be left in a conspicuous place on the premises (Section 933.11, Florida Statutes).
- (15) Another copy of the Property Receipt shall promptly be returned to the judge issuing the warrant.
- (16) The property seized under authority of a Search Warrant should be brought before the judge having competent jurisdiction. Generally, it is sufficient to make the return to the judge's office with the Search Warrant and Property Receipt (Section 933.12, Florida Statutes).

C Raids

- (1) All raids must have prior approval from the Division Director or designee.
- (2) The Division Director or designee shall appoint a supervisor to act as the Raid Coordinator.

- (3)** The Raid Coordinator must remain aware of the risks to the person(s) involved. The safety of all persons is a primary concern. The operation will be terminated or suspended when risks to any person(s) reach an unacceptable level.
- (4)** Whenever members are assigned to assist with raids for whatever reason, they shall adhere to the following:

 - (a)** A uniformed sworn member from the area where the raid is to be conducted shall, if at all possible, be assigned. This sworn member will stay with the detail from the time it starts until being released by the Raid Coordinator. The uniformed sworn member will not be released until the suspect(s) and the location are secured.
 - (b)** All sworn members of the arrest or raid team shall wear a protective vest (body armor).
 - (c)** Sworn members shall be in uniform or in approved clothing as determined by the Raid Coordinator that clearly identifies the member as law enforcement personnel.
 - (d)** Entry is usually accomplished by a three or four member entry team, followed by members necessary to maintain safety and security.
 - (e)** In the event of a high risk situation such as a hostage or barricaded subject, the law enforcement agency having jurisdiction shall be notified to provide negotiation assistance.
 - (f)** At the point of entry, all inner perimeter personnel and the cover units will be assigned specific areas to provide maximum protection for the entry team.
 - (g)** When it becomes necessary to physically make an arrest as a result of a raid, sworn members shall use only that force which is reasonable and necessary to defend themselves or others in order to affect the arrest.
 - (h)** Sworn members need not retreat or desist from efforts to affect a lawful arrest because of resistance or threatened resistance.
- (5)** The Raid Coordinator or designee shall be the Lead Sworn Member.

 - (a)** The Raid Coordinator is responsible for communicating both internally and externally with the specialized support units involved.
 - (b)** The Raid Coordinator shall solicit guidance from the State Attorney's Office if there is any doubt or questions related to possible legal issues.
 - (c)** The Raid Coordinator may assign false identification to team members with approval of the appropriate Deputy Director. If false identification is assigned, member confidentiality shall be maintained.
 - (d)** The Raid Coordinator shall confirm the target.
 - (e)** As the raid team moves, the Raid Coordinator should constantly monitor and provide additional members as needed.
 - (f)** Once the decision is reached that the raid is completed, the Raid Coordinator shall make certain that the building, structure or vessel is properly secured before leaving it unattended.
 - (g)** The Raid Coordinator shall make certain that necessary medical assistance is provided for the injured.
 - (h)** The Raid Coordinator shall provide close supervision and ensure that an operational plan is used.
- (6)** The operational plan should be documented on an Incident Summary Report (FWC/DLE-045) and include the following:

- (a) Describe the nature of the action
- (b) Describe the location and confirm the target location
- (c) Describe the surrounding area (gates, fences, etc.)
- (d) Describe security (alarms, locks, dogs, etc.)
- (e) Identification and physical description of suspect(s)
- (f) Background information (FCIC/NCIC, military history, mental history, firearms check, etc.)
- (g) Specific intelligence
- (h) Names of personnel
- (i) Equipment to be utilized including specialized equipment, expense funds, etc.
- (j) Assignments and teams for relief, backup, and support services (individual, surveillance, entry, arrest, search, covering, misc teams)
- (k) Strategies and tactics for approaching, entering, securing, and leaving the target area
- (l) Briefing of each team
- (m) Routine and emergency communications (frequencies, telephone numbers, signals, codes, etc.)
- (n) Post-Raid communications and media releases
- (o) Transportation (vehicle assignments and arrangements)
- (p) Review of applicable policies and procedures (laws, etc.)
- (q) Safety/Emergency/Medical procedures
- (r) Methods and procedures of arrest (anticipated special considerations - female, juvenile, handicapped, medical, etc.)
- (s) Post-raid activities (debriefing, media considerations and report writing assignments)

D Warrantless Searches

(1) Search by Consent

- (a) Sworn members may search a person or a person's property, including a vehicle or vessel, when that person gives that sworn member permission to do so. This consent can be oral or written, but must be freely given and voluntary. At any time the person can withdraw their consent to a search and the search shall cease. Any evidence or contraband found before the withdrawal of the search shall be retained. Specific consent to search the trunk of a vehicle or a locked container should be obtained.
- (b) A Permission to Search Form (FWC/DLE-093) should be used when appropriate to add credence to subsequent testimony that consent was knowingly and voluntarily given.

(2) Stop and Frisk

- (a) Florida's Stop and Frisk Law (Section 901.151, Florida Statutes) provides for the following procedures when questioning an individual prior to any arrest:
 1. A sworn member having reasonable indications that a person has committed, is committing or is about to commit a violation of any state criminal law or any criminal municipal ordinance may temporarily detain the person to ascertain their identity, and the circumstances surrounding the person's presence abroad.
 2. Upon such a detention, and probable cause to believe the person the sworn member

- (d) All electronic equipment, which is designed to be easily removed, shall be removed, listed on the property receipt, and secured in the evidence room. Electronic equipment which is built into consoles, cabinets, bulkheads, or is not designed to be easily removed, should be listed on the property receipt, but should not be disassembled to obtain serial or model numbers, except to identify recovered stolen property.
- (e) All jewelry items, regardless of apparent value, shall be listed on the property receipt.
- (f) All firearms shall be listed on the property receipt. Firearms may be kept temporarily at Division of Law Enforcement facilities, but should be turned over to the county sheriff's office as soon as possible.
- (g) Special types of propellers, such as cleavers and choppers, shall be listed on the property receipt and should be secured in the evidence room whenever possible.
- (h) Any other item not listed above may be listed on the property receipt at the discretion of the sworn member conducting the inventory search.
- (i) Items which appear to be missing at the time of the inventory search should be noted in the narrative section of the Incident Summary Report (FWC/DLE-045). An example of this would be an empty radio bracket or empty battery box. Any other unusual conditions or observations should also be noted in detail.

F Vessel Inspections

- (1) Vessel Inspections pursuant to Section 379.3313, Florida Statutes.
 - (a) Sworn members shall have probable cause to believe the vessel was engaged in fishing "prior" to the inspection. The term "prior" shall be construed to mean:
 1. Actually engaged in a fishing operation;
 2. Returning from fishing; or
 3. Transporting fishery products.
 - (b) Under no circumstances shall this section be used to inspect vessels not engaging in fishing activities or transporting fishery products.
 - (c) The living or sleeping areas of a vessel and any containers stored therein shall not be subject to inspection pursuant to this section. The living or sleeping area of a vessel shall include all enclosed cabin areas such as galleys, bunk or staterooms, head or other such enclosed areas. This section does not restrict searches that are authorized elsewhere in this policy or law.
 - (d) When a sworn member inspects a vessel pursuant to this section and no violation is found, the vessel and all containers, as well as the fishery product, shall be left in the same condition as immediately prior to the inspection or as close to the same condition as possible. If necessary, sworn members may purchase ice to replace any lost during the inspection.
- (2) Vessel Inspections pursuant to Section 327.56, Florida Statutes.
 - (a) No sworn member shall board any vessel to make a safety or marine sanitation equipment inspection if the owner or operator is not aboard.
 - (b) When the owner or operator is aboard, a sworn member may board a vessel with consent or when the sworn member has probable cause or knowledge to believe that a safety or marine sanitation equipment violation has occurred or is occurring.
 - (c) A sworn member may board a vessel when the operator refuses or is unable to display the safety or marine sanitation equipment required by law, if requested to do so by the sworn member, or when the safety or marine sanitation equipment to be inspected is

permanently installed and is not visible for inspection unless the sworn member boards the vessel.


G Highway Checkpoints

- (1)** An operational plan shall be documented on an Incident Summary Report (FWC/DLE-045) and approved by a Regional Commander or higher in rank, prior to all vehicle highway resource checkpoint details. The operational plan shall include the scheduled dates, time frame, location of the specific checkpoint, specific purpose of the checkpoint, and be reviewed by the appropriate State Attorney having jurisdiction, prior to it being submitted to the Regional Commander.
- (2)** A sufficient warning sign or notice on the highway in advance of the stop is required.
- (3)** A supervisor shall be present during the vehicle highway resource checkpoint operation. The supervisor shall determine if a vehicle highway resource checkpoint shall be conducted, taking into consideration the traffic present and resulting delay to the motorist, which would result from the checkpoint. The supervisor shall also determine the vehicle selection procedure. In most cases, all vehicles should be checked for possible resource violations.
- (4)** All vehicle highway resource checkpoints should be conducted during daylight hours, and during weather conditions that will not obstruct the visibility of the sworn members or present a hazard to either the sworn member or the motorist. Nighttime vehicle highway resource checkpoints may be approved, if information and intelligence indicates resource violations are taking place. If a nighttime vehicle highway resource checkpoint is performed, it must be in a well-lighted area with sufficient warning on the roadway in advance of the stop so as to reduce the threat of startling the driver.
- (5)** Sworn members shall advise each driver who is detained (initially stopped) at the vehicle highway resource checkpoint of the purpose for the stop. All vehicle stops shall involve only the minimum detention necessary to accomplish the checkpoint.
- (6)** All sworn members shall be in uniform during a vehicle highway resource checkpoint operation, unless otherwise authorized by a Deputy Director.
- (7)** The purpose and procedures for the specific vehicle highway resource checkpoint must be consistently applied to all vehicles.
- (8)** if a supervisor determines that traffic is backing up and motorists are experiencing delay, the supervisor shall direct that the vehicles be waved through the vehicle highway resource checkpoint until all traffic is cleared. The vehicle highway resource checkpoint may then be resumed.
- (9)** Sworn members who have reason to believe that individuals are, or have been, fishing, hunting, or are in possession of fish or wildlife, may inspect those individuals to ensure compliance with resource protection laws and regulations. Such inspections, occurring in places where these activities normally occur, are not considered highway checkpoints.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-029	Property Receipt
FWCDLE-045	Incident Summary Report
FWC/DLE-093	Permission to Search
	Counties/ Judicial Circuits may require different and multiple forms to apply for a Search Warrant. Members shall be familiar with local requirements.

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement

	TITLE	GENERAL ORDER
	SUBPOENAS AND COURT APPEARANCES	18
		EFFECTIVE DATE
		July 21, 2008
APPLICABILITY	RESCINDS/AMENDS	
ALL SWORN MEMBERS	January 1, 2001	
REFERENCES Ch. 48, F.S.; GO 19		

1 POLICY

- A** This General Order provides guidance to the Division’s sworn members when testifying in court and establishes procedures for receiving and tracking witness subpoenas.
- B** This General Order does not apply to members summoned for jury duty.

2 RESPONSIBILITIES

A Member Responsibilities

- (1) Sworn members shall respond to all subpoenas that are served pursuant to chapter 48, Florida Statutes.
- (2) The sworn member’s conduct in court will be dignified and professional at all times.

3 PROCEDURES

A Subpoenas

- (1) Counties and districts may vary on how subpoenas are served to the Division’s sworn members. Local protocol shall be followed.
- (2) Division members shall not serve subpoenas unless ordered by the court or in accordance with General Order 19, *Civil Process*.
- (3) When a subpoena is received in a field office by a member, the subpoenaed member will be immediately notified. A tracking log will be kept of received subpoenas and when the subpoenaed member was notified.
- (4) The subpoenaed member shall be informed of the date, time, and location of the hearing or trial, as well as the name of the defendant.

B Court Appearances

- (1) Attendance in the courts of the United States and the State of Florida is mandatory upon receipt of a subpoena or other notification.
- (2) Whenever possible, the sworn member will adjust his or her work schedule to prevent appearing in court at the end of a regular shift. It shall be the responsibility of the member to notify the appropriate supervisor prior to the schedule change.
- (3) If the sworn member is scheduled to be in court on an assigned day off, it is the sworn member’s responsibility to coordinate with his/her supervisor to identify a suitable replacement day off.

- (4) If the sworn member is unable to respond to a subpoena or appear in court due to previously approved leave, illness or other emergency, he/she shall immediately notify a supervisor and the court or entity issuing the subpoena.

C Testifying as a Witness for the Defense

- (1) Sworn members may testify as a defense witness in criminal actions only if legally summoned to do so, or with prior approval from the Division Director or designee.
- (2) Sworn members subpoenaed to testify for the defense in any trial or hearing, or against the State, Commission, the Division, or other Division of the Commission, shall notify the appropriate Regional Commander or Section Leader immediately upon receipt of the subpoena.

D Acceptance of Fees

- (1) No sworn member of the Division shall testify in any court in the prosecution of any violator of any State statute or rule of the Commission while off-duty. For this reason, no sworn member shall be eligible to accept any fees of any kind from any person, court, court official, agency, or any other source, except such fees as are specifically provided and authorized by law.
- (2) A member subpoenaed in line of duty to represent the Commission as a witness or defendant shall turn over any fees received from the court to the Commission. Any fees received for the performance of official duties shall be endorsed as follows: **Pay to the order of the Florida Fish and Wildlife Conservation Commission - For Deposit Only**, and turned over to the FWC Accounting Section for deposit along with a brief memo explaining the reason for payment.

E Testifying

- (1) Prior to the time of the trial, the sworn member should become completely familiar with the details of the case. The sworn member should discuss the case with the State Attorney, fellow sworn members who are involved in the case, and supervisors.
- (2) Physical evidence should be prepared for court and necessary arrangements made to have the evidence available in court.
- (3) A sworn member shall testify in court truthfully, confining testimony to the case before the court and shall not suppress or overstate the circumstances.
- (4) Under cross-examination, the sworn member shall answer with the same readiness and civility as when testifying in support of the charge.
- (5) Prior to court and during any court recess, the sworn member's conduct and conversation will be professional.
- (6) A sworn member should avoid all inappropriate contact with the judge, defendant, or the defendant's attorney.
- (7) Prior to court, during any court recess, and outside of court while a trial is ongoing, no contact whatsoever will be made with any juror or prospective juror.

F Court Appearance Attire

- (1) If the court case is one where the arrest was made while in uniform, the court appearance shall be in uniform.
- (2) If the arrest was made in civilian clothes, and the sworn member normally wears a uniform while on duty, the court appearance will be in uniform.
- (3) Sworn members who do not normally wear a uniform while on duty will wear professional business attire for any court appearance. Professional business attire is defined as a suit, shirt, and tie (or sport coat, shirt, slacks and tie) for male members, and a suit and collared shirt (or blazer, collared shirt, and slacks) for female members.

(a) If a weapon is worn, it must be completely concealed.

G Uniform Appearance

- (1) When testifying in a non-jury trial, at arraignment, or on plea day, the sworn member may either wear the Class A (long-sleeve shirt and tie) or the Class B (short-sleeve shirt) uniform.
- (2) When testifying before a jury, the sworn member shall wear the Class A (long-sleeve shirt and tie) uniform.
- (3) The sidearm will be worn unless the presiding judge does not allow firearms in the courtroom.
- (4) Radios or flashlights will not be worn or carried into a courtroom. Bulky items such as cigarette packs, tobacco cans, eye-glasses, or notebooks will not be carried in uniform pockets.
- (5) Pagers and cell phones may be worn but should be in silent mode or turned off.

4 FORMS

FORM NUMBER	FORM TITLE
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Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

CIVIL PROCESS AND RISK PROTECTION ORDERS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
19	October 8, 2018	July 21, 2008	All Sworn Members

REFERENCES

S. 741.30, F.S.; 790.401, F.S.; GO 05
CFA 24.01M, 24.02M, 24.06M

1 POLICY

- A** Sworn members of the Division may aid and assist other law enforcement agencies in the service and execution of legal process; however, the only civil process authorized for service by Division members is the service of domestic violence injunctions, and Division-generated subpoenas and seizure warrants. Sworn members may also be required to serve administrative notices which are directly related to Florida Fish and Wildlife Conservation Commission business in accordance with state law.
- B** It is the policy of the Division to quickly respond to any threat to public safety, while safeguarding due process rights of a respondent.
- C** Nothing in this General Order should be construed to allow Division sworn members to serve any civil process in an off-duty capacity or serve process outside of Commission-generated business without approval from the Division Director.
- D Definitions**
- (1) **Petitioner** – A law enforcement officer or a law enforcement agency that petitions a court for a risk protection order.
 - (2) **Respondent** – The individual who is identified as the respondent in a filed petition.
 - (3) **Risk Protection Order (RPO)** - An order entered by a judge which prohibits the possession or purchase of firearms or ammunition by respondent for the length of the time the order is in effect.
 - (4) **Temporary Ex Parte Order** – The signed order of a circuit court judge requiring the respondent surrender to the law enforcement entity any and all firearms and other concealed weapons and ammunition respondent has in his/her possession, and any license to carry a concealed weapon or firearm issued to respondent under section 790.06, Florida Statutes. Unless otherwise stated within the order, the order will be valid for a period of 14 days after the date the order was signed.

2 RESPONSIBILITIES

- A** Sworn members may be responsible for assisting other agencies authorized to execute civil process within the jurisdiction of the Commission when requested. Sworn members may also be requested to assist in certain civil processes such as domestic violence protection orders.
- B** Due to the fact the Division's primary function is the enforcement of fish, wildlife, boating and natural resource laws and regulations, sworn members shall make a reasonable effort to turn issues involving civil process and risk protection orders over to local law enforcement as soon as is possible.

3 PROCEDURES

A Assisting Local Law Enforcement Agencies

- (1)** Sworn members may assist those other law enforcement agencies authorized to execute civil process when requested. When a sworn member assists in the execution of, or an attempted execution of a civil process, including the service of domestic violence injunctions, the member will prepare an Incident Summary Report to document their activities.
- (2)** Sworn members also may be required to serve administrative notices involving Commission business including forfeiture proceedings, personnel actions, and other enforcement actions. When a sworn member serves an administrative notice on the Commission's behalf, the member will prepare an Incident Summary Report to document their activities.
- (3)** In the Incident Summary Report, the member shall document the following:
 - (a)** The date and time the process was served or attempted;
 - (b)** Name of the officer and department serving the process;
 - (c)** Reason for non-service, if applicable;
 - (d)** Method of service;
 - (e)** Location of service or attempted service; and
 - (f)** To whom the process was served or on whom executed.

B Service of Domestic Violence Injunctions

- (1)** Sworn members may be required to serve an Injunction for Protection Against Domestic Violence pursuant to Chapter 741.30, Florida Statutes when so requested and dictated by law:
 - (a)** When a sworn member is faced with a situation which requires the service of a domestic violence injunction, the officer shall contact the local Sheriff's Office and ascertain if that jurisdiction has the ability to serve the injunction. If the situation dictates that it is most feasible to have the injunction served by the Division, the sworn member shall serve the injunction in consultation with the Sheriff's Office personnel.
 - (b)** Sworn members shall not use force to execute the Domestic Violence Injunction, unless warranted and justified by statute, and in accordance with General Order 05, *Use of Force, Response to Resistance, Transporting Prisoners*.
- (2)** Sworn members who serve an Injunction for Protection Against Domestic Violence shall prepare a Return-of-Service form attached thereto, to include:
 - (a)** The date and time the process was served or attempted;
 - (b)** Name of the officer and department serving the process;
 - (c)** Reason for non-service, if applicable;
 - (d)** Method of service;

- (e) Location of service or attempted service; and
 - (f) To whom the process was served or on whom executed.
- (3) The completed Return-of-Service shall be forwarded to the Sheriff's Office with jurisdiction over the residence of the petitioner. This must be accomplished within 24 hours after service.
- (4) A failure to state the foregoing facts listed in 3 B (2) (a) through (f) on the return may invalidate the service, but the return is amendable to state the truth at any time, on application to the court from which the process issued. On amendment, service is as effective as if the return had originally stated the omitted facts. A failure to state all the facts in the return shall subject the officer so failing, to a fine not exceeding \$10, in the court's discretion.

C Risk Protection Orders

- (1) Section 790.401, Florida Statutes, allows a law enforcement officer or agency to petition the court for an Ex Parte Risk Protection Order (or Temporary RPO) when the respondent poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control by purchasing, possessing, or receiving a firearm. A temporary RPO requires the respondent to temporarily surrender to law enforcement all firearms and ammunition owned, pending a subsequent hearing that may consider a request for a longer period of time.
- (2) The statute does not affect the ability of a law enforcement officer to remove a firearm or ammunition or license to carry a concealed weapon or concealed firearm from any person or to conduct any search and seizure for firearms or ammunition pursuant to other lawful activity.
- (3) During the course of their duties, sworn members may encounter incidents where he/she determines an individual poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control; or purchasing, possessing, or receiving a firearm. Should a sworn member encounter this type of situation, the following procedures shall be followed:
- (a) Utilize appropriate officer safety measures as warranted;
 - (b) Obtain medical assistance (EMS) for the subject(s) or victim(s), if necessary;
 - (c) Request the assistance of the local law enforcement agency in the jurisdiction in which the individual lives to file the petition for a Risk Protection Order (RPO);
 - (d) Provide protection for all parties pending arrival of local law enforcement;
- (4) If a response by local law enforcement is not possible, the sworn member shall refer to Section 790.401, Florida Statutes, for the requirements to file the petition for an RPO.
- (a) The sworn member shall contact his or her supervisor and, if possible, the Office of General Counsel prior to filing the petition.
 - (b) If a sworn member filed a petition and the petition was granted, the sworn member shall:
 - (1) Contact the appropriate Sheriff's Office for service of the RPO;
 - (2) Coordinate with the appropriate Sheriff's Office to ensure entry of the RPO is made into FCIC/NCIC;
 - (3) Coordinate with the appropriate Sheriff's Office to ensure that the firearms, ammunition, and license documented in the petition are taken into custody, stored accordingly, and a receipt is provided to the respondent identifying the firearms, the quantity and type of ammunition, and any license surrendered or seized;
 - (4) Coordinate with the appropriate Sheriff's Office to ensure that required notification to the respondent is made.

- (c) An incident summary report shall be completed, and copies of all pertinent paperwork shall be required anytime a sworn member petitions for an RPO.
- (d) If a sworn member had a petition for an RPO granted and the RPO is vacated or ends without extension, coordinate as needed with the appropriate Sheriff's Office to return any surrendered or seized firearm, ammunition, and license.
 - (1) The return of any firearm, ammunition, and license shall only occur after confirming through a background check that the respondent is currently eligible to own or possess firearms and ammunition under federal and state law.
 - (2) An incident summary report shall be completed documenting the background check and the return of any surrendered or seized firearm, ammunition, and license.
- (e) Sworn members shall receive initial and periodic training on the Division's RPO policy via PowerDMS.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

RESERVE/AUXILIARY PROGRAM

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
20	November 09, 2018	May 21, 2018	All Sworn Members

References

S. 943, F.S.; General Order 06; CFA Chapter 2.08M, 9.06M, 9.07, 10.10M, 10.14M and 14.10M

1 POLICY

- A** It is the policy of the Division to utilize Reserve/Auxiliary officers in the Division's Reserve/Auxiliary Program to supplement and assist full-time sworn members in accomplishing the Division's and the Commission's missions and goals.
- B** It is the policy of the Division that Reserve/Auxiliary officers shall comply with all laws, policies, rules and procedures applicable to full time sworn members.
- C** It is the policy of the Division that members shall comply with the Fair Labor and Standards Act regulations, members shall not be assigned to compensated and volunteer programs at the same time.
- D** It is the policy of the Division that the selection criteria for Reserve/Auxiliary officers meet the minimum qualifications as defined in Chapter 943, Florida Statutes.
- E** It is the policy of the Division that Reserve/Auxiliary officers are appointed by, and serve at the discretion of the Division Director.
- F** It is the policy of the Division that Reserve/Auxiliary officers shall be provided with public liability protection equal to that provided for full-time sworn members in accordance with Federal and State laws.

G Definitions

- (1) Auxiliary law enforcement officer** as defined in Chapter 943, Florida Statute, includes any person employed or appointed, with or without compensation, who aids or assists a full-time or part-time law enforcement member and who, while under the direct supervision of a full-time or part-time law enforcement member, has the authority to arrest and perform law enforcement functions.
- (2) Good standing** - means the member provides a minimum of two weeks' notice when resigning or retiring (unless waived due to extenuating circumstances), and is not involved in an administrative investigation, or resigns while under such investigation. A member whose

employment is terminated due to a disciplinary matter shall not be considered a separation in "Good Standing".

- (3) **Reserve officer** is a part-time law enforcement officer pursuant to Chapter 943, Florida Statutes and includes any person employed or appointed less than full time, with or without compensation, who is vested with authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.
 - (a) **Reserve Officer 1** - A Division sworn member who worked at least three years as a Division sworn member and who retires or resigns from full-time employment in good standing and is a paid part-time OPS employee.
 - (b) **Reserve Officer 2** - A Division sworn member who worked at least three years as a Division sworn member and who has retired or resigned from full-time employment in good standing.
 - (c) **Reserve Officer 3** - A certified law enforcement officer, with at least three years of sworn law enforcement experience, who was not previously a Division sworn member. A Reserve Officer 3 shall not perform duties independently and must be under the direct supervision of a full-time member or Reserve Officer 1 or 2. Reserve Officer 3's may only work independently after successful completion of the Division's field training program and written approval from the appropriate Deputy Director.

2 RESPONSIBILITIES

A Division Director

- (1) The Division Director or designee is responsible for final approval of a Reserve/Auxiliary officer's participation in the program. Electronic approvals (e-mail) are acceptable and preferable.

B Regional Commander

- (1) The Regional Commander or designee is responsible for the Reserve/Auxiliary program in their assigned region.
- (2) The Regional Commander or designee is responsible for:
 - (a) Determining the number of Reserve/Auxiliary positions in the region based on available funding and/or area need.
 - (b) Providing a recommendation to the Division Director or designee regarding requests to participate in the Reserve/Auxiliary program.
 - (c) Selecting a sworn full-time member to serve as the Regional Reserve/Auxiliary Coordinator.

C Division Reserve/Auxiliary Coordinator shall:

- (1) Notify the Training Center, Human Resource Section, and the Regional Reserve/Auxiliary Coordinator once a Reserve/Auxiliary applicant has been approved for entry into the Reserve/Auxiliary officer program.
- (2) Maintain personnel files for Reserve officer 3's and Auxiliary officers, Reserve officer 1 and 2 personnel files shall be maintained with the agency human resources section.
- (3) Coordinate the assignment of radio number and ID number through the Field and Technical Services section and the Division's personnel manager.

- (4) Report new member information and roster changes to the CAD (Computer Aided Dispatch) administrator and the regional training lieutenant (RTL).
- (5) Compile annual reports for reserve/auxiliary hours and activities.
- (6) Plan and organize a periodic meeting for the Division Reserve/Auxiliary program to facilitate the administration of the Division reserve program, including strategic direction of the program, training issues, and recognition of reserve members.
 - (a) Attendees should include the Division Director or designee, Regional Reserve/Auxiliary Coordinator, and other Division members as appropriate.
- (7) Review each participant's work hours quarterly and ensure compliance with participation requirements.

D Regional Reserve/Auxiliary Coordinator shall:

- (1) Maintain a current roster of Reserve/Auxiliary officers in the region and provide updates to the Division Reserve Coordinator.
- (2) For retiring or resigning sworn members who wish to join the Reserve program, ensure the Reserve Program Request (FWC/DLE 806RP) is completed and routed for approval.
 - (a) Ensure the Reserve/Auxiliary Application (FWC/DLE 810RP) is completed and processed in accordance to agency hiring procedures for any new members or members who have previously separated from the Division.
 - (b) Submits any personnel file information for Auxiliary officers in their region to the Division Reserve/Auxiliary Coordinator.
- (3) In the event there are no available Reserve/Auxiliary officer positions based on an areas carrying capacity, the Regional Reserve/Auxiliary Coordinator shall maintain the Reserve Program Request (FWC/DLE 806RP) for up to one year or until a position becomes available, whichever happens sooner.
- (4) Review each participant's work hours monthly and ensure compliance with participation requirements.
- (5) When necessary, coordinate all steps of the hiring process as needed, to include, but not limited to:
 - (a) Interview boards
 - (b) Physical assessments
 - (c) Fingerprints
 - (d) Drug testing
 - (e) Medical Examination
 - (f) Background Investigations
- (6) Notify applicants electronically or in writing who do not meet the minimum qualifications or fail to complete any portion of the required steps and remove them from the application process.
- (7) Ensure application packets for unsuitable candidates are returned to the Division's Reserve Coordinator in accordance with records retention requirements.
- (8) Ensure the Issued Equipment/Termination Clearing Form (FWC/DLE-044) is used for Reserve Officers /Auxiliary officers entering and leaving the program.

E Patrol supervisors shall:

- (1) Supervise enforcement activities and approve reports and timesheets of Reserve/Auxiliary Officers assigned to their squad.
- (2) Schedule and approve hours for the purpose of mentoring less experienced officers, patrolling state parks during peak times, augmenting current officers during busy times such as holiday weekends, and other core mission activities as determined.
- (3) Ensure that Reserve/Auxiliary Officers are notified of meetings (i.e. squad, area etc.).
- (4) Provide timely notice of special details and work opportunities to Reserve/Auxiliary officers.
- (5) Ensure that Reserve/Auxiliary Officers are notified and coordinate mandatory training.

F Training Center

- (1) Enter Reserve/Auxiliary Officer mandatory training requirements in the Automated Training Management system (ATMS).
- (2) Enter members who retire or resign and have been accepted into the Reserve program into the Automated Training Management System (ATMS) with the Florida Department of Law Enforcement (FDLE) as an interagency transfer from full-time to part-time status to prevent the member from having a break in service.
- (3) Maintain and file all other training records for Reserve/Auxiliary Officers.

3 PROCEDURES

A Reserve Officer

- (1) Division sworn members who retire or resign from full-time employment in good standing may request to serve in the reserve/auxiliary program as a Reserve officer by submitting a Reserve Program Request form (FWC/DLE-806RP) electronically to the Regional Reserve/Auxiliary Coordinator within at least 30 calendar days prior to retirement or resignation. The Regional Reserve/Auxiliary Coordinator shall forward the request to the Regional Commander for approval.
 - (a) The Regional Commander shall forward all requests with his/her recommendation to the Division Director or designee(s) for final approval.
 - (b) Requests received less than 30 days from retirement or resignation shall be considered at the discretion of the Division Director.
 - (c) If current members submit a Reserve Program Request form (FWC/DLE-806RP) prior to retiring or resigning from full-time employment but wish to delay their participation in the reserve/auxiliary program, he or she may request a waiver from the participation requirements for up to 24 months. The waiver from program participation requirement does not waive requirements mandated by FDLE to maintain a current law enforcement certificate. All FDLE mandates must be met even if the Reserve officer has an approved request to defer program requirements on file. The request for a waiver shall be noted on the Reserve Program Request form (FWC/DLE-806RP).
 - (d) The Division may require applicants to provide information concerning fitness for duty upon submission of application to the Reserve/Auxiliary Program.
 - (e) Once a Reserve/Auxiliary applicant has been approved and accepted into the program, participation requirements found in this General Order shall be effective upon resignation/retirement unless a waiver has been granted.

- (2) Upon entry into the program, the Reserve officer must designate whether he or she wishes to participate as a Reserve officer 1 or a Reserve officer 2 on the Reserve Program Request (FWC/DLE 806RP).
- (3) Reserve officer 1 and Reserve officer 2 may transition between paid and volunteer status each year by completing the Reserve Program Request (FWC/DLE 806RP).
 - (a) Requests must be received by June 1st.
 - (b) If approved, the request will be effective July 1st.
 - (c) Reserve officer 1's may request to change their status to a Reserve officer 2 if funding is no longer available for the Reserve officer 1 program.
- (4) Certified law enforcement officers who have not previously served as a Division sworn member, but wish to serve as a Division reserve officer, shall be approved or denied through the following process:
 - (a) A Regional Commander shall interview the applicant and send his or her recommendation to the Deputy Directors for review.
 - (b) Deputy Directors shall provide a recommendation for acceptance or denial to the Director.
 - (c) Final approval rests with the Division Director.
- (5) Authority to Carry Weapons
 - (a) On duty, Reserve officers may lawfully carry weapons for which they have been assigned, been trained in the use of, and have shown proficiency with.
 - (b) Off duty, Reserve officers may carry and utilize their approved firearm or other weapon in accordance with the Division's general orders and State law governing such.

B Auxiliary

- (1) Auxiliary officers shall aid or assist full-time sworn members and Reserve officers and shall have the authority to make lawful arrests and perform law enforcement functions while under the direct supervision of a full-time member or reserve officer who has successfully completed the Division's field training program. Auxiliary officers are subordinate to all full-time members and reserve officers.
 - (a) Auxiliary officers shall not act in a law enforcement capacity unless they are under the direct supervision of a fully certified Division sworn member.
 - (b) Direct Supervision (as it pertains to Auxiliary officers):
 - 1. The requirement that such officers function while "under the direct supervision" or "in the company and under the direct control of a full or part-time law enforcement member" is met if the auxiliary officer is directly accountable to a full or part-time sworn member who is in the immediate vicinity of the scene and who has ultimate control of the situation.
 - 2. Direct supervision could be accomplished by telecommunication technology provided ultimate control of the situation rests with a full-time sworn or part-time fully certified sworn member.
- (2) Auxiliary officer applicants must have successfully completed CJSTC standards training for Law Enforcement Auxiliary officers per section 11B-35, Florida Administrative Code.
- (3) Auxiliary officer's mandatory training requirements records shall be maintained in the Automated Training Management System (ATMS) with the Florida Department of Law Enforcement (FDLE).

- (4) Authority to Carry Weapons
 - (a) On duty, auxiliary officers may lawfully carry weapons for which they have been assigned, trained in the use of, and have demonstrated proficiency with.
 - (b) Off duty, auxiliary officers shall not carry weapons under the color of the agency.

C Expected Service

- (1) Reserve/Auxiliary officers shall provide a minimum of 24 hours per quarter of uniformed patrol service to the Division. The primary duties of reservists shall be to mentor less experienced officers, patrol state parks during peak times, augment current officers during busy times such as holiday weekends, and other core mission activities as determined.
- (2) The hours may be waived by the Division Director or designee in the event the member is assigned to a specialized position.
- (3) Reserve/Auxiliary officers may provide service to the Division outside of uniformed patrol if approved by the Regional Commander, based upon the skills of the officer and the needs of the agency (i.e., in lieu of patrol, a reserve may provide law enforcement services at a scheduled function, such as a parade or festival).
- (4) Failure to meet the minimum hours, unexcused absence from meetings, training, or assigned functions without prior approval may result in dismissal from the program.
- (5) Reserve/Auxiliary officers shall serve on a part-time basis in accordance with all applicable laws, policies, and Division general orders.

D Uniforms and Equipment

- (1) Reserve officers shall have identical uniforms, badges, and patches as full-time sworn members; however, the Division shoulder patch shall have an embroidered reserve rocker directly below and in contact with the patch.
- (2) Auxiliary officers shall have identical uniforms, badges, and patches as full-time sworn members; however, the Division shoulder patch shall have an embroidered reserve rocker directly below and in contact with the patch.
- (3) Retiring or resigning members wearing gold insignia must replace their badge, collar devices, buttons and name plate with rhodium (silver) versions upon joining the Reserve/Auxiliary program. Rhodium (silver) buttons and collar devices and a reserve badge shall be available through the region or the Division Reserve/Auxiliary Coordinator.
- (4) The Division shall furnish reserve/auxiliary rockers, reserve/auxiliary badge(s), and an ID card with holder.
- (5) The quantity of uniforms and equipment shall be reduced to reflect the level of activity.
 - (a) At a minimum, Reserve/Auxiliary officers shall be provided with one class A, one class B, two class C uniforms, foul weather and cold weather gear. These items shall be supplied at the regional level.

E Extra-Duty employment

- (1) A Reserve officer 1 may work paid Extra-Duty employment in accordance with General Order 6 *Off-Duty, Extra-Duty, and Hire-Back Employment*.
- (2) A Reserve Officer 2 may work paid Extra-Duty employment in accordance with General Order 6 *Off-Duty, Extra-Duty, and Hire-Back Employment* however, Extra-Duty employment hours shall not exceed the number of quarterly participation hours that the Reserve officer 2 volunteers to the program.

- (3) A Reserve Officer 3 may only work Extra-Duty Employment after successful completion of the Division's field training program, with written approval from the appropriate Deputy Director, and in accordance with General Order 6 *Off-Duty, Extra-Duty, and Hire-Back Employment*,
- (4) Auxiliary officers may not work Extra-Duty or Hire-Back employment.

F Training

- (1) Reserve/Auxiliary officers must be certified by the Florida Criminal Justice Standards and Training Commission.
 - (a) Reserve officers must have an approved Basic Recruit Law Enforcement certification or equivalent and/or crossover training certification for out of state or Federal law enforcement officers.
 - (b) Auxiliary officers must have an approved Auxiliary Law Enforcement Basic Recruit certification.
- (2) Reserve/Auxiliary officers shall attend in-service training events scheduled by the RTLs.
 - (a) If the Reserve/Auxiliary officer is unable to attend Division provided training to meet mandatory training requirements, the Reserve/Auxiliary officer still has a responsibility to meet all mandatory training requirements. The Reserve/Auxiliary officer may attend alternate training and any costs associated with attending the alternate training shall be the responsibility of the Reserve/Auxiliary officer.
 - (b) When attending training outside the Division, it is the responsibility of the Reserve/Auxiliary officer to provide training documentation to the RTL in a timely manner for entry into the Division's training data base.
- (3) Reserve/Auxiliary officers may perform only the law enforcement duties for which they have received training.

G Leave of Absence

- (1) When it becomes necessary for a Reserve/Auxiliary officer to take a leave of absence, he/she shall apply in writing to the area supervisor through the chain of command. The area supervisor shall use his/her judgment based on the circumstance outlined in the application. Leaves of absence should be granted for injury or illness, family illness, and relocations.
- (2) Approved leaves of absence shall be forwarded to the Division Reserve/Auxiliary Coordinator for inclusion in the member's file.
- (3) A leave of absence should not be less than three months or more than one year.

H Resignation

- (1) A Reserve/Auxiliary officer may resign from the program in writing at any time.
- (2) The Regional Reserve/Auxiliary Coordinator shall notify the Division Reserve/Auxiliary Coordinator of a Reserve/Auxiliary officer's resignation in writing.
- (3) The Division Reserve/Auxiliary Coordinator shall notify the training center's administrative assistant, CAD administrator, and RTL of the resignation.
- (4) Resignation by a Reserve/Auxiliary officer having two or more years of service in good standing should be acknowledged by a Certificate of Appreciation signed by the Regional Commander and Division Director.
- (5) Reserve/Auxiliary officers shall return all Division-issued equipment to the Regional Reserve/Auxiliary Coordinator.

- (a) The Regional Reserve/Auxiliary Coordinator shall return ID cards and badges to the Division's Personnel Manager at GHQ.

I Retirement from the Reserve/Auxiliary Program

- (1) After 15 years of service or a minimum of 1440 work hours (not including extra-duty hours), Reserve/Auxiliary officers shall be eligible to retire.
- (2) Upon retirement from the Division Reserve/Auxiliary Program, members shall be issued a "Retired Reserve/Auxiliary" ID card, a reserve badge, gold collar brass, and be allowed to keep one of their class A or B uniforms.
 - (a) The uniform shall only be worn at official FWC functions.
 - (b) Rank insignia, if worn, shall indicate the rank the member held at retirement from full-time status.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE 044	Issued Equipment/Termination Clearing Form
FWC/DLE 810RP	Reserve/Auxiliary Application
FWC/DLE 806RP	Reserve/Auxiliary Program Request



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

DERELICT VESSELS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
21	March 16, 2018	February 2, 2011	All Sworn Members

References

327.02, 327.33, 327.4107, 327.44, 327.70, 328.46, 376.15, 705.101, 705.103, and 823.11, F.S.
CFA 14.13M

1 POLICY

- A** The Division and all law enforcement officers have been statutorily authorized and empowered to remove a derelict vessel from public waters of the state when that vessel is a hazard to navigation, a threat to the environment, or a public safety threat; the Division shall provide investigative resources to accomplish these purposes.
- B** Where a vessel is deemed to constitute a navigational hazard or a hazard to public safety or is determined to interfere with another vessel or where a derelict vessel obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment, property, or persons, the Division may immediately remove or relocate but not destroy the vessel, or may authorize the immediate removal or relocation, but not destruction of the vessel, pursuant to sections 327.44, 327.70, 376.15, and 823.11, Florida Statutes.
- C** The Division shall provide direction to sworn members regarding the identification, documentation, and investigation of derelict vessels; appropriate methods to ensure the rights of owners of derelict vessels and other responsible parties are not violated during the derelict vessel investigation process; and to facilitate the removal and destruction of derelict vessels from the public waters of the state.

D Definitions

- (1) The “**count to removal authorization**” is the time period that begins when the investigating member has:
 - (a) Completed a diligent search to identify the owner or party responsible for a derelict vessel;
 - (b) Provided the owner or responsible party (if identified) all documentation required to be provided prior to the vessel's removal by the Standard Operating Procedure and received proof that they received this documentation or that attempts to provide it were exhausted, as outlined in the SOP;
 - (c) Posted the Derelict Vessel Notice Sticker (FWCDLE 073) on the vessel, if possible.
- (2) The “**database**” is the [Statewide Derelict Vessel Database](#), which is used to document and track derelict vessels reported by members and other law enforcement agencies and to serve as a case management system for derelict vessel investigations.

- (3) For the purposes of this General Order, “**derelict vessel**” shall mean any vessel that is left, stored, or abandoned in a wrecked, junked or substantially dismantled condition in any public waters of this state.
- (4) The “**SOP**” is the Division’s Derelict Vessel Investigations [Standard Operating Procedures](#)

2 RESPONSIBILITIES

- A All sworn members shall adhere to all applicable procedures found in this General Order and those provided in the SOP.
- B In areas where a derelict vessel officer has not been assigned, officers in uniform patrol shall make it a priority to proactively seek out and investigate vessels which may be derelict within their area of responsibility. The level of priority will be discussed with each officer’s supervisor and documented on the appropriate priority of patrol worksheet.
- C All sworn members shall, while on patrol, report any apparent derelict vessel observed to the appropriate Regional Communication Center for assignment.

3 PROCEDURES

A Area Captain

- (1) The Area Captain shall manage Division derelict vessel investigations within his/her area.
- (2) The Area Captain shall give approval for all derelict vessel removals. Prior to authorizing removal, the Area Captain shall ensure that:
 - (a) All documentation and photographic evidence required in the SOP has been added or uploaded to the database;
 - (b) The conditions qualifying the vessel as derelict are thoroughly and clearly documented in the database, and;
 - (c) All procedural steps necessary before removal have been completed.
- (3) The Area Captain shall review for completeness and accuracy and shall electronically approve or reject the removal of a derelict vessel when requested as soon as practical but no longer than 7 days after the time of submission from the investigating member’s supervisor.
- (4) If the Area Captain rejects a request to remove a derelict vessel, the Captain shall return the case to the investigating member’s supervisor for further investigation, correction, or update.
- (5) The Area Captain or his designee shall ensure that active database case files are updated no less than every 120 days.
- (6) The Area Captain may authorize the immediate removal or relocation but not the destruction of a vessel pursuant to sections 327.44, 327.70, 376.15, and 823.11, Florida Statutes.

B Lieutenants

- (1) The investigating member’s Lieutenant shall review for completeness and accuracy and shall either approve or reject electronically submitted derelict vessel database reports as soon as practical but no longer than 7 days after submission by the investigating member.
- (2) The investigating member’s Lieutenant, prior to closing a derelict vessel case file in the database, shall ensure all documentation and photographic evidence required in the SOP has been added or uploaded to the database and that the conditions qualifying the vessel as derelict are thoroughly and clearly documented in the database.
- (3) The investigating member’s Lieutenant, prior to submitting a case file to the Area Captain for removal authorization shall ensure that:

- (a) All documentation and photographic evidence required in the SOP has been uploaded to the database;
 - (b) The conditions qualifying the vessel as derelict are thoroughly and clearly documented in the database; and
 - (c) All procedural steps necessary before removal have been completed.
- (4) The supervising Lieutenant may give authorization to an investigating member to not cite a derelict vessel owner or responsible party, but rather, to direct file with an Assistant State Attorney. The Lieutenant shall document his reasons for this authorization in the database.
- (5) The supervising Lieutenant shall ensure that the efforts taken by the investigating member to identify a derelict vessel's owner or responsible party are reasonable, thorough, and diligent.

C Regional Communications Center

- (1) The Regional Communications Center shall assign an incident summary number to each report of a potentially derelict vessel using signal 29D. Each incident shall be assigned to an officer for investigation.
- (2) If directed to do so by a sworn member, the Regional Communications Center shall contact the U.S. Coast Guard / National Response Center at (800) 424-8802 or online at www.nrc.uscg.mil to advise that a vessel is deemed to be a hazard to navigation or threatens to be an environmental hazard.
- (3) If directed to do so by a sworn member, the Regional Communications Center shall report a fuel discharge to the U.S. Coast Guard / National Response Center at (800) 424-8802 or online at www.nrc.uscg.mil and after doing so shall document and advise the directing officer of the confirmation number provided by the National Response Center.

D Investigating Member

- (1) The investigating member shall initiate, respond to and investigate reports of derelict vessels. Once a potentially derelict vessel has been located, the sworn member responding to the scene shall determine if the vessel is a derelict vessel.
- (2) If a vessel is determined to be derelict, the investigating member shall properly document all facts used to make the derelict determination and shall make a reasonable attempt to identify the owner of the vessel or the responsible party. In attempting to identify the owner or responsible party, the sworn member shall search the vessel thoroughly for any identifying markings and for registration, documentation, hull identification and engine serial numbers, if visible. The investigating member shall not, without a warrant, open any closed or locked compartments or containers.
- (3) If a derelict vessel owner or responsible party is identified, the investigating member shall charge the owner or responsible party for a violation of section 376.15(2), Florida Statute or section 823.11(2), Florida Statute, unless specific authorization to not charge and to direct file is given by the supervising Lieutenant. The investigating member shall not allow or attempt to authorize the responsible party to continue to leave the derelict vessel on the public waters of the state.
- (4) If an owner or responsible party is identified, the investigating member shall either hand deliver a completed Derelict Vessel Notification Letter (FWCDLE 170FO) and DV Notification of Rights Packet (FWCDLE 172FO) or mail such documents via Certified Mail with Restricted Delivery (to the identified owner or responsible party only) with signature confirmation. After providing this letter to the owner or responsible party, the investigating member shall affix a Derelict Vessel Notice Sticker (FWCDLE 073) to the vessel, unless the condition of the vessel makes it impossible to affix the sticker. If no owner or responsible party can be identified after a diligent search and inquiry, the investigating member shall affix a Derelict Vessel Notice Sticker (FWCDLE 073) to the vessel.

- (5) The investigating member shall have 90 days to complete a derelict vessel investigation up to the beginning of the count to removal authorization. In the event an investigating member is unable to complete this portion of the derelict vessel investigation within 90 days, he or she may request an additional 90 day extension from the supervising Lieutenant for good cause shown.
- (6) Throughout the investigation, the investigating member shall thoroughly document each derelict vessel with a series of evidentiary photographs. These photographs shall include:
 - (a) A close-up of the Derelict Vessel Notice Sticker (FWCDLE 073) posted on the vessel, if possible, such that the text is legible;
 - (b) A photo clearly showing the Derelict Vessel Notice Sticker (FWCDLE 073) posted on the vessel such that the entirety of the vessel with the posted sticker is contained in one photograph;
 - (c) One representative photo, and as many supporting photos as are necessary to document the reasons for the derelict determination. This documentation shall include exterior photos and/or interior photos, if such photos can be lawfully obtained, which demonstrate that the boat is wrecked, junked or substantially dismantled;
 - (d) General photos of the vessel and surroundings to document the vessel's location; and
 - (e) If accessible, photos of identifying markings such as registration, documentation, hull identification and engine serial numbers and any other identifying markings that may help to identify the vessel's owner or responsible party.

The investigating member shall not, without a warrant, open any closed or locked compartments or containers.

- (7) The investigating member shall upload all photographs into the database as .jpeg image files prior to the end of the shift in which they were taken unless he or she receives approval to upload the photographs at another time by his or her supervising Lieutenant. The database shall be a Division approved storage facility for these evidentiary photographs as foreseen by General Order 16, and the investigating member shall not be required to also add the photographs to any other evidence storage facility or database.
- (8) The investigating member shall participate in any criminal or administrative hearing to the extent necessary to prosecute the determination that the vessel is derelict. In no case shall a derelict vessel database case file be closed until both the criminal prosecution and administrative process are complete.
- (9) The investigating member shall keep the database case file current regardless of the status of the investigation. If final removal of a derelict vessel has been approved, but the vessel has not yet been removed, the investigating member shall continue to update the database case file with a new narrative no less than every 120 days with, at a minimum, the current accurate location of the vessel. A current representative photograph is also required if the vessel condition or location has changed.
- (10) The investigating member or another sworn member appointed by the supervising Lieutenant shall verify the complete removal of a derelict vessel. The investigating member shall document who made the visual verification and on what date the verification was made as a new narrative in the database.
- (11) The investigating member shall be responsible for requesting that the supervising Lieutenant close the database case file once all steps required by this General Order and the SOP have been completed.
- (12) If a vessel is determined to be derelict, the investigating member shall notify the Department of Highway Safety and Motor Vehicles in writing using a Derelict Vessel Title Hold or Release Request (FWCDLE 171FO) that a certificate of title may not be issued to any applicant for the vessel. If at any point during a derelict vessel investigation the vessel is brought into compliance or is otherwise determined to not be derelict, the member shall notify the Department of Highway

Safety and Motor Vehicles in writing using a Derelict Vessel Title Hold or Release Request (FWCDLE 171FO) that any prior suspensions on the issuance of a title for the vessel may be lifted.

E Boating and Waterways Section

- (1) The Boating and Waterways Section shall manage and maintain the database.
- (2) The Boating and Waterways Section shall administer derelict vessel removal grant funding appropriated by the legislature.
- (3) The Boating and Waterways Section shall submit a request to the Department of Highway Safety and Motor Vehicles to cancel the vessel's title and registration after a derelict vessel is removed from the public waters of the State and destroyed.
- (4) If a derelict vessel is removed from the waters of the state by a governmental entity or the government's contractor and the owner or responsible party has not reimbursed the government, the Boating and Waterways Section shall notify the Department of Highway Safety and Motor Vehicles to refuse the future registration of vehicles and vessels in the State. The Boating and Waterways Section shall further notify Division legal staff if the State has incurred costs and has not been reimbursed, and Division legal staff, in consultation with the Regional Commander and Command Staff shall make a determination as to whether or not to pursue a legal remedy for reimbursement.
- (5) The Boating and Waterways Section shall provide training on derelict vessel investigations and the database and shall provide Division training staff with all training course rosters.

4 FORMS

FORM NUMBER	FORM TITLE
FWCDLE 073	Derelict Vessel Notice Sticker
FWCDLE 170FO	Derelict Vessel Notification Letter
FWCDLE 171FO	Derelict Vessel Title Hold or Release Request
FWCDLE 172FO	Derelict Vessel Notification of Rights Packet
FWCDLE 173FO	Derelict Vessel Removal Authorization Letter
FWCDLE 174FO	Derelict Vessel Repayment Demand Letter



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

Awards, Commendations, and Memorial Fund

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
22	January 25, 2019	November 9, 2018	All Sworn Members

References

S. 110.1245, 112.193, and 112.194 F.S.; FWC IMPP 1.10

1 POLICY

- A** It is the policy of the Division to recognize its members for commendable acts or services.
- B** It is the policy of the Division to create a Memorial Fund to help defray the costs associated with travel to and from state and national law enforcement memorial services and to cover costs associated with honoring members killed in the line of duty.

2 RESPONSIBILITIES

- A** The Division's Awards and Commendations Review Board for "of the year" awards shall be comprised as follows:
 - (1)** The first level review board shall consist of prior recipients of specific awards as outlined in the Awards and Commendations Manual. This review board shall eliminate two nominations from consideration.
 - (2)** The second level review board shall consist of Division Regional Commanders and Section Leaders. This review board shall select the top two nominations in each category.
 - (3)** The third level review board shall consist of Division Deputy Directors, the Deputy Chief, and one FWC Division Director as available; to be selected by the Deputy Directors and the Deputy Chief.
 - (a)** This review board shall select a recommendation for the winner of each award category.
 - (b)** The top two nominations of each category shall be forwarded to the Division Director with the third level review board's winner recommendation identified.
 - (4)** Final review, selection, and approval shall be completed by the Division Director.
- B** The Division Awards and Commendations Review Board for all other awards and/or commendations shall consist of the Division's Deputy Directors and the Division Director.

3 PROCEDURES

A Nominations

- (1) Any member of any Division, Office, or the Institute of the Florida Fish and Wildlife Conservation Commission may nominate a member of the Division of Law Enforcement for an award at any time. Division of Law Enforcement members shall submit the Awards and Commendations Nomination Form (FWC/DLE-021) through their chain of command to the Awards coordinator, and non-Division of Law Enforcement members shall submit the nomination form to the nominee's supervisor, who shall forward the form through the chain of command to the Awards coordinator.
 - (a) Members may not nominate themselves for an award or commendation.
- (2) While direct nominations from outside the Commission, i.e. the public or other agencies, are not possible, members and supervisors are encouraged to submit nominations for appropriate awards and commendations based on information and comments received from external sources regarding a Division member's valor, exemplary service, community involvement, etc.

B Expenditures for Awards and Commendations

- (1) Framed certificates, plaques or pins may not cost in excess of \$100 each, plus applicable taxes. Regional Commanders/Section Leaders are authorized to purchase tangible items of appreciation not exceeding \$10 per item in bulk but must coordinate any such purchase the Division's Senior Budget Officer or designee.
- (2) Any award not specifically covered in this General Order or in the Awards and Commendation Manual shall require written approval from the Division Director.
- (3) As per section 112.194, Florida Statutes, expenditures for a Medal of Valor or a Medal of Valor with Lifesaving shall not exceed \$250.

C Division Awards and Commendations

- (1) Descriptions of the Division's awards and commendations, including specific criteria and instructions for the wear of award and commendation ribbons and pins can be reviewed in the Division's Awards and Commendations Manual.
- (2) The Awards and Commendations Manual can be found within the "Manuals" tab on the Division's SharePoint site or by contacting the Division's Operational Support Section.
- (3) Common Guidelines on Awards and Commendations
 - (a) For the purposes of this General Order, "in the line-of-duty" is not restricted to "on-duty" work schedules.
 - (b) Medals, commendation ribbons, pins, and certificates shall be similar in basic design. Inscriptions and color differences shall provide the primary distinction.

D Other Awards

- (1) Commission Service Awards shall be awarded by the Florida Fish and Wildlife Conservation Commission in increments of five years of satisfactory service.
- (2) Retirement Awards
 - (a) Normal retirement is defined by the Department of Management Services (DMS) as being 62 years of age with at least 6 years of service or having 30 years of creditable service regardless of age. Special Risk class members must be age 55 with at least 6 years of Special Risk service or have 25 years of creditable service regardless of age. For members who joined the Florida Retirement System (FRS) after July 1, 2011, normal retirement is defined as being 65 years of age with at least 8 years of service or having 33 years of creditable service regardless of age. Special Risk class members must be age 60 with at

least 8 years of Special Risk service or have 30 years of creditable service regardless of age.

- (b) Per Section 112.193, Florida Statutes, each retiring sworn member may receive:
 - 1. One complete uniform including the badge worn by the member, the member's service handgun, and an identification card clearly marked "RETIREED."
 - 2. If requested, a second badge and ID card (for display purposes only) clearly marked "RETIREED," both of which reflect a one military grade honorary promotion, may also be presented as a retirement award.
- (c) For the purposes of this General Order, sworn members retiring (as defined by DMS) from the Division may be eligible for the complete retirement award as outlined in 112.193, Florida Statutes when the member retires in good standing with 20 years of service with the Division.
 - 1. Sworn members retiring (as defined by DMS) from the Division who have less than 20 years of service with the Division, but retire in good standing, may be eligible to receive the items outlined in Section 112.193, Florida Statutes with the exception of the member's service handgun.
- (d) Consideration for FWC service-connected full disability may be considered.
- (e) The Division Director has sole discretion to grant or deny any retirement awards as listed in this General Order.
- (f) Each retiring sworn member wishing to receive the above items shall submit a written request for a retirement award to the appropriate Deputy Director. This request may accompany the member's official announcement of his or her intent to retire.
 - 1. After review, the Deputy Director shall make a recommendation to the Division Director.
 - 2. The Division Director shall make the final decision on the request for an honorary retirement badge and ID reflecting a one military grade promotion.
- (g) A retiring or retired sworn member whose badge or ID card is lost or stolen may request a replacement badge or ID card from the Division. Replacement of the badge or ID card shall be at the discretion of the Division Director. All replacement costs shall be paid by the retired or retiring sworn member.
 - 1. A retired sworn member of a predecessor agency to the Commission whose ID card has been lost or stolen may be issued a Commission ID card in lieu of a replacement ID card from the predecessor agency. The Commission ID card shall indicate the sworn member retired from the predecessor agency. All costs for issuance of the ID card shall be paid by the retired sworn member of the predecessor agency.
 - 2. A retired sworn member of a predecessor agency to the Commission whose badge has been lost or stolen may request a replacement badge from the Commission. Replacement of the badge shall be subject to availability, at the discretion of the Division Director, and all replacement costs shall be paid by the retired sworn member.
 - a. Retired sworn members of predecessor agencies shall not be issued current Commission badges as replacements for lost or stolen badges of predecessor agencies.
 - 3. "Good Standing" means the member provides a minimum of two weeks' notice when resigning/retiring (unless waived due to extenuating circumstances), and is not involved in an administrative investigation, or resigns/retires while under such investigation. Additionally, a member whose employment is terminated due to a disciplinary matter shall not be considered a separation in "Good Standing".

- (h) Retirement awards for non-sworn members may be a plaque or other token of appreciation not to exceed \$100 (plus applicable taxes).

E Selection of Division Commendation Recipients

- (1) After reviewing each nomination, the Board will either approve or disapprove the nomination by a simple majority vote.
- (2) The Board may determine further investigation or documentation is necessary before a vote can be conducted on the nomination.
- (3) The Board may recommend that the action taken by the member be awarded a higher or lower degree of commendation.

F Issuance of Division Commendations

- (1) A copy of the letter from the Division Director or commendation shall be made a permanent part of the member's personnel file.
- (2) A copy of the letter from the Division Director or commendation shall be forwarded to the appropriate Deputy Director.
- (3) The Division of Law Enforcement shall recognize recipients of Division commendations and awards each year at a ceremony in person or in another appropriate fashion, such as newsletters, website posting, etc.

G Regional, Sectional or Office Recognition

- (1) All Division members are eligible to receive the appropriate regional, sectional or office recognition herein described. Regional Commanders/Section Leaders or the designees may purchase plaques or frames at a cost not exceeding \$100 each, plus applicable taxes, the purchase must be coordinated with the appropriate designee of the Division's budget office.
- (2) Degrees of Regional, Sectional or Office Recognition
 - (a) Superior Job Performance Recognition - shall be presented when members perform exemplary service that helps fulfill the Division's mission, increases efficiency, results in increased public service and/or results in improved customer relations.
 - (b) Personal/Team Initiative Recognition - shall be presented to a member or a team of members that showed an exemplary effort to complete a job or solve a problem that helped improve customer relations and/or increase public service.
 - (c) Excellence in Administrative Support Recognition - shall be presented to recognize administrative support personnel who have demonstrated sustained excellence in their job.
 - (d) Leadership Recognition - shall be presented to members with outstanding leadership skills. Criteria should include the following qualities: effective team building, pro-active planning, mentoring, delegating, problem solving, conflict resolution and being an effective role model.
- (3) Members may receive either a letter of commendation or appreciation, and/or a certificate signed by the appropriate Regional Commander/Section Leader naming the above-mentioned type of recognition and outlining the circumstances supporting the recognition.

H Nomination for Regional, Sectional, or Office Recognition

- (1) Any member may make a recommendation through the chain-of-command to the appropriate Regional Commander/Section Leader for a regional, sectional or office letter of commendation or appreciation.
- (2) Members may not nominate themselves.
- (3) The nomination for regional, sectional or office recognition shall be submitted in a Division of Law Enforcement Memorandum (FWC/DLE-521).

- (4) The Awards and Commendations Nomination Form (FWC/DLE-021) should only be used for Division Commendations and not regional, sectional or office recognition nominations.
- (5) Only Regional Commanders/Section Leaders and above in rank can approve regional, sectional or office recognition commendations.
- (6) Members may be recognized locally by a regional, sectional or office commendation as well as recognized by the Division and/or the Commission.

I Issuance of Regional, Sectional or Office Recognition

- (1) The appropriate Regional Commander/Section Leader should present the regional, sectional or office recognition or appreciation letter and/or certificate to the member or members during the next scheduled regional meeting or Area Captain's Meeting.
- (2) A copy of the recognition or appreciation letter and/or certificate from the Regional Commander or Section Leader shall be made part of the member's personnel file.
- (3) The recipient(s) of the regional, sectional or office recognition commendation are to be recognized each year in a Division publication and/ or on the Division's web site.
- (4) The approving Regional Commander/Section Leader shall forward a copy of the recognition or appreciation letter and/or certificate to the appropriate Deputy Director. If the Regional Commander/Section Leader believes a Division award or commendation should also be considered, then a completed Awards and Commendations Nomination Form (FWC/DLE-021) shall accompany the copy of the recognition or appreciation letter.

J Division of Law Enforcement Memorial Fund

- (1) The Division of Law Enforcement Memorial Fund was created to help defray the costs associated with travel to and from state and national memorial services by Division personnel and those spouses and immediate family members of members that were killed in the line-of-duty and to pay for the purchase and maintenance of memorial displays and other costs associated with honoring fallen members.
- (2) The fund shall be operated through the Wildlife Foundation of Florida, Inc.
- (3) The Wildlife Foundation of Florida is a non-profit organization operating partially for charitable purposes within the meaning of section 501(c)(3) of the Internal Revenue Code.
- (4) Contributions are tax deductible and are encouraged. Checks should be made out to the Wildlife Foundation of Florida, Inc. and clearly marked as contributions to the Law Enforcement Memorial Fund.
- (5) Donations should be sent directly to the Wildlife Foundation of Florida, Inc., Attention: FWC Division of Law Enforcement Memorial Fund, P.O Box 11010, Tallahassee, Florida, 32302.
- (6) When sending in a contribution check, ensure that a return address is included so that foundation staff can send a receipt for the donation.
- (7) Through an agreement with the Foundation, any decisions regarding fund distribution will be made by the Law Enforcement Memorial Fund Committee. The Law Enforcement Memorial Fund Committee shall consist of the Division Director and the Division's Deputy Directors.
- (8) The Director or designee should contact the spouse if applicable, and the immediate family to offer fiscal assistance in attending memorial services.
 - (a) For purposes of this General Order, immediate family is each parent and legal guardian of the deceased sworn member.
- (9) The amounts to be offered should not exceed \$1,000 to the surviving spouse and \$500 to the immediate family for the National Police Memorial. The amounts to be offered for the State Memorial should not exceed \$350 to the surviving spouse and \$150 to the immediate family.

The Law Enforcement Memorial Fund Committee may make exceptions to the amounts pending the balance of the Fund.

- (10) Funds may only be used to assist in defraying travel costs during the year the member is being recognized at the state or national law enforcement memorial. Exceptions for special events may be made pending the balance of the fund.
- (11) The Law Enforcement Memorial Fund Committee may also use Memorial Funds for other expenses in recognizing the loss of a member in the line-of-duty.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-021	Awards and Commendations Nomination Form
FWC/DLE-178 - 184	"Of the Year" Award Nomination Templates
FWC/DLE-521	Division of Law Enforcement Memorandum



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

UNIFORMS, PERSONAL APPEARANCE, AND DRESS CODE

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
23	May 9, 2019	September 29, 2016	All Members

References

FWC IMPP 6.35; GO 12, 17, 22; CFA Chapter 11, 14, 17

1 POLICY

- A** It is the policy of the Division that all members, while in the performance of their official duties, dress in a professional manner consistent with this General Order and other applicable Commission policies.
- B** It is the policy of the Division to facilitate and promote the consistent identification of its sworn members in order to create a professional public image.
- C** It is the policy of the Division that any uniform, clothing items and accessories not specifically identified in this General Order must be approved by the Division Director prior to agency purchase.

2 RESPONSIBILITIES

A Division

- (1) The Division shall establish policy and guidelines regarding the issuance, wear, and maintenance of uniforms for sworn members, duty officers and other uniformed members.
- (2) The Division shall establish policy and guidelines regarding the personal appearance of its members.

B Regions/Sections

- (1) The Regions or Sections (including at GHQ) shall issue each new sworn member a standard issue of uniforms, uniform insignia, and uniform accessories for use upon completion of training.

C Supervisors

- (1) Sworn supervisors shall monitor ordering, exchanging and replacing of uniforms for sworn personnel under their command.
- (2) Duty Officer Supervisors shall monitor ordering, exchanging and replacing of uniforms for Duty Officers under their supervision.
- (3) Supervisors of non-sworn personnel with issued uniforms shall monitor ordering, exchange, and replacement of uniforms for members under their supervision.

- (4) If applicable, supervisors are responsible for the secure storage of unassigned uniforms and uniform accessories.

D Members

- (1) Sworn members shall wear the uniform in a manner that enhances the public image of a professional law enforcement officer.
- (2) Other members shall wear the issued uniforms and clothing items in a manner that enhances the public image of the Florida Fish and Wildlife Conservation Commission.
- (3) Non-sworn members that are not issued uniforms shall dress appropriately for their job assignment and in accordance with this General Order and FWC IMPP 6.35, *Attire, Rank, Dress Standards and Personal Appearance*.

3 PROCEDURES

A Sworn personnel

- (1) The Class A uniform consists of the following:
 - (a) Long-sleeved dress uniform shirt.
 - (b) Dress Hat.
 - (c) Necktie with issued tie bar.
 - (d) Dress uniform trousers.
 - (e) Black leather basket weave gun-belt and accessories.
 - (f) Service weapon.
 - (g) Uniform insignia and serving since pin.
 - (h) High gloss black leather shoes or black plain round-toe dress boots. Black lace-up tactical boots are not authorized for wear with the Class A uniform.
- (2) The Class B uniform consists of the following:
 - (a) Short-sleeved dress uniform (warm weather)
 - (b) Long-sleeved dress uniform shirt (cold weather) with the issued black FWC logo-embroidered turtle neck shirt or black crew neck undershirt worn underneath the shirt.
 - (c) The issued straw hat or patrol cap is authorized to be worn with the Class B uniform when engaged in resource or water patrol duties.
 - (d) Dress uniform trousers.
 1. Black leather basket weave gun-belt and accessories.
 - (e) Service weapon.
 - (f) Uniform insignia.
 - (g) High gloss black leather shoes or black plain smooth leather round-toe boots, including black lace-up tactical boots.
 1. Boots must not have any toe stitching.
 2. All footwear shall be clean, polished and in good condition to avoid detracting from the member's professional appearance.

3. Tactical boots may not be the most appropriate footwear to attend meetings, public presentations, court-related functions, or other non-patrol occasions. If in doubt, do not wear the tactical boots.
- (3)** The Class C uniform/Specialty Uniform consists of the following:
- (a)** Boating Safety/Resource Patrol:
1. Rough duty shirt (long-sleeved or short-sleeved). The issued black FWC logo-embroidered turtle neck shirt may be worn underneath the long sleeved utility shirt.
 2. Rough duty pants or issued rough duty shorts. The issued shorts may be worn on boating safety/ resource patrol if appropriate for the situation and environment. Members may continue to wear previously issued BDU pants until no longer serviceable.
 3. Nylon gun-belt and accessories.
 - a. Black back support suspenders specifically designed for law enforcement duty belts may be worn. Suspenders shall be purchased by the member at the member's expense.
 4. Service weapon.
 5. Black athletic shoes, black plain-toe boots, or black lace-up tactical boots.
- (b)** Water Patrol:
1. Rough duty shirt (long-sleeved or short-sleeved). The issued FWC logo-embroidered turtle neck shirt may be worn underneath the long sleeved utility shirt.
 2. Rough duty pants or issued rough duty shorts. Members may continue to wear previously issued BDU pants until no longer serviceable.
 3. Nylon gun-belt and accessories.
 - a. Black back support suspenders specifically designed for law enforcement duty belts may be worn. Suspenders shall be purchased by the member at the member's expense.
 4. Service weapon.
 5. Footwear for the water patrol uniform shall meet the following standards:
 - a. The shoe shall have a closed toe compartment with a solid, non-skid, and non-marking sole. The sole of the shoe shall be puncture and tear-resistant.
 - b. The body of the shoe shall not have any open portions (drainage mesh is acceptable).
 - c. Footwear shall have laces, straps or other systems that attach the shoe securely to the foot, including the heel.
 - d. Footwear color shall be in conservative shades of black, brown, gray, or white which complement the uniform.
 - e. Shoes shall not have any distracting colored laces or extreme highlights.
 - f. Socks, if worn, shall be in conservative shades of black, brown, gray, or white, and shall be no longer than quarter length.
 - g. Crocks, flip-flops, barefoot/minimalist/toe shoes, sandals, or shoes of a similar construction or type are not authorized.

- (c) Air Patrol: The class A, B, C uniform or issued flight suits. Pilots may also wear business casual dress on certain flight mission if approved by Division Director or designee.
 - 1. Only sworn members assigned to the Aviation Section may wear pilot wings on their uniforms.
- (d) Canine Duty: The class A, B, C uniform or approved K-9 utility uniform.
- (e) Special Operation Group (SOG) Duty: Refer to the SOG Standard Operating Procedure Manual.
- (f) Investigations, Resource Protection Service, and Administrative Duty:
 - 1. The Class A, B, or C uniform.
 - 2. When appropriate and approved by a supervisor, plain clothes professional business attire as described in this General Order, with the issued firearm carried in a concealed manner in accordance with General Order 38, *Undercover, Surveillance, and Decoy Operations*, or with the firearm in plain view as prescribed in General Order 12, *Carry and Display of Weapons*.
 - 3. When appropriate and approved by a supervisor, plain clothes casual business attire as described in this General Order, with the issued firearm carried in a concealed manner in accordance with General Order 38, *Undercover, Surveillance, and Decoy Operations*, or with the firearm in plain view as prescribed in General Order 12, *Carry and Display of Weapons*.
 - 4. When appropriate and approved by a supervisor, an Investigator, Resource Protection Service (RPS) member, or any member working plain clothes patrol may wear casual attire with the issued firearm carried in a concealed manner in accordance with General Order 38, *Undercover, Surveillance, and Decoy Operations*.
- (g) Training Duty
 - 1. Sworn members of the Training Section and other sworn members assigned to assist in the administration and delivery of training may wear the approved Training uniform when authorized by the Training Section Leader or designee. The Training uniform may be approved for wear during the following assignments:
 - a. Recruit training.
 - b. In-service training.
 - c. Other approved training.
 - d. Training Center work details.
 - e. Other approved assignments.
 - 2. The training uniform consists of:
 - a. Rough duty pants.
 - b. Authorized red training shirt.
 - c. Black athletic shoes, black plain-toe boots, or black lace-up tactical boots.
 - 3. Initial training uniform issuance for appropriate sworn members shall include:
 - a. Five (5) red training polo style shirts.
 - b. Three (3) red training t-shirts.
 - c. Two (2) red training sweatshirt.

- d. One (1) red training jacket.
 - 4. The training uniform is not a recognized law enforcement uniform. Members are expected to be prudent when taking law enforcement action while wearing the Training uniform. Sworn members should not respond to routine calls for service or assist another law enforcement agency (except for exigent circumstances) while wearing the training uniform.
 - 5. Sworn Members of the Training Section, while wearing the approved training uniform, shall have a Class C uniform shirt and all duty gear readily accessible in case of need.
- (h) Name tags or name tapes on Class C and specialty uniforms shall have the first initial of the member's commonly used first name followed by the member's last name.

B Wearing uniforms

- (1) All uniforms shall be clean, pressed, and worn in a professional manner.
- (2) Class A, B, and C uniform dress shirts shall be creased center sleeve from the shoulder down. Dress Pants shall be center crease front and back.
- (3) Members shall not wear any article of the uniform or its accessories in other than the prescribed manner.
- (4) A black crew neck t-shirt may be worn underneath the Class B and C uniform. Any other t-shirt worn under the Class B and C uniform must not be visible. The issued black FWC logo-embroidered turtle neck shirt may be worn underneath the Class A and B uniform long-sleeved dress shirt and under the long-sleeved Class C uniform utility shirt during cold weather. When worn, the top button of the long-sleeved dress shirt or utility shirt shall not be buttoned, so that the embroidered FWC logo is visible.
- (5) If visible, black socks shall be worn with the Class A, Class B, and Duty Officer uniforms.

C Uniform hat

- (1) The wearing of the approved dress hat is optional with Class A uniforms, unless otherwise directed. The approved straw hat may be worn with the Class A uniform under certain weather conditions if so directed by Division command staff.
- (2) The approved dress hat may be worn with the Class B uniform with supervisory approval.
- (3) Dress hat brims shall not be rolled or curled. Dress hats and patrol caps shall be worn evenly on the head, not cocked or slanted.
- (4) The wearing of the approved straw hat or the patrol cap is optional with Class B or C uniforms, unless otherwise directed.
- (5) The issued "Boonie" style hat is optional with the Class C uniform, unless otherwise directed. "Boonie" style hats must be olive drab in color. Members may continue to wear previously issued "Tillie" hats until no longer serviceable.
- (6) The issued stocking cap may be worn with the Class B and C uniforms for cold weather details.
- (7) Only the issued patrol ball cap is authorized for wear.
- (8) The issued patrol cap may be worn while on water, resource, air patrol, or details when appropriate.
- (9) The Duty Officer uniform does not include a hat or cap.

D Initial uniform issuance for sworn members

- (1)** The standard initial issuance of uniforms should consist of the following:
 - (a)** One (1) dress uniform trouser
 - (b)** Two (2) short-sleeve dress shirts, and one (1) long-sleeve dress shirt
 - (c)** Five (5) rough duty pants
 - (d)** Two (2) short-sleeve rough duty shirts, and One (1) long-sleeve rough duty shirt.
 - (e)** Three (3) short-sleeve polo style shirts and two (2) long-sleeve polo style shirts (to be worn under the outer vest carrier).
 - (f)** Two (2) outer vest carriers.
 - (g)** Two (2) rough duty shorts
 - (h)** One (1) reflective safety vest
 - (i)** One (1) blaze orange safety vest
 - (j)** One (1) dress hat
 - (k)** Two (2) patrol caps
 - (l)** One (1) all weather coat
 - (m)** One (1) set (jacket and pants) of rain-gear.
- (2)** After the initial issuance, uniform replacement requests shall be forwarded to the appropriate supervisor.
- (3)** Replacement uniforms shall be ordered when necessary. However, justification may be required.
- (4)** Members shall immediately report to their supervisor the loss or theft of any uniform or item that is referred to in this General Order.
- (5)** Uniform items that are no longer suitable to be worn on duty, shall be stripped of all badges, patches and other insignia, and disposed of in a way that leaves these items unrecoverable for any other use.

E Uniforms and Uniform issuance for Duty Officers

- (1)** The Duty Officer and Duty Officer Supervisor uniform consists of the following:
 - (a)** Division issued short-sleeve polo shirt or long-sleeve button-down shirt.
 - (b)** Member owned solid-color denim pants or slacks, or Division issued black pants. For purposes of this General Order, solid color includes professional-looking pin stripes, etc.
 - (c)** Optional member owned belt
 - (d)** Commission authorized footwear (closed toe and closed heel dress shoes or athletic shoes).
 - (e)** Attire for special occasions as designated by the supervisor shall consist of the long-sleeve button-down tan (khaki) shirt, black pants, and an optional black belt.
- (2)** The standard uniform issue for Duty Officers and Duty Officer Supervisors shall consist of one (1) long-sleeve button-down khaki shirt, three (3) short-sleeve polo shirts or long-sleeve button-down shirts in dark green, black and khaki, two (2) additional short-sleeve polo shirts or long-sleeve button-down shirts in any color available from the vendor, and up to five (5) black pants.

- (3) The initial uniform issue should be ordered within the first 90 days of employment.
- (4) All shirts should have the diagonal style agency (block) logo with either “Communications” or “Communications Supervisor” embroidered underneath the logo.
- (5) Replacement uniforms shall be ordered when necessary. However, justification may be required.

F Uniforms and Uniform issuance for other members

- (1) The standard issuance of uniforms for other members varies depending on assigned position and commission policy.
- (2) Unless specifically addressed in this General Order, members shall wear issued clothing and uniforms in a manner appropriate for their assignment and as directed by their supervisor.
- (3) Supervisors shall provide guidance and information regarding issuance and replacement of uniform items for other members.
- (4) The standard clothing issue for Fleet Equipment Managers, Master Fleet Equipment Technicians, Fleet Equipment Technicians, and shop personnel shall consist of five (5) short-sleeved rough duty field services shirts, two (2) long-sleeved rough duty field services shirts, two (2) additional short-sleeved polo shirts in any color available from the vendor, up to five (5) rough duty pants, up to five (5) shorts, five (5) black, ash (light) gray, or tan field services t-shirts, one (1) green nylon jacket (lightweight), one (1) black three season jacket, one (1) set (jacket and pants) of rain-gear, one (1) wide brimmed “cruiser” hat, and one (1) ball cap.
 - (a) All shirts should have the diagonal style agency (block) logo on the left chest and the rough duty field services shirts may have the section name screen-printed on the back.
- (5) The standard clothing issue for Boat Access Field Unit members shall consist of up to six (6) short-sleeved and up to five (5) long-sleeved t-shirts, up to three (3) short-sleeved and up to two (2) long-sleeved fishing shirts, up to six (6) shorts, up to six (6) rough duty pants, up to three (3) short-sleeved polo shirts in any color available from the vendor, two (2) sweatshirts, one (1) light work jacket, one (1) heavy work jacket, one (1) zippered hooded sweatshirt, one (1) set (jacket and pants) of rain-gear, and three (3) ball caps.
- (6) Rain gear and duty jackets may have the letters “FWC” screen-printed on the back.
- (7) The initial clothing issue should be ordered within the first 90 days of employment.
- (8) Clothing items shall be issued based on funding availability. Replacement items shall be ordered when necessary. However, justification may be required.

G Uniform Accessories for sworn members

- (1) Metal uniform accessories shall be kept clean and polished.
- (2) FWC collar brass should be placed diagonally in the collar flap. The lower corners of the collar brass shall be touching the collar stitching.
- (3) Rank Insignia
 - (a) The Division Director (Colonel) shall wear gold collar insignia, nameplate, and accessories. The rank insignia shall be silver or gold eagles and shall be affixed with the eagle facing inward.
 - (b) The Deputy Directors (Lieutenant Colonels) shall wear gold collar insignia, nameplates, and accessories. The rank insignia shall be silver oak leaves. (Lieutenant Colonel and Major insignia shall be affixed with the stem out.)
 - (c) The Deputy Chief shall wear gold collar insignia, nameplate, and accessories. The rank insignia shall be gold wreaths with the open end of the wreath facing inward.

- (d) Majors, Captains, and Lieutenants shall wear gold rank insignia, collar insignia, nameplates, and accessories.
 - (e) Captain and Lieutenant rank insignia shall be affixed with the bars parallel to shoulder seams on top of the X stitching.
 - (f) All other sworn members shall wear silver.
 - (g) Sworn members serving in an acting supervisor capacity shall not wear the related rank insignia.
 - (h) Members classified as Investigators 1 or 2 may wear the appropriate insignia (straight cloth rocker with the word INVESTIGATOR embroidered) underneath the Commission emblem on their uniforms.
- (4) The service bars, if worn, shall be sewn on the left sleeve of the Class A uniform dress shirt, one inch above the cuff and immediately parallel to the crease facing forward. Each bar represents five years of service. The service bars shall indicate the number of years a member has served with the FWC Division of Law Enforcement.
 - (a) If the member is a certified Florida law enforcement officer, and served with any law enforcement agency in Florida, and had less than 30 days break in service prior to joining the FWC Division of Law Enforcement, the member may choose to wear service bars based on the year the member began service as a law enforcement officer in Florida.
 - (b) If the member was an employee of the Florida Fish and Wildlife Conservation Commission prior to joining the Division of Law Enforcement, and had less than 30 days break in service, the member may choose to wear service bars based on the year the member began service with the Commission.
 - (5) The uniform badge shall be positioned above the left pocket. The issued Deputized Federal Agent pin is authorized to be worn below the badge, centered between button and top pocket line.
 - (6) Nameplates shall be worn parallel to the top right pocket seam centered with the crease. If a "Serving Since" bar is worn, it shall be attached and worn directly underneath the nameplate. The name plate shall have the first initial or name of the member's commonly used first name and last name. The issued name plate shall be worn when in uniform. The "Serving Since" bar is required to be worn on the Class A uniforms.
 - (7) The "Service Since" bar shall show the year the member joined the Division of Law Enforcement.
 - (a) If the member is a certified Florida law enforcement officer, and served with any law enforcement agency in Florida, and had less than 30 days break in service prior to joining the Division of Law Enforcement, the member may choose to wear a "Serving Since" bar showing the year the member began service as a law enforcement officer in Florida.
 - (b) If the member was an employee of the Florida Fish and Wildlife Conservation Commission prior to joining the Division of Law Enforcement, and had less than 30 days break in service, the member may choose to wear a "Serving Since" bar showing the year the member began service with the Commission.

H Award Ribbons and Specialty Pins

- (1) Awards and commendation ribbons shall be worn in accordance with General Order 22- *Awards, Commendations, and Memorial Fund*.
- (2) Issued specialty pins consist of FTO, SOG, K-9, ERT, First Responder, Honor Guard, Aviation (pilot wings), Off-Shore Patrol Crew, Dive Team, DRE, and Instructor pins as approved by the Division Director.
- (3) Specialty pins shall only be worn when the member is currently active in the unit or specialty.

- (4) Up to two specialty pins may be worn, centered above the nameplate. If award and commendation ribbons are worn, the specialty pins shall be worn above the award and commendations ribbons.
- (5) An instructor pin may be worn by members who have successfully completed one of the following courses and who are currently certified by the Florida Criminal Justice Standards and Training Commission (CJSTC) to teach and instruct in these subjects:
 - (a) CMS Vehicle Operations Instructor Course.
 - (b) CMS Firearms Instructor Course.
 - (c) CMS Defensive Tactics Instructor Course.
 - (d) Canine Team Training Instructor Course.
 - (e) Breath Test Instructor Course.
 - (f) CMS First Aid Instructor Course.
 - (g) Speed Measurement Instructor Course.
 - (h) Florida General Instructor Techniques Course.
- (6) In lieu of a specialty pin, a sworn member may wear a Division issued Commission for Florida Law Enforcement Accreditation (CFA) pin to indicate the Division's support and commitment to the process and philosophy of law enforcement accreditation. Non-sworn members may wear this pin as appropriate.

I Service Lapel Button (Military Service Pin)

- (1) The Service Lapel Button may be worn by Division members with immediate family members serving in the Armed Forces of the United States during any period of war or hostilities in which the Armed Forces of the United States may be engaged, for the duration of such period of war or hostilities.
- (2) For the purposes of this section, immediate family members are the following: Wife, husband, mother, father, stepmother, stepfather, parent through adoption, foster parents who stand or stood in loco parentis, children, stepchildren, children through adoption, brothers, sisters, half-brothers, and half-sisters.
- (3) Sworn members shall wear the Service Lapel Button underneath the badge on the top left pocket seam centered with the crease. Non-sworn members and sworn members in plainclothes may wear the Service Lapel Button as appropriate.
- (4) The Service Lapel Button is not issued by the Division and members eligible to wear the Service Lapel Button are responsible for acquiring the item at their own expense.

J Uniform gun belt for sworn members

- (1) The following accessories are required to be worn and shall be provided by the Division:
 - (a) Holster, handcuff case, magazine case(s), belt keepers.
 - (b) Expandable baton holder and baton, or
 - (c) OC spray holder and OC spray, and
 - (d) Conducted Electrical Weapon (CEW) and holster.
 1. When in uniform, sworn members shall carry a firearm, OC spray and an expandable baton. If a member is authorized to carry a Conducted Electrical Weapon (CEW), the member shall carry a firearm, the CEW, and either the OC spray or the expandable baton, but may carry all three non-lethal weapons on their duty belt.

- (2) Knife holder, flashlight holder, protective glove case and radio holder are not required but may be provided by the Division, if funds are available. If the sworn member wishes to purchase their own optional items they must be of the same style, size, color and design as the issued optional items. If carrying a knife on the gun belt, only the knife holder shall be utilized for storage of a folding knife or multi-tool. If a member carries a fixed blade knife, it must be carried concealed and total knife length shall not exceed seven (7) inches.
- (3) Accessories shall hold the approved appropriate equipment.
- (4) Pilots shall wear Division approved shoulder holsters when wearing the issued flight suit.

K Whistle chain and whistle

- (1) Whistle chains and whistles may be worn with the Class A, Class B and Class C uniforms.
- (2) If worn, the whistle chain and whistle shall be worn on a member's right side.
- (3) The color of the whistle chain and whistle shall match the member's collar insignia (i.e. silver or gold).

L General Appearance for Sworn and Non-Sworn Division Members

- (1) All Division of Law Enforcement members shall report to work neatly dressed, well-groomed and in appropriate attire for the assignment.
 - (a) Dress shirts, polo shirts, sweaters, and other clothing items featuring the Division badge or logo are not considered acceptable substitutes for the Division issued uniform. Any non-uniform clothing item featuring the Division badge or logo may only be worn with supervisory approval in settings in which casual business attire is acceptable, such as certain meetings, training courses, or other similar events or activities.
 - (b) Investigative members responding to a call for service that requires a more official appearance and the member does not have the opportunity to access and change into one of the approved attire options listed in this General Order may wear the issued Investigations Section Shirt to identify themselves as FWC Law Enforcement Officers, In these circumstances the member may carry the issued firearm in a concealed manner in accordance with General Order 38, *Undercover, Surveillance, and Decoy Operations*, or in plain view as prescribed in General Order 12, *Carry and Display of Weapons*.
- (2) Professional business attire, casual business attire or the appropriate uniform, shall be worn for training, meetings with the public or other functions.
- (3) Professional business attire is:
 - (a) A dress shirt, tie, belt, and dress trousers for males.
 - (b) Suit, dress or slacks and dress shirt or blouse for females.
 - (c) Appropriate shoes.
- (4) Casual business attire is:
 - (a) Button-up shirt, collared polo-style shirt or sweater.
 - (b) Khaki-style slacks and non-athletic shoes, or other attire appropriate for the setting and occasion.
- (5) Inappropriate attire includes, but is not limited to:
 - (a) Any garment displaying racist, sexual, ethnic, religious, political, or other word(s) or picture(s) that could embarrass, demean, ridicule, or provoke other members or the general public.
 - (b) Cut-offs or shorts, ripped or torn clothing, shower shoes, or flip-flops.

- (c) Revealing or suggestive attire.
- (6) Exceptions to the above listed standards can be approved by the appropriate supervisor for a member to work a particular job or assignment.
- (7) Agency issued t-shirts shall only be worn as directed and shall not be worn when attending meetings or conferences.
- (8) Footwear appropriate for the assignment shall be worn at all times while on duty.

M General Appearance for Sworn Members

- (1) The class A, B, or C uniforms shall be worn unless otherwise approved by the sworn member's supervisor.
- (2) While on duty, sworn members shall maintain a neat, clean, and professional appearance.
- (3) Fingernails shall not extend beyond the ends of the fingers and shall be clean. Sworn members may only wear clear nail polish.
- (4) Unless otherwise approved, the hair of male sworn members may be either tapered or block cut, and not extend below the top of the eyebrow in the front or over the shirt collar in the back. No extreme hairstyles shall be permitted. Hair shall not cover any portion of the ear. Sideburns may extend to the bottom of the opening of the ear and shall be trimmed horizontally.
- (5) The hair of female sworn members while in uniform shall not extend more than four inches beyond the bottom of the shirt collar at the center of the back, and shall not interfere with the wearing of a uniform hat/cap. Longer hair shall be neatly worn in a bun, braid, or pony tail, which permits the wearing of the hat. Open-ended headbands no more than an inch wide are permitted. Barrettes, pins, headbands, or combs shall be conservative in appearance when worn. Hair coloring is permitted only when mimicking natural shades; unnatural shades are prohibited.
- (6) Unless otherwise approved, mustaches and goatees shall be kept neatly trimmed. If a mustache is worn, it must be a full mustache. The mustache may extend one-half inch beyond, but not below, the corners of the mouth. The remainder of the face shall be clean-shaven. Handlebar mustaches are not allowed. If a goatee is worn, it shall be in accordance with the following requirements:
 - (a) The goatee shall be worn with a mustache meeting the guidelines given in this General Order.
 - (b) The goatee shall not be thicker than ½ inch.
 - (c) The goatee shall not exceed a ½ inch width beyond the corners of the mouth.
 - (d) The goatee shall cover the chin, but not extend back more than ¾ inch toward the throat.
 - (e) The goatee and mustache shall not be colored or dyed in an unnatural shade or color.
 - (f) The goatee shall be neat, well-trimmed and a credit to the member and the Division.
 - (g) Members who are required to use a respirator/mask in the course of their duties shall be clean shaven where the respirator seals the face.
 - (h) The goatee shall be modified to accommodate Division equipment when operationally required.
- (7) Sworn members shall not wear ornaments, jewelry, emblems or insignias on or with the uniforms except as prescribed below:
 - (a) One ring to a hand (double wedding ring sets are acceptable).

- (b) Female sworn members are permitted to wear one post style earring with a setting no larger than ¼ inch in diameter in each ear. No loop or hanging style earrings are allowed.
- (c) Male sworn members may not wear any earring(s) while on duty.
- (d) Any member who comes into contact with the public shall not wear jewelry adorning any body part that is visible (lips, eyebrows, tongue, nose, etc.) except as provided above regarding the earlobes of female members.
- (e) No wrist jewelry is acceptable other than the necessary wristwatch and a medical alert bracelet may be worn. The wristwatch should be inconspicuous.

 - 1. Prisoner of War (POW), Missing in Action (MIA), and Fallen Law Enforcement Officers memorial bracelets (with name of agency (not limited to FWC), name of officer, and end of watch date) may be worn if they are made of stainless steel or aluminum. Memorial bracelets may be black, polished steel or aluminum. Only one bracelet may be worn at a time.
 - 2. Fitness and/or health monitors that are designed to be worn on the wrist are acceptable. These monitors shall be conservative in color and inconspicuous.
 - 3. All other bracelets, including, but not limited to colored metal, leather and rubber bracelets, are prohibited.
- (f) Neck jewelry shall not be worn so as to be visible while wearing the uniform.
- (8) Female sworn members may wear cosmetics if applied in a conservative and subdued manner.
- (9) Eyeglasses or sunglasses shall be conservative in appearance. Frames in subdued browns, black, gold, or silver are acceptable. Silver-mirrored lenses are prohibited. Lenses shall be considered mirrored when an object behind the lenses cannot be seen when the glasses are removed from the face.
- (10) Sworn members may wear eyeglass retention devices (Croakies or similar devices) in conservative colors and styles.
- (11) Contact lenses, if worn, shall be clear as to not alter the member's natural eye color. Red, orange, silver and other unnaturally-colored contact lenses, or lenses that when worn create an unnatural eye color, and contact lenses with graphic designs of any kind are prohibited.
- (12) Regional Commanders and Section Leaders may authorize the wearing of other attire depending on the circumstances or assignment of the sworn member.
- (13) Issued jackets, raincoats, foul weather gear/rain gear, and reflective or blaze orange safety vests may be worn with any of the uniforms as appropriate.
- (14) Division issued bug-protection suits may be approved for wear with the Class B or Class C uniforms.
- (15) Class A uniform shirts shall not be worn with the sleeves rolled up. The sleeves on the long-sleeve rough duty shirt (Class C uniform) may be worn rolled up, if rolled up evenly and neatly, and secured as designed.
- (16) Uniform shirts shall be kept buttoned with no bulging objects in the shirt pockets.
- (17) A reflective safety vest shall be issued as part of the uniform and should be worn by sworn members when directing or controlling traffic on any roadway.
- (18) Blaze orange safety vests shall be issued to all full-time sworn members. Wearing of the vest is not mandatory unless directed by a supervisor for a special detail or operation.

- (19) Sworn members are authorized to wear the Class C uniform at GHQ, field offices, court, and for public appearances. The Training uniform may only be worn at GHQ and field offices for brief and coincidental stops while on patrol or while traveling to or from training for which the Training uniform is authorized. The Training uniform shall not be worn in court or planned public appearance meetings unless temporarily approved by a supervisor due to exigent circumstances.
- (20) All issued uniforms, uniform insignia and uniform accessories are the property of the Division of Law Enforcement.
- (21) A black trouser belt shall be worn under the uniform gun-belt.

N Tattoos

- (1) For purposes of this General Order, "tattoo" includes any tattoo, branding, mark, or other permanent body art or modification deliberately placed on the body for purposes of decoration, ornamentation, or adornment.
- (2) Visible tattoos
 - (a) A visible tattoo is one that is on any portion of the body not covered by clothing.
 - (b) Tattoos are prohibited on the neck, face, head, hands, and fingers of sworn members. A tattoo of a wedding band on one finger is permitted.
 - 1. This General Order does not prohibit cosmetic tattooing to correct medical conditions requiring treatment or legitimate cosmetic alteration.
 - (c) Visible tattoos shall not be of a style, size, color or location that diminishes the professional appearance of the uniform or reflects poorly on the law enforcement profession or the agency.
 - (d) Offensive tattoos as described below must be covered while on duty. If necessary, members shall be required to wear a long sleeved shirt or trousers.
 - (e) Members who have visible tattoos, other than offensive tattoos as defined below, and who were employed by this agency prior to the release of this policy are exempt. Any additional tattoos must meet the requirements described in this policy.
- (3) Offensive tattoos
 - (a) A tattoo is considered "offensive" if: It depicts, describes, or otherwise refers to sexual conduct, acts, organs, or preferences; if it depicts, describes or refers to intolerance of, or discrimination against any race, color, creed, religion, gender, national origin, or; it is commonly associated with any organization or group which advocate such intolerance or discrimination; or it brings discredit upon the agency or violates standards of decency or morality.
 - (b) Offensive tattoos shall not be visible when on duty.
 - (c) The Director of the Division of Law Enforcement shall determine if a visible tattoo is offensive as defined above and whether the member shall be required to keep it concealed.

O General Appearance for Duty Officers

- (1) All communications staff must be dressed in clean and neat professional attire appropriate for duty in the Regional Communication Centers.
- (2) Duty Officers shall wear the issued polo shirt or button-down shirt tucked or untucked with approved pants or slacks. Duty Officers may wear the FWC windbreaker as needed. All other articles, insignias and accessories are prohibited, unless approved by the Division Director.

- (3) Duty Officers, while on duty, are required at all times to be dressed in accordance with this General Order, unless prior supervisory approval is obtained.
- (4) Duty Officers shall wear closed toe and closed heel dress shoes or athletic shoes or other supervisor-approved footwear while working in the communication center.
- (5) Hats and caps are prohibited.

P Badges and Identification Cards

- (1) Sworn members shall be issued one identification (ID) card and one badge case. An ID card shall be carried while in uniform. An additional ID card may be issued upon request.
- (2) Sworn members shall wear or carry an issued badge and ID card at all times while on duty, and when carrying a Division-issued weapon off-duty (this does not apply to undercover assignments).
- (3) If a sworn member loses a badge or ID card, an Incident Summary Report shall be completed describing the situation in which the badge or ID card was lost.
- (4) Rough duty badges may only be worn on outer garments such as the rain gear, winter jacket, or the vest carrier (protective cover), or as authorized by the appropriate Deputy Director. Wearing of rough duty badges on any uniform shirt is prohibited.

Q Body Armor


- (1) Body armor shall be issued to all sworn members.
- (2) The use of body armor is not mandatory except for the following:
 - (a) Raids (Refer to General Order 17, *Searches, Raids, Inspections and Highway Checkpoints*).
 - (b) Execution of warrants (Refer to General Order 17, *Searches, Raids, Inspections and Highway Checkpoints*).
 - (c) When assigned to civil disturbance details.
 - (d) Fugitive apprehension.
 - (e) On the firing range.
 - (f) Tactical operations.
 - (g) When assisting other Law Enforcement Agencies with any of the activities listed above.
 - (h) When directed to do so by a supervisor.
- (3) In addition to the situations listed above, it is recommended that officers wear body armor at all other times unless wearing the protective vest creates greater hazards than not wearing the vest.
- (4) Protective body armor, if not worn by the sworn member to whom it is assigned, shall be in that sworn member's vehicle or vessel, in serviceable condition and readily available for use. Only Division-issued body armor carriers shall be used.
- (5) Care and replacement of body armor (protective vest)
 - (a) The protective vest is to be kept in clean and serviceable condition.
 - (b) The vest is not to be stored wet.
 - (c) Protective vests are to be cleaned in the manner described in the manufacturer's cleaning instructions.
 - (d) The vest or protective cover is not to be altered in structure or appearance.

- (e) A vest that is damaged for any reason (e.g. auto accident, gunshot, tear in panel, etc.) is not to be worn. The immediate supervisor is to be notified and action taken to replace it.
- (f) Body armor shall be replaced prior to the expiration of the guaranteed life of the vest as expressed by the manufacturer.
- (g) Vests are accountable items and any member who does not conform to this General Order may be held responsible for damage and repair or replacement of this issued item.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement

	TITLE	GENERAL ORDER
	DIVISION AIRCRAFT	24
	APPLICABILITY	EFFECTIVE DATE
	ALL SWORN MEMBERS	July 21, 2008
		RESCINDS/AMENDS
		January 1, 2003
REFERENCES IMPP 5.3		

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement that the Division’s law enforcement aircraft are to be used primarily to:
- (1) Protect the fish and wildlife resources of the state through airborne patrol.
 - (2) Protect human life and property, respond to search and rescue requests, assist other agencies, and promote boating safety.
 - (3) Provide flights for the purpose of providing expedient transportation in situations of an urgent or emergency nature.
 - (4) Provide flights in support of the Fish and Wildlife Conservation Commission’s biological surveys or biological resource management with approval from the Aviation Administrator.

2 RESPONSIBILITIES

- A** Any person on board a Division aircraft, regardless of rank or stature, shall follow the pilot-in-command’s instructions and orders at all times.
- B** Pilots of Division aircraft are responsible for the safe and efficient operation of assigned aircraft at all times.

3 PROCEDURES

A Scheduling of Aircraft

- (1) Any sworn member, with the approval of a sworn supervisor, may request aircraft support. If an aircraft is currently operating in the area, any sworn member may request local airborne assistance without prior supervisory approval.
- (2) Scheduling of law enforcement aircraft shall be coordinated with the regional law enforcement staff and the respective pilot or the regional aviation supervisor where the requested flight will originate.
- (3) Requests may be verbal or written depending on the complexity of the mission.
- (4) Requests for aviation services shall include at a minimum:
 - (a) Time and date of proposed aircraft use.
 - (b) Type of mission.
 - (c) Special equipment needs (if any).

- (d) Area of operation.
- (e) Identity of surface/ground unit being supported, if applicable.
- (5) Emergency requests such as search/rescue or “officer needs assistance” requests take precedence and should be made in the most expeditious manner.
- (6) Pilots shall make every effort to fly all requested flights, but will accommodate unscheduled law enforcement flights based upon the critical nature of the mission.
- (7) If a schedule conflict exists it shall be resolved by the regional commander in conjunction with the regional aviation supervisor.

B Passengers

- (1) Division aircraft will only be used for transportation with the Division Director’s or a Deputy Director’s approval.
- (2) The Aviation Administrator or a Section Leader or above in rank must give prior approval to carry non-agency personnel other than sworn law enforcement officers on board Division aircraft except in emergency situations. Any Commission employee, court official, Division reservist, or sworn employee of any law enforcement or conservation agency may serve as an observer on board Division aircraft during any law enforcement flight, survey, or search and rescue mission.
- (3) Sworn members must be on duty and have approval from their immediate supervisor prior to accompanying any flight.
- (4) OC spray shall not be carried aboard Division aircraft.

C Regulations

- (1) The pilot-in-command of a Division aircraft shall be a rated and current pilot assigned to the Division’s Aviation Section. The pilot-in-command must meet all pilot qualifications as required in the State of Florida aircraft insurance policy regarding the aircraft being operated. Exceptions are maintenance test flights conducted by vendors performing maintenance on the aircraft.
- (2) Division aircraft shall be operated and maintained in compliance with all applicable Federal Aviation Regulations and the Division’s “Flight Operations Manual.”
- (3) Pilots shall not operate aircraft under conditions that would be hazardous for flight. The pilot-in-command of an aircraft will have final authority in determining if weather, aircraft mechanical condition or passenger safety require a change in the flight profile.
- (4) Aircraft are not to be used to transport personnel for the sole purpose of meeting attendance or other non-operational missions unless the meeting is in direct support of urgent business. Examples would be transportation to disaster sites, or to a meeting concerning the disaster, or expedient transportation to the area of an incident requiring immediate management or legal attention.
- (5) All policies and procedures as outlined in the FWC’s IMPP 5.3, *Use of Commission Vehicles, Vessels, Equipment and Aircraft* shall be followed.

4 FORMS

FORM NUMBER	FORM TITLE
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Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

AUDITS, INSPECTIONS, AND ACCREDITATION MANAGEMENT

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
25	October 30, 2017	May 21, 2012	All Members

References

S. 943.125, F.S.; GO 16, GO 40, CFA 10.03M

1 POLICY

- A** It is the policy of the Division to provide for an audit and inspections program for evaluating the quality of the Division's operations, ensuring goals and objectives are being pursued, identifying the need for any additional resources, and ensuring that uniformity is maintained throughout the Division. Audits and/or inspections shall be conducted to ensure effective operations and in support of the Division's accreditation program.
- B** The Division commits itself to an efficient, effective, and economical use of resources, to continuous improvement through rigorous self-assessment, and to meet and exceed best practices in law enforcement by being an accredited agency. Furthermore, all Division members shall adhere to established policies, directives, standards and procedures as provided by the Division's General Orders, The Florida Fish and Wildlife Conservation Commission's Internal Management Policies and Procedures (IMPP) and all applicable state and federal laws, rules and regulations. In order to accomplish these goals and objectives, the Division maintains an inspections program and an accreditation management program within the Operational Support Section.
- C** It is the policy of the Division to support an accreditation management program that ensures reports, reviews, and other activities mandated by the Commission for Florida Law Enforcement Accreditation (CFA) standards are completed in a timely manner. The Division is committed to the accreditation process and places the highest priority on achieving the goal of accreditation, ultimately enhancing the Division's level of professionalism and service to the community.
- D** It is the policy of the Division to ensure that all members are familiar with the concept and process of accreditation. New Division members shall receive an overview of the accreditation standards and process as part of their new employee orientation.
- E Definitions**
- (1) **Accreditation** – Accreditation is the certification by an independent reviewing authority that an entity has met specific requirements and prescribed standards.
 - (2) **Accreditation Manager** – A member of the Division who is responsible for the successful management of the Division's accreditation program.
 - (3) **Accreditation Standards and Compliance** – Law Enforcement agencies seeking accreditation are required to comply with all applicable CFA accreditation standards. Standards are intended

to provide direction based on best practices regarding what an agency should be doing, not by dictating how the agency should accomplish those tasks.

- (4) **Audit** – The examination of records and activities to ensure compliance with established controls, policies, and operational procedures, and to recommend any indicated changes.
- (5) **Commission for Florida Law Enforcement Accreditation (CFA)** – The Florida Legislature created a voluntary law enforcement accreditation program in section 943.125, Florida Statutes. The Commission for Florida Law Enforcement Accreditation was created subsequently to administer Florida's accreditation program and operates under direct oversight from the Florida Department of Law Enforcement (FDLE). The CFA is responsible for the oversight of the accreditation program, accredited agencies and the rigorous review process to include assignment of CFA onsite assessors.
- (6) **Mock Assessment** – The mock assessment assists the Division to prepare for the official onsite assessment. During the mock assessment, which occurs on a three-year cycle and approximately three months prior to the onsite assessment, CFA certified assessors, chosen by the Division, examine the Division's proofs of compliance and make recommendations to improve assessment files and Division processes prior to the onsite assessment.
- (7) **Onsite Assessment** – During the onsite assessment, which occurs on a three-year cycle, CFA certified and assigned assessors examine all proofs of compliance contained in the accreditation assessment files, interview members of the Division regarding policies and practices, observe the Division's equipment and solicit feedback from the public on Division operations.
- (8) **Self-Assessment** – The object of the self-assessment is to ensure that Division members are adequately prepared to meet the requirements of accreditation. This includes the collection of necessary documentation to prove compliance, implementation of required audit procedures, and a review and interpretation of standards.
- (9) **Inspection** – An announced or unannounced inspection conducted by personnel designated by the Division Director or designee. The inspection is a quality control management tool designed to objectively review the Division's organizational units. Inspections involve the examination of an area or program in the Division for efficiency, effectiveness, policy compliance and adequacy of management controls. The results of inspections are prepared specifically for presentation to the Division Director and the affected Deputy Director.
- (10) **Operational Review** - Review conducted by personnel who do not have control of the persons, facilities, or procedures being reviewed. An operational review will focus on compliance with the accreditation standards defined by CFA, operational reviews are not equivalent to, and do not have the same reporting requirements, as an inspection. The conduct and emphasis of an operational review may be dictated by the needs of the Division.

2 RESPONSIBILITIES

A Operational Support Section

- (1) The Operational Support Section under the direction of a Deputy Director is responsible for audits, inspections, and the accreditation management program, and assists all levels of management in the effective discharge of their responsibilities by furnishing them with timely analyses, appraisals, recommendations and pertinent information.
- (2) The Operational Support Section may conduct inspections commensurate with the accreditation cycle, based on priorities established by the Division Director. This does not preclude the initiation of audits and/or inspections based on operational needs or at the direction of the Division Director.
- (3) Pursuant to General Order 16, *Collection, Preservation and Documentation of Evidence and Property*, annual audits of the Division's evidence and property tracking system shall be conducted by the accreditation manager or another member within the Operational Support

Section as approved by the Operational Support Section Leader.

- (a) The accreditation manager may coordinate operational reviews in conjunction with the annual evidence audits.
 - (b) Information developed during the course of the audits shall be submitted in MEMO format to the Regional Commander with the cc to the appropriate Operational Support Captain.
- (4) The Professional Standards Liaison or designee is responsible for conducting a quarterly internal audit of the Division's Evidence and Information Fund and submit a report of expenditures to the Division Director as required by General Order 40, *Confidential Informants, Files and Funds*.

B Accreditation Manager

- (1) The accreditation manager reports to a Law Enforcement Captain in the Operational Support Section and is responsible for the successful management of the Division's accreditation program.
- (2) The accreditation manager is responsible for ensuring that current information is provided for familiarization with accreditation standards and the accreditation process. This information shall be provided to the PowerDMS Administrator for assignment to new Division members upon employment, and periodically to all members of the Division.
- (3) The accreditation manager shall coordinate all accreditation and inspection activities, via the chain of command, with the applicable Deputy Directors and Regional Commanders, exceptions are noted in the Procedures Section of this General Order.
- (4) The accreditation manager is responsible for tracking, collecting, and organizing all documents related to maintaining the Divisions accredited status.
- (5) The accreditation manager shall develop or assist with the development of written directives relating to accreditation standards.

C Regional Commanders and Section Leaders

- (1) It is the responsibility of all Regional Commanders and Section Leaders to achieve and ensure continued compliance with all accreditation standards applicable to their region or section. The accreditation manager will assist all Division components (regions, sections, units, etc.) in achieving and maintaining compliance.
- (2) Pursuant to General Order 16, *Collection, Preservation and Documentation of Evidence and Property*, an annual unannounced inspection shall be conducted of all law enforcement evidence facilities to include found and seized property. An annual 100% inventory is also required of each evidence facility to include found and seized property.

D Division Members

- (1) All members are responsible for providing any information requested as part of an audit or inspection to the Operational Support Section in a timely manner.
- (2) All members are responsible for aiding and supporting the Division's accreditation program and for being familiar with related accreditation standards and the concept and process of accreditation.
- (3) All members shall provide proofs of compliance in a timely manner when requested by the accreditation manager or designee. The specific nature of the proof of compliance is defined by the accreditation manager in accordance with applicable accreditation standards.

3 PROCEDURES

A Accreditation

- (1) The accreditation manager may contact any member of the Division or Commission, via the chain of command, whose expertise or authority may be needed for the successful management of the accreditation process.
- (2) The accreditation manager may have access to all Division facilities and records in order to collect or verify proofs of compliance and perform the inspections required by CFA standards.
 - (a) Records pertaining to active and/or open investigations are not subject to collection or verification by the accreditation manager other than to verify the security of the records.

B Preparing and Conducting Inspections

- (1) Inspections may be announced or unannounced, dependent upon circumstances and at the direction of the Division's Director or Deputy Directors.
- (2) Each inspection shall be guided by an approved project work plan describing the scope of the planned inspection, the goals of the inspection, and the proposed methodological approach for the inspection. Announced inspections shall utilize input from Command Staff and the affected Regional Commanders and/or Section Leaders to identify operational areas to be evaluated.
- (3) The basic process of an inspection consists of, but is not limited to the following steps:
 - (a) Research and identification of appropriate and applicable legal authorities (statutes, rules, policies, procedures, accreditation standards, etc.).
 - (b) Conduct an entrance conference with the unit to be inspected and all appropriate personnel.
 - (c) Conduct interviews of a sample of informed or affected members, and collects other pertinent information.
 - (d) Analysis of all information and identification of findings.
 - (e) Development of recommendations.
 - (f) Preparation of a preliminary inspection report which describes the inspection's purpose, objectives, methodology, findings, and recommendations.
 - (g) Conduct an exit conference with each inspected unit and other appropriate members.
 - (h) Presentation of the findings and recommendations to each inspected unit by copy of the preliminary inspection report.
 - (i) The inspected unit will respond to the Operational Support Section Leader via the appropriate Deputy Director in writing within 30 days regarding any adverse findings, related recommendations identified in the preliminary inspection report, and any corrective actions planned with an anticipated date of completion.

C Final Inspection Report

- (1) The written response of the inspected unit shall be incorporated in the final inspection report which is forwarded to the Division Director.
- (2) The Director may meet with the Operational Support Section Leader, the inspected unit, the appropriate Deputy Director or others as necessary for discussion before approving the final report.
- (3) Upon approval, the final inspection report shall be distributed to the inspected unit, the Division's command staff, accreditation manager, and any other individual, group, or entity that is deemed appropriate.
- (4) Final reports shall be numbered and consistent in format. Original reports shall be maintained

by the Operational Support Section Leader or designee.

D Follow-Up Activities

- (1) The Operational Support Section Leader or designee shall monitor corrective actions based on the recommendations.
- (2) The inspected unit shall be required to provide a written status report of all corrective action to the Operational Support Section Leader or designee via the appropriate Deputy Director within 90 calendar days after the final inspection report is issued.
- (3) A corrective action follow-up report shall become part of the working documents of the original inspection. All involved parties shall be informed of the final corrective actions completed.

4 FORMS

FORM NUMBER	FORM TITLE
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Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

TITLE: COMMUNICATIONS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	Applicability
26	March 8, 2017	July 26, 2013	ALL SWORN MEMBERS AND DUTY OFFICERS

References

GO 33 and 58
CFA Chapter 33

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to provide oral, written and/or electronic communications at all times to all necessary Division personnel and other law enforcement agencies in a clear and concise manner. The Division shall maintain 24-hour two-way radio communications and provide toll free 24-hour telephone access for emergency calls within the agency's service area.
- B** The purpose of this General Order is to communicate regulations and procedures governing radio communications and information received from the Florida Crime Information Center (FCIC) and National Crime Information Center (NCIC) computer terminals; and to promote effective and efficient law enforcement communications, enhance officer safety, and present meaningful communications within the Division and with other agencies and the general public.
- C Definitions**
 - (1) **Stop (10-50)** – Any contact with a conveyance (including vessels) when there is a suspected violation or when emergency equipment has been activated to conduct the stop.
 - (2) **Encounter** – Any officer initiated contact or request for assistance from the public.
 - (3) **Transitory messages** – Messages with short term value, such as meeting reminders, which do not formalize or perpetuate knowledge. Transitory messages do not set policy, establish guidelines or procedures, dictate orders, certify a transaction, or become a receipt.

2 RESPONSIBILITIES

- A Regional Commanders** - The Regional Commander is responsible for the overall operation of the communication center.
- B Duty Officer Supervisors** - It shall be the responsibility of the Duty Officer Supervisor to make certain the entire operation of the communications center is in compliance with all Agency and Division policies and procedures, including the Communications Policy and Procedures Manual.
- C Duty Officers**
 - (1) Shall provide accurate and prompt radio communications for agency members who are radio users. Communications to mobile units have priority over other radio room activities.
 - (2) Shall provide prompt actions in emergency communications.

- (3) Shall provide efficient, courteous assistance to the public, co-workers, and other agencies.
- (4) Shall provide accurate and orderly documentation of all necessary information.
- (5) Shall provide efficient and courteous telephone communication.
- (6) Shall provide efficient operation of the FCIC/NCIC system.
- (7) In emergency situations, to include personnel shortages, Duty Officers may be called back to active duty at a time not contiguous with the employee's scheduled hours to work.
- (8) Duty Officers instructed to be on-call shall be required to remain in a fixed location or leave word where he/she may be reached by telephone or electronic signaling device, in order to be available to return to the work location on short notice to perform assigned duties.
- (9) Members using mobile radios shall be identified during radio communications by their assigned Commission radio call number.
- (10) Duty Officers shall be familiar with the Communications Policy and Procedures Manual, General Orders, Internal Management Policies and Procedures (IMPP), and the Criminal Justice User Agreement.
- (11) Duty Officers shall document a patrol member's next 10-8 (in-service) time in the Computer-Aided Dispatch (CAD) system (ULOG).

D Sworn Members

- (1) Sworn Members are responsible for complying with communication policies and procedures and must adhere to the following guidelines:
 - (a) Communicate using the current Statewide Law Enforcement Radio System signals and codes.
 - (b) Speak clearly and precisely while transmitting on the radio.
 - (c) Communicate on the radio at a comprehensible speed.
 - (d) Provide accurate and orderly information to the Duty Officer when requesting information.
 - (e) Be knowledgeable of the "Emergency Button" procedures the Duty Officers will follow in the event of an alarm.
- (2) Before going out-of-service (10-7), sworn members assigned to the patrol function are required to advise the Duty Officer of their next in-service (10-8) time. This ensures that Division members are continuously available to respond to emergency calls statewide.

3 PROCEDURES

A Federal Communications Commission (FCC) Rules and Regulations - Use of Radio

- (1) All Division radio operations shall be conducted in accordance with FCC Rules and Regulations. The Division is authorized to provide communications relative to public safety, the protection of life and property and communications essential to Division activities.
- (2) All Commission personnel shall promptly answer all calls on the Division's communications system in a professional manner using proper communications procedures.
- (3) All Commission personnel, whenever using any radio, shall only engage in necessary conversation.
- (4) False calls, false or fraudulent distress signals, superfluous, unidentified communications, obscene, indecent and profane language are prohibited.

B Statewide Law Enforcement Radio System (SLERS) Codes

- (1) The Statewide Law Enforcement Radio System codes are approved by the Joint Task Force on

State Agency Law Enforcement Communications (JTF) and are divided into four (4) sections:

- (a) **10-Codes:** Ten codes are also referred to as “conversational” codes and are used for conversational purposes between a Duty Officer and officer(s), or officer to officer. They have little to no impact on tracking calls for service or officer activity. Some examples are “What is your location?” (10-20), request to “Check license” (10-27), “Message received” (10-26) or “Message delivered” (10-39).
- (b) **Activity Codes:** Activity codes are used for tracking officer activity. When an officer is on-duty and is not assigned to a call, he/she shall be associated with a specific activity code. Example: During an 8 hour shift Officer Smith spent 3 hours “report writing” (103), 1 hour “en route water patrol” (101E), 3 hours “state water patrol” (101W) and 1 hour for “trial/court” (152).
- (c) **Signal Codes:** Signal codes are also referred to as incidents or complaint types. These codes identify the wide variety of calls for service processed by the JTF state law enforcement agencies. Some examples are “hunting” incidents (S68), “saltwater species” incidents (S62), “vehicle crash” (S4), and “boating” incidents (S29). These are actual incidents or calls for service, are prefixed with an “S” for “Signal”; and are instrumental in tracking calls for service.
- (d) **Disposition Codes:** Disposition codes are used by officers when clearing incidents. Some examples are “infraction arrest/citation” (I), “misdemeanor arrest/citation” (M), “call cancelled” (CC) and “no violation” (NV). These codes provide a final disposition on calls for service and are necessary in tracking number of arrests, warnings, etc.

C Florida Crime Information Center (FCIC) Computer Terminal

- (1) Each communication center shall maintain a copy of the current Criminal Justice User Agreement. Failure to comply with the agreement shall result in disciplinary action up to and including dismissal. In some instances, criminal charges may be brought against the member.
- (2) All information on the computer terminal shall be classified as official business of the Division and shall not be divulged to persons outside the Division except as specifically authorized or required by federal or state law, FDLE/FBI, FCIC/NCIC policy, or Commission policies.
- (3) Information obtained through the FCIC/NCIC system is restricted to criminal justice agencies for criminal justice purposes only.
- (4) Criminal history dissemination shall be logged and maintained in a secondary Criminal History Dissemination Log (FWC/DLE-342) and bound in a book when given to other law enforcement agencies.
- (5) The member is required to thoroughly complete the criminal history information in the log as described by FDLE policy.
- (6) Criminal History Records (Transmissions, Retention and Destruction)
 - (a) Any electronic device that uses wireless or radio technology to transmit data may be used for the transmission of Computerized Criminal History (CCH) information when an officer determines there is an immediate need for this information to further an investigation or there is a situation affecting the safety of an officer or the general public.
 - (b) Criminal History Records Information may be transmitted via facsimile device, which is not connected to a CJIS system, as long as both agencies involved in the transmission have an authorized NCIC ORI number. Prior to the transmission, the sending agency shall verify the receiving agency’s authenticity. In addition, the sending agency must verify that the authorized person is positioned at the facsimile location, to ensure proper receipt.
 - (c) When users are finished with CCH information, it shall be destroyed according to current records retention and destruction policy by shredding or burning. It is recommended that a CCH not be retained in case files. All CCH information must be stamped with a confidential

stamp on each page before disseminating to any law enforcement personnel.

- (7) Members who operate the FCIC terminal are required to become certified within six months from the date of hire and re-certify every two years.

D Computer Aided Dispatch (CAD)

- (1) The CAD system shall be the primary method of documenting and recording law enforcement activity.
 - (a) Manual Radio Station Logs (FWC/DLE-046) shall be available at each center, and shall be used, in the event of CAD downtime.
 - (b) Complaint Forms (FWC/DLE-500) shall be utilized for all citizens complaints in the event the CAD system goes down.

E Interruptions of Service

- (1) Interruptions of service due to failure or maintenance shall be properly documented.
 - (a) For logging recorder failures/maintenance, a CAD incident with complaint type "LOG" shall be created.
 - (b) For radio outages, a CAD incident with complaint type "RADIO" shall be created. For M/A-COM radio system problems, other than scheduled outages, the Duty Officer shall notify the Network Operations Center (NOC) and the FWC radio engineer for the affected area. These notifications shall be noted in the CAD incident with the ticket number and names of persons notified.
 - (c) For interruption of service with CAD, a vendor-provided form shall be utilized to report and document the problem. The "Radio Station Log" (FWC/DLE-046) shall be used for the duration of the CAD outage in order to document calls for service and officer activity.
 - (d) The Duty Officer shall notify the Duty Officer Supervisor or person in charge during their absence regarding any radio room malfunctions (e.g. telephone, Exacom recorder, CAD, or radio). Fleet and Technical Services shall be notified regarding CAD issues that require troubleshooting and telephone or radio malfunctions that are recurring or not resolved in an expedient manner.

F Division Issued Cellular Phone Use

- (1) Members issued cellular phones shall have issued phones available while on duty and shall check voicemails at the beginning and end of each shift, at a minimum.
- (2) For issues regarding phone operation, members shall contact the agency's mobile device specialist within the Office of Information Technology.
- (3) Use of agency cellular phones for personal communication is prohibited except when other communication devices are not available and it is impractical to delay making the call. All costs incurred due to personal calls shall be reimbursed to the agency.
 - (a) Members shall contact the Division's Fleet and Technical Services Section for instructions on reimbursement.
- (4) Members are prohibited from using phones other than those issued by the Division to conduct agency business. This includes but is not limited to making or receiving telephone calls, or sending or receiving e-mails or text messages, except in emergency situations. Records created by members who conduct agency business on phones other than those issued by the Division are public record, and may be subject to disclosure pursuant to Chapter 119, Florida Statutes. When a member creates a public record using a non-Division issued phone, the member shall, when requested, turn the non-Division issued phone over to the chain of command for the purpose of gathering the public records.

- (5) Members shall take due care to protect issued phones against damage, including damage from exposure to adverse environmental conditions (e.g. phones shall be stored in dry area during water patrol). Members shall utilize Division-provided cases and holsters to secure and protect the assigned cell phone.
- (6) Smart phones shall be password protected in accordance with IMPP Chapter 3, *Information Technology*.
- (7) Only work related, no cost smart phone applications shall be downloaded and installed by the user. Work related smart phone applications that have a fee associated with them shall be approved via established purchasing procedures.
- (8) For security purposes, all smart phones shall be configured to automatically lock after 15 minutes or less of inactivity.
- (9) Loss or theft of any cell phone shall be reported as soon as practicable through the chain of command to the Division's Fleet and Technical Services Section Leader and in accordance with IMPP 5.8.7, *Lost, Stolen, Missing, or Destroyed Property*.
- (10) E-mail use and access of Internet via smart phone is subject to the policies and procedures described in IMPP 3.7, *Information Technology Resource Usage Policy* and all provisions described therein shall be applicable to members with an issued smart phone.
- (11) Short Message Service (SMS) text messaging is enabled on certain agency issued phones. Text messages are public records pursuant to Chapter 119, Florida Statutes. Text messaging may only be used for content that is of a transitory nature, because text messages are not currently retained by the agency. As public records, text messages stored on a phone may be subject to disclosure pursuant to Chapter 119, Florida Statutes.
- (12) Any photographs or video taken with any phone while in the performance of a members official duties may be a public record subject to disclosure as per Chapter 119, Florida Statutes.
- (13) Any photographs or video taken for evidentiary purposes shall be collected and stored in compliance with General Order 16, *Collection, Preservation and Documentation of Evidence and Property* and not stored on the phone.

G Duty Officer's Procedures and Duties

- (1) The outgoing Duty Officer is responsible for briefing the incoming Duty Officer of current activities.
- (2) Duty Officers or members acting in that capacity shall answer the telephone in the following manner: "FWC Division of Law Enforcement, their title, last name or employee ID number."
- (3) Duty Officers shall be calm, articulate and concise when broadcasting; shall not use profanity or vulgarity; shall be courteous in manner; and shall refrain from using any angry or impatient tone of voice while operating either the radio or telephone.
- (4) Duty Officers shall have immediate access to all tactical dispatching plans. These plans include procedures to be followed in directing resources and obtaining information on crimes in progress, and on tactical operations. These procedures shall be defined in the Communication's Policy and Procedures Manual.
- (5) Duty Officers shall alert sworn member(s) en-route to calls with any information that will enable the sworn member to take suitable precautions.
- (6) The Duty Officer shall learn and maintain knowledge of regional and county boundaries, roadways, waterways, management areas, and boat ramps as directed by the Duty Officer Supervisor.
- (7) No Duty Officer is authorized to give first-aid instruction over the radio or telephone.
- (8) The Duty Officer shall keep the radio room clean and neat, both for purposes of efficiency in

knowing where things are as well as preventing a disorderly, unkempt appearance.

- (9)** When a Duty Officer is unable to report for duty due to sickness or injury, the Duty Officer Supervisor shall be notified at least four hours prior to the beginning of the Duty Officer's assigned shift unless an emergency situation prevents such notification.
- (10)** Once having reported "off sick," the Duty Officer shall keep the Duty Officer Supervisor advised of their status and expected date of return.
- (11)** Duty Officers shall have immediate access to the following resources:

 - (a)** Next 10-8 (in-service) times;
 - (b)** A valid personal telephone number for every member;
 - (c)** Telephone numbers of emergency service agencies; and
 - (d)** Visual depictions of the agency's current service area.
- (12)** When a Duty Officer receives a call for service that requires an officer's response and no officer is available for the affected area, the Duty Officer shall consider assigning the call to an on-duty officer from surrounding areas. If this is not feasible, the Duty Officer shall contact the appropriate sworn supervisor for direction. The Duty Officer must also consider the need to contact surrounding agencies for assistance, prior to the Division unit's arrival. If the Duty Officer is uncertain whether an incident requires Division response, the issue shall be resolved by contacting the supervisor.

 - (a)** When no officer is available for the affected area or it is not feasible to assign an officer from surrounding areas, the Duty Officer shall:

 1. Contact the on-duty sworn supervisor for the affected area;
 2. If unavailable, contact the on-duty sworn supervisor in the surrounding area;
 3. If unavailable, contact the off-duty sworn supervisor for the affected area.
 - (b)** The chain of command shall serve as the course through which command personnel are contacted. In the absence of a first-line supervisor, the next level in the chain of command shall be contacted.
 - (c)** This process includes but is not limited to any life threatening emergencies. Some examples are missing divers, people overboard and missing, boating accidents with injuries beyond immediate first aid, life threatening incidents in wildlife management areas, search and rescue incidents on land or water, and priority incidents involving endangered or threatened wildlife such as an injured panther, manatee or sea turtle.
 - (d)** When contacting off-duty supervisors or when calling officers to duty, the 3 a.m. rule shall apply. The last member in service would be called until 3:00 a.m. and the next member coming on duty would be called after 3:00 a.m. For example, if a member goes out of service at 11:00 p.m. and there is an emergency at 2:00 a.m., that same member would be subject to call out (except when officer is on approved leave starting at midnight). If there is an emergency at 3:01 a.m., then the member scheduled to come in-service the next day would be called out early.
 - (e)** If the Duty Officer is certain as to which officer should be called out and there is a need to expedite the officer's response, or the Duty Officer is having difficulty reaching a supervisor, the Duty Officer can contact the officer first and then notify the supervisor.
 - (f)** Duty Officers shall not disclose the Division's resource/member availability to the public or another agency, but refer to the question to the next available sworn supervisor.
- (13)** Duty Officers shall have immediate access to emergency telephone numbers for fire departments, other law enforcement agencies, ambulances, environmental services, human services, towing services, and taxi services.

- (14) Occasionally, emergency calls are misdirected to the FWC Division of Law Enforcement. All emergency calls shall be accepted, regardless of where they originate. Prior to transferring an emergency call, the Duty Officer shall obtain the caller's name, contact number, location, and nature of call. The Duty Officer shall remain on the line to ensure the transfer is complete. If the caller is unable to stay on the line, the Duty Officer shall immediately relay the information to the appropriate agency.
- (15) While monitoring the communications center, no personal telephones or electronic devices should be used except under extenuating circumstances. If personal phones or electronic devices are used for extenuating circumstances, their use shall be kept to a minimum.
- (16) Whenever a Duty Officer is in doubt about a particular procedure or course to be followed, they shall consult an appropriate supervisor for direction.
- (17) If the Duty Officer has not heard from an on-duty sworn member within an hour during the hours between sunset and sunrise, and every two hours during the hours between sunrise and sunset, the Duty Officer shall contact the sworn member for a status check. Duty Officers shall do 10-13 checks for sworn employees who are on any type of patrol status. This requirement can be waived by a sworn supervisor. The sworn member shall notify the communication center of this approval in accordance with the Procedures section N (1) below.
- (18) Duty Officers are authorized to conduct 10-13 status checks on members if the situation warrants such situational awareness. These situations include, but are not limited to, an officer on a routine call querying a subject who is found to have an extensive criminal history, a history of violence or weapons violations. Once initiated, 10-13 checks should be performed every 5 minutes or until the member declares the situation to be cleared (e.g. 10-98, etc.).
 - (a) Duty Officers shall not conduct 10-13 checks on on-duty members who signed out appropriately for administrative reasons, such as training, court, work at an FWC office, etc.

H Urgent or Emergency Radio Traffic

- (1) **10-33 (Emergency Radio Traffic):** 10-33 traffic designates emergency radio traffic and receives the Duty Officer's maximum attention. The station shall announce 10-33 traffic and all communications, of lesser priority, not related to the situation, shall cease. Communications personnel or any radio user have the authority to initiate 10-33 traffic. Communications personnel shall immediately notify the appropriate sworn supervisor. The 10-33 traffic shall be cleared, or reduced in urgency, as soon as the immediate danger has passed, or at the discretion or the direction of an appropriate supervisor. *10-33 traffic should be reserved for the highest elevation of incidents (e.g. officer down, police hostage, officer involved in shooting, etc.).*
- (2) **10-46 (Urgent):** 10-46 traffic designates a situation of an urgent or dangerous nature when the interruption of communications with field units would place the division member in jeopardy. The station or any radio user shall announce 10-46 traffic. All communications except urgent, tactical, or emergency transmission shall cease.
- (3) **10-24 (Trouble – Send Help):** 10-24 traffic designates that an emergency exists and immediate help is required.
- (4) **10-94 (Request Routine Backup):** 10-94 traffic indicates a need for routine backup. Examples for proper use of this condition would be to assist in the search of a vehicle, boat, and/or person, crowd control (non-violent), traffic assistance, etc.
- (5) A Duty Officer may announce an alternate talkgroup for routine or necessary traffic during a 10-46 or 10-33 situation (e.g. "routine traffic switch to X-XXX-X"). Officers should use discretion before changing talkgroups, realizing that by doing so they may miss pertinent information relevant to the 10-46 or 10-33 traffic such as suspect information or a call to them to provide back-up, especially when the situation is within close proximity to their location.
- (6) Duty officers should periodically announce the talkgroup status (e.g. "Station's on 10-46 traffic")

or notify individuals who might be unaware of the status. Example: An officer comes in-service, unaware of the urgent or emergency radio status a Duty Officer may consider "10-26 355, we're on 10-46 traffic."

I Transmitting Radio Tones

- (1) M/A-COM "dispatch" radio consoles have three (3) levels of radio tones that may be transmitted prior to an emergency or urgent broadcast. Below are suggested uses for these various levels. The "warble" tone should be reserved for the most extreme situations (e.g. Officer down, police hostage, etc.).
 - (a) Alert tone: 10-46 Traffic
 - (b) Pulse tone: 10-33 Traffic
 - (c) Warble tone: Officer Down, Police Hostage, etc.

J Officer-Initiated Emergency

- (1) Officer declares an emergency.
- (2) Emergency traffic takes priority over all other radio traffic. Units not directly involved shall maintain radio silence unless they have related or other emergency traffic.
- (3) Whenever a unit calls with emergency (10-33) or urgent (10-46) traffic, the immediate response from the communications personnel shall be to instruct the reporting officer to proceed with the 10-33 or 10-46 traffic.
- (4) The station communications personnel shall have the authority to initiate 10-46 or 10-33 traffic and shall immediately notify a sworn supervisor.
- (5) Officer provides location, nature of emergency, and any other pertinent information, such as assailants, vehicle/boat description, tag/registration number, direction of travel and any related weapons.
- (6) Communications personnel shall check the status of the member as frequently as possible without disrupting the situation or placing the member in further danger.
- (7) Communications personnel shall dispatch backup units and make officers in the vicinity aware of the situation to better facilitate their assistance.
- (8) Communications personnel should notify bordering FWC regions and other agencies of the situation and status to keep them updated and informed.
- (9) Duty Officer shall consider aircraft support.
- (10) Duty Officer shall consider emergency medical response (e.g. ambulance, fire and rescue).
- (11) Duty Officer shall consider a potential need for a Florida Administrative Message (FAM) over the FCIC system, to provide pertinent information either county wide, FDLE region wide, or statewide, whichever applies.
- (12) Duty Officer shall refrain from using the word "emergency," when responding to an officer initiated emergency, so as to not alert a suspect.

K Radio Emergency Button

- (1) An additional safety feature on the 800MHz radios (portables and mobiles) is an officer's emergency button.
- (2) When an officer activates the radio emergency tone, his/her radio will automatically have 8 seconds of open mic. This allows the officer to speak, hands-free, in the event he/she is unable to "push-to-talk" (PTT).
- (3) If an officer activates the radio emergency tone but cannot transmit any further, and an "Alias", or "Logical ID" (LID) can trace the radio back to a specific officer, that officer's last known location

shall be provided to appropriate officers. Every possible effort to locate this officer shall then be made.

- (4) In the event an officer does not respond and the originator of the emergency tone is unknown, it may become necessary to “roll-call” on-duty officers in an effort to identify the officer who declared the emergency.

L Radio Emergency Button (Accidental Use)

- (1) Should an officer accidentally activate the radio emergency tone, he/she must notify dispatch immediately that it was accidental, providing their current location and their password, as an added assurance that the officer is not being held against his/her will.
- (2) The Duty Officer shall check the password for accuracy and, if correct, can resume normal radio traffic.
- (3) Should the password prove to be incorrect, the call shall continue to be handled as an actual emergency until the officer’s condition has been verified as okay.

M Radio Transfers

- (1) It is the responsibility of the Duty Officer Supervisor or their designee to process radio alias changes in a prompt and concise manner. This may be accomplished by directly accessing the M/A-COM alias change website or by notification to the Network Operations Center (NOC).
- (2) The person authorizing the radio transfer is responsible for initiating the alias change process by notifying the Duty Officer Supervisor or their designee when the change occurs

N Miscellaneous Procedures

- (1) The requirement for status checks can only be waived by a sworn supervisor. Cancellation of status checks shall be recorded in CAD by the Duty Officer only when an officer provides the name of the supervisor authorizing the cancellation or if the supervisor provides this authorization to the Duty Officer. The communication center shall be notified of the approval to include the exact location and what time the officer expects to be available for checks again.
- (2) Sworn members operating or travelling in/on Division equipment shall notify their assigned communications center through radio transmission when they begin and end their shift, except as noted in number 16 of this section.
- (3) Sworn members engaged in field assignments (to include training, special assignments, etc.) shall maintain radio communications advising their current status through their respective dispatch centers and in accordance with established procedures. Sworn members that will be without radio communications for special assignments shall notify dispatch of the assignment, location, and supervisor who approved, prior to the assignment.
- (4) Unless required by exigent circumstances, sworn members shall use the radio as the primary tool to communicate with the communications center. A secondary method would be the recorded telephone line. The goal of this policy is to ensure that all communications are recorded. Occasionally, a Duty Officer may need to rely on calling an officer’s cellular phone as a last resort when they are not answering the radio. These calls shall be made from the recorded phones located in the RCC.
- (5) Sworn members, while on patrol in uniform, are required to carry their assigned handheld radio at all times when away from the primary radio system.
- (6) Members using radios shall properly identify themselves by their assigned radio call number using the appropriate talkgroup at the start of a transmission.
- (7) When “receiving” a call from an officer, the Duty Officer should not “repeat” the talkgroup name back to the officer nor should officers “repeat” the talkgroup name when called by dispatch. Example of officer calling dispatch: “6 Tallahassee?” “6?” Example of dispatch calling an officer: “Tallahassee 6?” “6, I’m eastbound on I-10 at the 203 mile marker.” The talkgroup name should

only be stated once by the person initiating the communication.

- (8) All members shall respond with their assigned radio call number and specific location when called by a communications center except when stating the location would jeopardize the safety of the member or the success of the assignment being conducted. The location should be specific with a commonly used road name, a crossroad or intersection or approximate distance from a common place, and direction of travel.
- (9) When using Interagency talkgroups, members shall prefix their radio call number with a "W" ("Whiskey") designator.
- (10) Radio communications shall be brief and to the point. Comments added as an expression of courtesy, such as "please", "thank you", "you're welcome", "good morning" or "good night" should not be used. Personal communications are prohibited.
- (11) Members shall advise their assigned communications center of changes in their in-service status as soon as practical.
- (12) All sworn members on duty shall monitor radio traffic on assigned talkgroups.
- (13) Members shall listen to ensure the talkgroup is clear before transmitting and should wait approximately 15 to 30 seconds between each attempt to contact a mobile unit or base station except under extenuating circumstances.
- (14) Officers shall not make transmissions to dispatch "in-the-blind" except under extenuating circumstances. The officer shall wait to be acknowledged prior to continuing with their transmission.
- (15) Officers shall not request Duty Officers to log them off at a "projected" out-of-service time.
- (16) Sworn members assigned to GHQ and the Academy are not required to notify the communications center of daily administrative functions including logging on and off duty.
 - (a) When these members are actively working in the field, or are in travel status, the procedures within this General Order and all other applicable General Orders shall be adhered to regarding radio use and communication center notifications.

O Incidental Vehicle, Vessel and Subject Encounters and Targeted Enforcement Activity

- (1) Sworn members are not required to notify dispatch of incidental encounters with the public as part of their regular on-duty activities. Examples of such incidental encounters include, but are not limited to, providing directions or information to a person, answering a question about hunting or fishing while at a place of business or in another public place, or asking a person whether they are in need of assistance.
 - (a) However, if during the course of such an encounter the sworn member detects a violation, suspects criminal activity, or if there is a need to record the details of an encounter (e.g. Signal 14 India, etc.), the sworn member shall notify the communications center with the appropriate signal, activity or disposition code at the appropriate time.
- (2) Members may use the following codes to indicate that they are engaging in a specific enforcement activity and anticipate a high volume of encounters as part of their duties:
 - (a) License/Equipment/Resource Check – Land Based Activity
 1. 119 (DL/Equipment Check)

This code should be used when officers are performing license, permit, safety, equipment and resource inspections where numerous conveyances or subjects will be checked at a given location (e.g. parameters within wildlife management areas, camps, dove fields, dog hunting areas, check points, etc.). Protocol would be to notify dispatch "119 at LOCATION." Officers shall notify dispatch regarding a specific conveyance or subject (single encounters) if they detect a violation, suspect criminal activity, or if there is a need to record the details in CAD.

(b) License/Equipment/Resource Check - Water Related Activity

1. 119W (Equipment Check - Water)

This code should be used when officers are performing license, permit, safety, equipment and resource inspections where numerous conveyances or subjects will be checked at a given location (e.g. boat ramps, bridges, piers, channels, marinas, etc.) for water related activity. Protocol would be to notify dispatch "119W at LOCATION." Officers shall notify dispatch regarding a specific conveyance or subject (single encounters) if they detect a violation, suspect criminal activity, or if there is a need to record the details in CAD.

(c) Speed Enforcement

1. 116, 116B, 116BD, 116D, 116M and 116P (Speed Enforcement)

These codes should be used when officers are performing speed enforcement where numerous conveyances or subjects will be checked at a given location. Some examples are speed enforcement in manatee or panther zones. Protocol would be to notify dispatch "116D at LOCATION." Officers are required to notify dispatch when they are 10-50 on specific conveyances or subjects (single encounters) and detect a violation or suspect criminal activity.

(d) BUI/DUI Targeted Enforcement

1. 117/117B (DUI/BUI – Targeted Enforcement)

This code should be used when officers are performing a DUI/BUI targeted enforcement detail where numerous conveyances or subjects will be checked at a given location. Protocol would be to notify dispatch "117B at LOCATION." Officers are required to notify dispatch when they are 10-50 on specific conveyances or subjects (single encounters) and detect a violation or suspect criminal activity.

(e) Intelligence and Information

1. Signal 14 India

This code should be used by sworn members when reporting criminal intelligence and/or information on suspicious activities. See General Order 58, *Law Enforcement Intelligence* for additional information.

P Vehicle and Vessel Stops

- (1)** The sworn member shall immediately notify the communications center when a stop is initiated and when the stop has been completed.
- (2)** The sworn member shall provide the exact location and direction of travel first, followed by a description of the vehicle or boat including tag or registration number, and the number of persons or suspects. Example: "6 Tallahassee, 10-50 vehicle." "6?" "10-50 eastbound on I-10 at the 203 mile marker on a brown Ford Explorer XXXXXX, 3 occupants." "10-50 6."
- (3)** If no contact has been made by the sworn member within five minutes after the stop, the Duty Officer shall attempt contact with the sworn member originating the stop. The sworn member's status shall be checked every five minutes until the stop is cleared.
- (4)** In the event that two attempts to contact the member have failed, having allowed approximately 15 to 30 seconds between each attempt, the Duty Officer shall utilize the radio "alert tone" in a third attempt to raise the officer. If there is still no contact with the member, the Duty Officer shall immediately dispatch the nearest available unit to the last location given by the member performing the stop and notify the appropriate sworn supervisor.
- (5)** If a sworn member is not within reasonable proximity of the member performing the stop or is not available, the Duty Officer shall notify the nearest available law enforcement agency for assistance and notify a sworn supervisor.

- (6) All information concerning stops and all status checks shall be entered into CAD.
- (7) Upon completion of the stop, the sworn member shall provide the appropriate disposition code(s).

Q Supervisory Notification and Response

- (1) Duty Officers shall notify supervisors of incidents as directed in the Communications Policy and Procedures Manual and according to the Incident Notification Protocol (FWC/DLE-380FO).
- (2) Duty Officers shall notify a supervisor when requested by a sworn member.
- (3) Anytime a call to an officer goes unanswered, the Duty Officer shall consider this officer a priority until the officer answers and/or the officer's well-being is established. Once two attempts to contact the officer have failed, having allowed 15 to 30 seconds between each attempt, and if the officer is not 10-50 or Signal 13 (e.g. S13P, etc.), no more than 5 minutes shall lapse before the Duty Officer utilizes the radio "alert tone" followed by an additional attempt to raise the officer. If this attempt goes unanswered the Duty Officer shall dispatch the nearest available unit to the last known location of that officer.
- (4) The Duty Officer shall consider any alternate methods of reaching the officer. If the Duty Officer has exhausted any available means of reaching the officer, with no contact, a sworn supervisor shall be notified. At this time the Duty Officer shall consider notifications to surrounding agencies, sending an officer by their residence and the initiation of a BOLO.

R Computer Inquiries and Computer Hits

- (1) Anytime an officer provides a tag number, registration number, serial number or subject information, the Duty Officer shall automatically query the property or person through the FCIC/NCIC system.
- (2) For vehicle tags where a 10-28 was not specifically requested, the Duty Officer shall provide the officer with the 10-29 response, repeat the tag number back to the officer, and provide color, make and expiration. Example: "10-54 10-29 ABC123 on a white Chevrolet expires June 15, 20XX." It shall be the officer's responsibility to prompt the Duty Officer if additional details are needed.
- (3) For boat registrations where a 10-28 was not specifically requested, the Duty Officer shall provide the officer with the 10-29 response, repeat the registration number back to the officer, and provide the length, color, make and expiration date. Example: "10-54 10-29 FL2222AB on a 19' white Mako expires June 15, 20XX." It shall be the officer's responsibility to prompt the Duty Officer if additional details are needed.
- (4) When a computer inquiry reveals stolen property or an outstanding warrant (e.g. Signal 9, Signal 10 or Signal 99), the Duty Officer shall immediately notify the member of the status by utilizing the appropriate radio codes. The Duty Officer shall automatically initiate routine back-up (10-94) to that officer, allowing the officer to cancel the back-up at their discretion.
- (5) A hit alone is not probable cause for an agency to make an arrest. The Duty Officer must confirm the hit with the entering agency. A "confirmed" hit may be adequate grounds to arrest a person or recover stolen property depending on the circumstances (e.g. "Confirmed Signal 10" or "Signal 99C").

S "Be On The Lookout" Broadcasts (BOLO)

- (1) A BOLO shall be used to inform units, other agencies or Regional Communications Centers of items, events, or hazards that require prompt notification.
- (2) Communications personnel shall consider the timeliness and importance of the items before broadcasting a BOLO. Items of importance shall be repeated to mobile units who were out of service, unavailable or who started their tour of duty after the original broadcast was made. "Attempt to Contact" information shall be broadcast if there is an indication that the party is in or about to enter the affected region. Items where timeliness and importance are not a factor shall

be broadcast during low volume transmission periods.

- (3) Prior to the broadcast, the Duty Officer shall consider any incidents that are in-progress where broadcasting the information may jeopardize the safety of an officer(s) where there may be a need to delay the broadcast.
- (4) All units shall be advised to standby for the BOLO using the approved Statewide Law Enforcement Codes. Example: "All units 10-23 for (S10) BOLO". The Duty Officer will pause to allow officers to prepare to copy. Officers are not required to acknowledge unless they are prompted by the Duty Officer to do so.
- (5) When broadcasting a BOLO, communications personnel shall consider the availability of other agencies that could be affected. Duty Officers must consider the potential need to broadcast the BOLO on Interagency. Interagency announcements should be made when officer safety has been jeopardized (e.g. officer down, officer involved in shooting, police hostage, etc.), Amber Alerts, domestic security intelligence, pursuits, incidents involving hazardous materials, and car-jackings. Duty Officers must always consider the safety of all law enforcement officers and recognize when they may be in the direct path of a known suspect or danger.
- (6) Only pertinent information shall be broadcast, and all BOLO information shall be broadcast using the proper format and stated as briefly as possible.
- (7) When broadcasting an emergency or life-threatening message, an alert tone shall be broadcast over the radio system before the BOLO announcement and a pause of five (5) seconds shall be observed between the tone and the broadcast. A Duty Officer shall exercise discretion in the use of the alert tone to ensure officer safety and to avoid alerting a suspect, depending on the situation.
- (8) The Duty Officer shall pause intermittently throughout the broadcast of a BOLO to allow officer air time should they have a need.
- (9) At the conclusion of the broadcast, officers are not expected to acknowledge receipt unless the Duty Officer prompts them to do so. Duty Officers should only require acknowledgments when they believe officers are in the direct path of the suspect(s) or in immediate danger. If the Duty Officer is uncertain, the Duty Officer should prompt the officers for an acknowledgement. Example: "10-48 634?" "10-4"; "556?" "10-4"; "411?" "10-4"; the Duty Officer pauses before continuing. "889?" "10-4"; "776?" "10-4." "Station's clear."
- (10) The Duty Officer must take every precaution to avoid an officer "unknowingly" coming into contact with a known suspect or danger (e.g. stopping a BOLO vehicle or suspect having no knowledge of an existing BOLO or arriving on the scene of an incident involving hazardous materials where the Duty Officer failed to provide this information to the officer).
- (11) The Duty Officer shall consider follow-up (group or individual) voice mail announcements and notification to a sworn supervisor for officer safety concerns, Amber Alerts, and for those more extreme cases.

T Interagency Talkgroup Procedures

- (1) Use of any Interagency Talkgroup is governed by the SLERS JTF SOP. Improper and unauthorized use of the IA Talkgroups is easily identified and system activity is randomly reviewed by two SLERS committees, the Security Manager, the vendor and Department of Management Services.
- (2) As per SLERS SOP 2A, all agencies are required to use their agency designated call sign prefix when using IA Talkgroups. Example: FWC = W, FDLE = L, FHP = H, OALE = O, DEP = E, MCCO = D, ABT = A.
- (3) The information below is only a summary of use. Users can refer to SOP 2A for additional details.
- (4) For each geographical area there are two Interagency Talkgroups available for daily use and

four Interagency Talkgroups dedicated for special details and emergency response. There are four additional Interagency Talkgroups available for “statewide” communications.

(a) Interagency 1: Dispatch to Officer

Interagency 1 (IA-XXX-1) talkgroups are used for communications between “dispatch and officer” or “officer to officer” or from one dispatch center to another. These talkgroups are located on the primary page of the dispatch radio consoles. Because the IA-XXX-1 talkgroups are common amongst all SLERS users, dispatch can communicate with any officer, agent or trooper (dispatch to officer, officer to dispatch), and officers can communicate with other officers, no matter the agency. Example: “Whiskey 249 to FHP Tallahassee on Interagency TAL 1?” *Interagency 1 talkgroups shall be monitored by dispatch and officers at all times.*

Interagency 1 Talkgroups: IA-PEN-1, IA-TAL-1, IA-JAX-1, IA-ORL-1, IA-WPB-1, IA-MIA-1, IA-KEY-1, IA-FTM-1, IA-TPA-1

(b) Interagency 2: Officer to Officer

Interagency 2 (IA-XXX-2) talkgroups are used for “officer to officer” communications and are not monitored by dispatch except under special circumstances. Because the IA-XXX-2 talkgroups are common talkgroups amongst all SLERS users, officers, agents and troopers can communicate with one another (officer to officer) no matter the agency. Example: “Whiskey 249 10-55 the FHP unit eastbound on I-10 at the 203 mile marker?”

Interagency 2 Talkgroups: IA-PEN-2, IA-TAL-2, IA-JAX-2, IA-ORL-2, IA-WPB-2, IA-MIA-2, IA-KEY-2, IA-FTM-2, IA-TPA-2

(c) Interagency X1 through X4: Special Details and Emergency Response

The four Interagency Talkgroups designated for special details and emergency response functions are located on the IA page of the dispatch radio consoles. These talkgroups end with two digits, the last a 1, 2, 3 or 4:

IA-TAL-11	IA-TAL-12	IA-TAL-13	IA-TAL-14	PEN and TAL
IA-JAX-21	IA-JAX-22	IA-JAX-23	IA-JAX-24	LCY and JAX
IA-ORL-31	IA-ORL-32	IA-ORL-33	IA-ORL-34	ORL
IA-WPB-41	IA-WPB-42	IA-WPB-43	IA-WPB-44	WPB
IA-MIA-51	IA-MIA-52	IA-MIA-53	IA-MIA-54	MIA and KEY
IA-FTM-61	IA-FTM-62	IA-FTM-63	IA-FTM-64	FTM
IA-TPA-71	IA-TPA-72	IA-TPA-73	IA-TPA-74	TPA

The last number in the two digits identifies its use:

IA-XXX-X1 Command and Control

IA-XXX-X2 FDLE-Security Operations

IA-XXX-X3 FHP-Patrol and Escort

IA-XXX-X4 FWC-Search and Rescue/Waterborne Security

Normally FDLE would be the lead agency in security operations, FHP the lead for patrol and escort, and FWC for search and rescue and waterborne security; however, it can be permissible for any SLERS agency to utilize these four talkgroups.

(d) Interagency 81 through 84: Statewide Communications

There are four "statewide" Interagency Talkgroups. These talkgroups are managed by the Emergency Operation Center and are not to be used for routine operations or conversations.

IA-STW-81	Command and Control
IA-STW-82	Security Operations
IA-STW-83	Patrol and Escort
IA-STW-84	Search and Rescue/Waterborne Security

(5) Duty Officer Role

- (a)** If a Duty Officer receives an emergency that warrants notification to other agencies, a broadcast shall be made over the appropriate IA-XXX-1 talkgroup.
- (b)** The Duty Officer initiating the emergency shall attempt to repeat this broadcast once within the first ten minutes after the call was made. The Duty Officer initiating the interagency call would normally coordinate interagency communications for the duration of the emergency, except when it is understood that another Duty Officer is taking this control.
- (c)** When one RCC calls another RCC on an IA talkgroup, they shall:
 - 1. Select the IA talkgroup that is routinely monitored by the dispatch center they are calling;
 - 2. Announce their RCC and the RCC they are calling; and
 - 3. Announce the name of the IA talkgroup being used. Example: "FWC Tallahassee to FHP Jacksonville on Interagency JAX 1?"

U Departing and Entering Regions and Counties (10-57 and 10-58)

- (1)** When a member crosses over regional boundaries they shall notify the RCC whose area they're leaving that they're "10-57" (departing) their region and "10-58" (entering) XX region along with their current location. The member shall also provide their destination and anticipated time of return. Example: "6 Tallahassee?" "6?" "10-57 NW Region, 10-58 NC Region eastbound I-10 at XX mile marker, so far?" "So far." "10-51 NAS Jacksonville returning later today." "10-26 6."
- (2)** Once done, the member should switch to the appropriate "travel" talkgroup and notify the RCC whose area they are entering that they are "10-58" (entering) their region along with their current location and destination. Example: "6 Jacksonville?" "6?" "10-58 your region eastbound on I-10 at XX mile marker 10-51 NAS Jacksonville" "10-26 6."
- (3)** When warranted due to the confidential nature of the travel, members holding the rank of Major or above are not required to follow the procedures described in U (1) and (2).
- (4)** The Duty Officer for the officers "assigned" region shall "Change Unit Assignment" (CUA) and place the officer in the travel zone (WTVL zone). An entry with their destination and anticipated time of return should be added using the SLL command. Duty Officers are not to log the officer off-duty until they have returned and advised that they are out of service. Duty Officers are responsible for monitoring officers in the WTVL zone to ensure they return accordingly. When an officer's travel involves one or more nights out of region it shall be the midnight duty officer's responsibility to note this on the appropriate shift change sheet (midnight checklist) for a.m. and p.m. Duty Officer knowledge.
- (5)** Officers working routine patrol within their assigned regions shall notify dispatch when they change counties by advising 10-57 (departing) XX County and 10-58 (entering) XX County. Use of the county name or the corresponding FDLE county code is acceptable. If by changing counties the officer is placed in a different talkgroup area, the officer shall change their radio to the appropriate talkgroup Example: "650 Tallahassee?" "650?" "10-57 Gadsden County, 10-58

Jackson County, westbound on I-10, switching to Panama City.”

- (6) Refer to the FWC talkgroup map (FWC/DLE-381FO) for talkgroup boundaries and travel talkgroups. This procedure allows Duty Officers to accurately track their resources and is an officer safety measure by having officers on a common talkgroup as other officers in that area.

V Electronic Recording Device

- (1) Electronic recording devices installed in the Florida Fish and Wildlife Communications Centers shall record on a 24-hour basis all telephone lines and radio traffic and be accessible for immediate playback.
- (2) Any attempt by an employee to alter or erase any portion of the recording shall be grounds for disciplinary action up to dismissal. Any interruption in the recording could be interpreted as an attempt to alter or erase a recording or portion thereof.
- (3) Requests for the reproduction of any recordings from Division personnel shall be authorized through the Regional Commander having authority over the communications center.
- (4) Recordings shall be retained for a period covering one hundred twenty (120) days. A request to remove a recording from the rotation and to preserve the original recording shall be made in writing. All recordings which are removed from the normal rotation, shall be documented in the log.
- (5) Recordings are available for review or transcription with supervisory approval. 9-1-1 tapes can be obtained from the County Emergency Management 9-1-1 Coordinator, as provided under the provisions of Chapter 119, Florida Statutes.

W Emergency Power Sources (Generators)

- (1) Each communications center should be equipped with an emergency generator set to start immediately in the event of commercial power failure. These generators shall produce sufficient power to keep the communications center operating so there will be no interruption of service.
- (2) FWC-owned generators shall be checked monthly by the Duty Officer Supervisor or designee for proper operation and documented on a generator check log sheet. This log shall be completed and maintained for reference purposes at each location.
- (3) The named authorized person/persons responsible for maintaining all universal equipment at the co-located center shall be responsible for the maintenance of the emergency generator.
- (4) **Auxiliary Base Station Radio** – Each communications center shall have auxiliary radio equipment capable of transmitting and receiving to be used in the event of primary base radio system/equipment failures.
- (5) **Mobile Communications/Command Centers** – An Emergency Response Vehicle (ERV) has been equipped to respond to any emergency situation/location that requires communication in the State of Florida. For additional information, see General Order 33, *Operation of Division Equipment*.

X Radio Repairs, Modifications and Inspections

- (1) All modifications and repairs to radio and other communications equipment shall only be performed by authorized personnel
- (2) Radio Tower Light Inspections – Inspections of FWC-owned sites are to be coordinated by the Division’s Fleet and Technical Services Section in accordance with FCC rules.

Y Communications Center Security

- (1) The security of each communications center, communications personnel, and assigned equipment shall be the responsibility of the Regional Commander or designee.
- (2) Communications equipment and data entry terminals, as well as files and messages, shall be locked in a secure area not accessible to unauthorized personnel.

- (3) All doors that are not public entrances shall remain locked.
- (4) Any security problem at any facility shall be brought to the attention of the Regional Commander through the appropriate chain of command.
- (5) Areas containing telecommunications equipment, radio equipment, un-interruptible power supplies and emergency generators shall be restricted to authorized personnel. When necessary, non-Division personnel may be permitted access to restricted areas containing communications equipment, provided they are accompanied or monitored by a Division member and they have a need to be in that area.
- (6) Communications equipment outside of the communications centers shall be appropriately secured from public access. Security measures shall normally be accomplished by the use of adequate fencing, locks and/or alarm systems. Additional security measures shall be taken, if needed.
- (7) Division members shall be aware of and attentive to communications equipment and sites. All apparent unauthorized entry, access, or tampering shall be investigated and appropriate action taken to safeguard Division equipment.
- (8) Members shall not loiter in communications centers or engage in conversation or activities that disrupt the communications function. Public walk-in traffic is not permitted. Signs bearing the words "Restricted Area - Authorized Personnel Only" shall be conspicuously posted at all entrances to the communications centers. Doors to communications centers shall be kept closed at all times.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-046	Radio Station Log
FWC/DLE-342	Criminal History Dissemination Log
FWC/DLE-500	Complaint Form
FWC/DLE-380FO	Incident Notification Protocol
FWC/DLE-381FO	Talkgroup Map
	Statewide Law Enforcement Radio System Codes (Available from the Fleet and Technical Services Section)



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

INTERNAL INVESTIGATIONS AND DISCIPLINE PROCESS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
27	June 6, 2018	May 16, 2017	All Members

References

Ch. 112, 119, and 257 F.S., S. 440.102, F.S., 943. 13, F.S., Ch. 1B-24, 1B-26 and 11B-27, F.A.C., S. 60L-36.005 and 60L-34.0071, F.A.C., FWC IMPPs 1.8, 6.1 and 6.26
CFA Chapters 7.02M, 7.03, 7.04, 7.05, 15.15M, 20.01M, 20.03, 20.04M

1 POLICY

- A** It is the policy of the Division that internal investigations shall be conducted in accordance with Florida Fish and Wildlife Conservation Commission policy, Florida Statutes, Florida Administrative Code, this General Order, and the articles of the recognized Bargaining Unit Agreement.
- B** It is the policy of the Division that violations of Division policy, law, or other Commission policies may be grounds for initiating disciplinary procedures.
- C** In order to ensure objectivity, it is the policy of the Division that all internal investigations are managed by the Fish and Wildlife Conservation Commission's Office of Inspector General (OIG).
 - (1)** Pursuant to Internal Management Policies and Procedures (IMPP) Section 1.8, *Office of Inspector General*, the Commission's Office of Inspector General shall conduct investigations into allegations of misconduct that, if sustained, would likely result in a suspension or termination, as well as any allegation of potential criminal wrongdoing.
- D** It is the policy of the Division to maintain an effective complaint resolution process with established procedures for the receipt and handling of complaints against members.
- E** It is the policy of the Division to ensure that complaints are handled and investigated in a manner that is proper and consistent and to provide procedures that ensure a uniform and consistent application of discipline.
- F** It is the policy of the Division to recognize the Law Enforcement Officer's Bill of Rights, as well as any agreed-upon procedure in the recognized Bargaining Unit Agreement.

2 RESPONSIBILITIES

A Professional Standards Coordinator

- (1)** The Professional Standards Coordinator shall report directly to the Division Director or designee on complaint related matters and be responsible for:

- (a) Forwarding all records of disciplinary action to the Office of Inspector General with a copy being forwarded to the Commission's Personnel Office.
- (b) Coordinating the review of all Letters of Counseling and oral and written reprimands to ensure statewide uniformity prior to being issued.
 - 1. The review of Letters of Counseling and reprimands should be completed within three working days, unless exigent circumstances exist which prohibit completing within three working days.
- (c) Coordination of the Division's Disciplinary Committee.
- (d) Managing the secure storage of all records relative to disciplinary and counseling processes.
- (e) Providing support and assistance to supervisory members with issues relative to the discipline process to ensure consistency.
- (f) Coordinating with members of the Office of Human Resources and the Office of General Counsel on personnel, legal, and disciplinary matters as directed by the Division Director or designee.
- (g) Preparing and submitting Criminal Justice Standards and Training Commission (CJSTC) form 78 to the Florida Department of Law Enforcement when a sworn member's actions result in a sustained moral character violation as defined in Section 943.13 (4) or (7), Florida Statute or Rule 11B-27-001, Florida Administrative Code.

3 PROCEDURES

A Supervisory Authority and Action

- (1) Supervisors should attempt to resolve member work performance deficiencies through counseling and training, and should be pro-active in resolving problems. Training or counseling will not be construed as disciplinary action.
- (2) Letters of Counseling shall be forwarded to the Professional Standards Coordinator prior to being given to the member. The Coordinator or designee shall review the letter, as well as the affected member's personnel file, and ensure the counseling adheres to Commission policy and is consistent with past practices and the Division's philosophy. Once a Letter of Counseling is approved, the Coordinator shall be responsible for providing a copy to the Personnel Office. Members may submit rebuttal letters to the Personnel Office to be attached to the Letters of Counseling.

B Recommending Discipline

- (1) All supervisors may recommend disciplinary action. All recommended disciplinary actions shall be documented by the supervisor and forwarded to the Coordinator via the chain-of-command.
- (2) The Coordinator or designee will review the recommended disciplinary action, as well as the affected member's personnel file, and ensure the discipline adheres to Commission policy and is consistent with past practices and the Division's philosophy.
- (3) When determining where an incident regarding improper or careless use of state property falls within the standards of discipline, only incidents occurring within the preceding five (5) years shall be considered prior violations.

C Administering Discipline

- (1) Disciplinary action should be administered by the immediate supervisor whenever possible.
- (2) Disciplinary action shall be administered in private.

- (3) The supervisor should always explain what constitutes appropriate behavior and how the member's behavior differed from appropriate behavior.
- (4) IMPP 6.1.1.A(7) delegates authority to the Division Director to authorize the suspension of any member and the dismissal of probationary and OPS members. All other dismissals require the authorization of the Assistant Executive Director. The following information shall be provided to the affected member in writing when disciplinary action results in dismissal:
 - (a) The reason for dismissal;
 - (b) The effective date of the dismissal; and
 - (c) The status of fringe and retirement benefits after dismissal.
 - (d) The member's right to submit information to their personnel file to refute or explain the reasons for the dismissal.
- (5) The Director/Colonel of the Division of Law Enforcement hereby delegates to all Deputy Directors/Lieutenant Colonels as well as the Deputy Chief, the authority to sign, as necessary, all disciplinary letters which the Colonel has the authority to sign.

D Complaint/Concerns

- (1) The supervisor should attempt to resolve complaints/concerns regarding normal operational issues. This may include conducting a supervisory inquiry. A supervisory inquiry is defined as an assessment of an allegation or complaint to determine whether there is credible, factual information to reasonably suspect that an administrative violation or violation of law has occurred. An inquiry may involve limited questioning of witnesses, review of relevant documentation and assessment of credibility. Supervisory inquiries shall be conducted in conjunction with, and the approval of, the Office of Inspector General.
- (2) Supervisors shall document any complaint requiring further investigation on the Division's Complaint Form (FWC/DLE-500).
- (3) The Regional Commander or their designee shall forward the completed Complaint Form (FWC/DLE-500) to the Office of Inspector General.
- (4) The Coordinator may review complaints, and determine if the complaint is based on member performance or alleges misconduct. Complaints determined to be misconduct shall be referred to the Office of Inspector General. Misconduct is defined as any act of non-compliance with Commission policy and procedures, state law, or the laws, rules or ordinances of any jurisdiction whether city, county, state or federal that may result in suspension, demotion or dismissal from employment. Employee misconduct may include violations of the Commission's disciplinary standards that are found in IMPP 6.1, *Standards of Disciplinary Actions*. Misconduct does not include discipline that is issued by a supervisor based solely on the performance of the employee's duties.
- (5) Investigations which may result in suspension or dismissal should be handled as a formal investigation by the Commission's Office of Inspector General. A formal investigation is defined as an official review and evaluation of information relative to any suspected violation of agency policy or procedure where sufficient information exists to reasonably believe that the employee may have committed the violation. A formal investigation is conducted in accordance with the policies and procedures adopted by the Office of Inspector General.
- (6) A case number will be assigned by the Commission's Office of Inspector General.
- (7) If the investigation is to be conducted at the supervisory level, the completed copy of the investigative report and a recommended disposition shall be forwarded directly to the Office of Inspector General.
- (8) The Coordinator will review the investigative report, the member's personnel file and the recommended disposition to ensure the appropriate action is taken.

- (9) The Coordinator shall ensure notices of disciplinary action are forwarded to the Office of Inspector General, the Personnel Office, the appropriate Deputy Director, supervisory chain of command and the Division Director.
- (10) All cases referred to the Office of Inspector General will result in one of the following findings or classifications:
 - (a) **Exonerated** – The alleged conduct occurred, but was lawful and proper.
 - (b) **Unfounded** – There was no evidence identified in the investigation to support the allegation made in the complaint.
 - (c) **Not sustained** – There was insufficient evidence to prove or disprove the allegation.
 - (d) **Sustained** – The allegation was supported by proper and sufficient evidence.
 - (e) **Policy failure** – The alleged action(s) occurred, but were not addressed by agency policy.
 - (f) **Complete** – Used for instances where no specific wrongdoing was alleged.
- (11) If a member of the Division receives a complaint of misconduct and it is determined the subject of the complaint is a member of another law enforcement agency, the complaint shall be forwarded to the Coordinator. As required by statute, the Coordinator shall forward the complaint to the appropriate law enforcement agency within 5 days.

E Investigative Techniques and Guidelines

- (1) In the collection of evidence involving investigations of members, the investigators shall adhere to the following guidelines:
 - (a) Adhere to collective bargaining agreement provisions and those procedures established by the Inspector General.
 - (b) A member may request representation at an investigative interview and such requests must be granted. Any expenses associated with representation will be the responsibility of the member.
 - (c) Whenever a sworn member is under investigation and subject to interrogation by the Commission for any reason, which could lead to disciplinary action, demotion, or dismissal, such interrogation shall be in accordance with Section 112.532, Florida Statutes.
 - (d) If the member is under investigation for a violation for which dismissal may be a penalty in accordance with Rule 60L-36.005 and Rule 60L-34.0071(3)(f), Florida Administrative Code, the Inspector General, in conjunction with the Professional Standards Coordinator and the Commission's Office of Human Resources may authorize that the member be placed on administrative leave. The member placed on administrative leave must be given written notice. Such notice must state the commencement and ending date of the administrative leave, a brief statement of the reason for the leave, a statement that the member will be promptly notified of the results of the investigation, and instruction of when to report and where to report for duty following the end of the period of administrative leave. A copy of such notice must be sent to the Commission's Office of Human Resources which will forward a copy of the notice to the Department of Management Services.
 - (e) Members shall submit to testing for the detection of illegal drugs when directed in accordance with Section 440.102, Florida Statutes, and FWC IMPP Section 6.26, *Drug and Alcohol Testing*.
 - (f) A member may be required to be photographed or participate in a photographic lineup when it is material to an administrative investigation.
 - (g) The member's immediate family shall not be required to give statements in administrative investigations, but may volunteer such statements.

- (h) Commission or Division issued property shall be subject to inspection or search without warrant.
- (i) No member shall be required to submit to a device that measures responses for truth during questioning. However, there shall be no restriction on the right of a member to submit to such device on a voluntary basis.
- (j) The subject of an internal investigation may be temporarily assigned to other duties or a new duty station pending the outcome of the investigation. Reassignment will be at the discretion of the Division Director.

F Relief from Duty

- (1) When violations of a serious nature are alleged or occur, supervisory response may require the immediate removal of a member from duty. These violations include, but are not limited to:
 - (a) Criminal misconduct or arrest.
 - (b) Domestic violence.
 - (c) Gross insubordination.
 - (d) Alcohol or drug use at work.
 - (e) Workplace violence.
 - (f) Behavior deemed to be a threat to members of the agency or to the public.
- (2) Members, both sworn and civilian, may be relieved of duty for their emotional well-being after being involved in significant emotional events on or off duty. These accidental or deliberate events include, but are not limited to:
 - (a) Use of deadly force.
 - (b) Any incident in which a member's actions results in death or seriously bodily injury to themselves or another person, until a preliminary administrative review can be conducted by the Division Director or designee.
 - 1. Appropriate documentation of the incident shall be submitted pursuant to General Order 35 Division Reports and Records and reviewed as required.
 - (c) Any incident deemed by Division Director (or designee) to be of significant impact to the member's ability to effectively function in their assigned position.

G Administrative Leave

- (1) Requiring a member to be placed on Administrative leave for any reason shall only be done within the requirements of state or federal law. Members shall only be placed on Administrative leave, or relieved of duty as described above, by the Division Director (or designee) after consultation with the agency Human Resources Director and Inspector General, if appropriate.

H Records Management

- (1) The Commission's Internal Management Policies and Procedures Manual, Chapters 119 and 257, Florida Statutes, and Chapters 1B-24 and 1B-26, Florida Administrative Code, shall be adhered to as they relate to the required procedures of records management, maintenance and storage of disciplinary action records.
- (2) In accordance with Chapter 112, Florida Statutes, an investigation involving a sworn member is not a matter of public record until a recommended finding has been presented to management.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE 500	Complaint Form
CJSTC 78	Internal Investigation Report



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

GRIEVANCE PROCESS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
28	May 9, 2019	October 31, 2011	All Members

References

S. 110.227(4) and 119 F.S.; IMPP 1.7; CFA Chapter 10, CFA 11.06

1 POLICY

A It is the policy of the Division to provide a grievance procedure, which affords a member the opportunity to contest actions in a formal manner.

B Definitions

- (1) **Career Service Grievance** – Section 110.227(4), Florida Statutes, defines a career service grievance as the dissatisfaction that occurs when an employee believes that any condition affecting the employee is unjust, inequitable, or a hindrance to effective operation.
- (2) **Career Service Grievant** – Any Career Service employee of the Florida Fish and Wildlife Conservation Commission's Division of Law Enforcement who has permanent status in their current class at the time of filing and has filed a grievance in accordance with the provisions of this General Order.
- (3) **Collective Bargaining Contract Grievance** – "Grievance" shall mean a dispute involving the interpretation or application of the specific provisions of the applicable collective bargaining agreement, except for exclusions noted in the applicable collective bargaining agreement.
- (4) **Collective Bargaining Grievant** – Any employee of the Florida Fish and Wildlife Conservation Commission's Division of Law Enforcement whose classification is covered under a collective bargaining agreement.

2 RESPONSIBILITIES

A Members are required to follow the grievance process outlined in this General Order and/or the applicable Collective Bargaining Agreement to maintain the integrity of the grievance process. Grievances filed outside the required timeframes will be denied based on untimely filing.

3 PROCEDURES

- A** The following outlines the process for presenting and proceeding with a grievance in the Division. The Division Director, or designee, is responsible for coordinating the grievance process under this Collective Bargaining method.
- (1) Career Service Grievance:
- (a) Step 1: The employee must submit a signed written grievance using the FWC Career Service Grievance Form to his or her immediate supervisor within fourteen (14) calendar days following the occurrence of the event giving rise to the grievance. If the immediate supervisor is absent from the workplace for three or more days of the fourteen-day period, the employee may submit the form to any chain-of-command supervisor or to the Director of Human Resources. It is the employee's responsibility to ensure the form is received within the fourteen-day period by receiving written or verbal acknowledgment from the person authorized to receive the grievance.
 - (b) A chain-of-command supervisor must meet with the employee, either in person or telephonically, to discuss the grievance and provide a written response within seven (7) business days following receipt of the grievance. A copy of the grievance and response must be forwarded to the Director of Human Resources at the time response is made.
 - (c) Step 2: If the employee is dissatisfied with the response of his or her supervisor, the employee may submit the written grievance to the Director of Human Resources within seven (7) business days following receipt of the written response at Step 1. The Director, or their designee, will meet with the employee, either in person or telephonically, to discuss the grievance within five (5) business days following receipt of the grievance. The Director of Human Resources or designee will respond in writing to the employee within five (5) business days following the meeting. The written decision shall be the final and binding decision and may not be grieved beyond Step Two.
- (2) Collective Bargaining Contract Grievance:
- (a) Employees covered under a collective bargaining agreement may submit a grievance in accordance with the provisions outlined in the applicable collective bargaining agreement.
 - (b) All grievances filed in accordance with collective bargaining agreements may be appealed through the process provided in the applicable agreement.
- B** Responding to Grievances: All grievances will be received and processed as specified in this policy or the respective collective bargaining agreement. At the minimum, there will be a notation on the grievance from the respondent noting the date and time of receipt, and who received the grievance. In addition, the written response will affirm or deny the grievance, state the basis for the denial, if applicable, or identify the remedy or adjustment to be made to resolve the grievance.
- C** Grievance records are under the control of and maintained by the FWC's Director of Human Resources or designated staff.
- (1) Requests for access to grievance records shall be granted in accordance with Chapter 119, Florida Statutes and the Commission's Internal Management Policies and Procedures (IMPP) Chapter 1.7, Commission Records.
 - (2) Grievance Records shall be retained in accordance with General Records Schedule GS1-SL for State and Local Government Agencies.

4 FORMS

FORM NUMBER	FORM TITLE
FWC Career Service Grievance Form	This form can be obtained from the FWC Office of Human Resources or accessed at the Human resources Portal Site: http://portal2.fwc.state.fl.us/sites/HR/HR%20Forms/Forms/AllItems.aspx
Collective Bargaining Grievance Form	Available through the appropriate bargaining representative (i.e. Police Benevolent Association, American Federation of State, County, and Municipal Employees, or the Federation of Physician and Dentists, SES Supervisory Non-Professional Unit)



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

ACCIDENT INVESTIGATIONS AND DEATH NOTIFICATION

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
29	October 8, 2018	October 25, 2017	All Members

References

S. 327.301, 327.352 and 327.353, 406.11 and 406.12, 877.111, and Ch. 893; F.S.; 68A-1.004, F.A.C.; GO 36; CFA Chapter 23

1 POLICY

A Accident Investigations and Investigative Referrals to other Law Enforcement Agencies

- (1) It is the policy of the Division to investigate boating collisions or accidents and hunting accidents in accordance with Florida Statutes.
- (2) It is the policy of the Division to refer vehicle crashes not occurring on state managed lands or crashes involving serious bodily injury or death and hazardous material spill investigations to the Florida Highway Patrol or the appropriate law enforcement agency having jurisdiction.

B Death Notification

- (1) It is the policy of the Division that all death notifications shall be made in person and in a professional and considerate manner in accordance with this General Order.

2 RESPONSIBILITIES

A Boating and Waterways Section

- (1) Shall receive, process, and review copies of boating accident reports originating with other agencies and from within the Division.
- (2) Shall compile and publish annual statistical data concerning boating accidents.

B Investigations Section

- (1) Shall receive and review copies of hunting accident investigations that are investigated by or referred to the Division.
- (2) Shall forward copies of hunting accident investigations to the Fish and Wildlife Conservation Commission's Hunter Education Program.

3 PROCEDURES

A Preliminary Duties of Investigating Sworn Members

- (1) The primary duty of the first sworn member to an accident is to care for injured persons and to secure and protect the scene. Sworn members shall also:
 - (a) Position the patrol vessel or vehicle to protect victims or warn other vessel or vehicle operators of obstructions or hazards.
 - (b) Use flares, reflectors, barricades and traffic cones, if available and applicable, to establish a safe traffic pattern and to protect the scene of an accident.
 - (c) Wear reflective vests, if directing traffic.
 - (d) Use vehicle or vessel emergency lighting to maximize visibility and warning.
 - (e) Assess injuries; administer emergency medical care to victims and initiate requests for first responder services (i.e. fire equipment, hazardous material response units, ambulance/paramedics, power companies, tow companies, etc.). Treatment of victims will be turned over to qualified medical personnel upon their arrival.
 - (f) Maintain the incident scene and preserve the evidence.
 - (g) Locate and identify witnesses.
- (2) Upon completion of first responder duties at the scene of an accident, sworn members shall implement measures to address any potential dangers including those posed by power lines, gasoline/fuel spills, hazardous materials, explosives, hazardous sea or road conditions, or any other hazard.
- (3) Sworn members shall survey the scene noting hazards, conditions, events, and witness statements.
- (4) Sworn members shall refer vehicle crash investigations involving serious bodily injury or death to the Florida Highway Patrol.
- (5) Hit and Run
 - (a) If a vehicle involved in a crash has left the scene, the crash may be categorized as a hit and run criminal act. If possible, information should be collected describing the fleeing vehicle, the driver, or both. Any identifying information obtained shall be provided to the regional communications center (RCC) so that a BOLO can be issued. The RCC shall also notify the local law enforcement agency having jurisdiction.
 - (b) If a vessel involved in a crash has left the scene, the crash may be categorized as a hit and run criminal act. If possible, information should be collected describing the fleeing vessel, operator, or both. Any identifying information obtained shall be provided to the RCC so that a BOLO can be issued. The RCC shall also notify the appropriate law enforcement agencies for possible assistance.
 1. Vessel crashes determined to meet the reportable accident criteria provided in section 3(F) of this General Order shall be reported on the Boating Accident Investigation form (FWCDLE-146 or via mobile forms) as required by Florida Statute 327.301.

B Notification of Investigators or Investigative Supervisors

- (1) An Investigator or Investigative Supervisor shall be notified for all boating and hunting accidents involving death, serious bodily injury, or missing persons.
 - (a) The Regional Investigations Supervisor (Captain) shall be notified of any fatality or serious bodily injury resulting from a boating or hunting accident.
 - (b) The appropriate Investigations Supervisor (Lieutenant) shall respond to the scene of all boating and hunting accident fatalities.

- (2) An Investigator or Investigative Supervisor shall be notified for all boating accidents involving Division vessels when another qualified sworn law enforcement officer from another law enforcement agency having jurisdiction is not available.

C Conducting Boating and Hunting Accident Investigations

- (1) When conducting boating or hunting accident investigations, sworn members shall complete the Florida Boating Accident Investigation Report (FWC/DLE-146) or the Uniform Hunting Incident Report (FWC/DLE-144).
- (2) All boating and hunting accident investigation reports shall be reviewed and approved by the investigating sworn member's immediate supervisor.
- (3) An investigator shall conduct boating and hunting accident investigations resulting in death or serious bodily injury. The Regional Investigations Supervisor shall review fatality accident investigation reports prior to submission to the appropriate State Attorney's Office.
- (4) When applicable, the investigation may include, but not be limited to, a review of the following:
 - (a) All previous reports
 - (b) Witness and/ or additional interviews
 - (c) Records
 - (d) Additional information from emergency response personnel, experts, informants, etc.
 - (e) Results from laboratory examinations
 - (f) Suspect criminal histories
- (5) When applicable, the investigation may also require, but not be limited to, the following:
 - (a) The dissemination of information as appropriate
 - (b) The planning, organization, and conduct of searches
 - (c) Preparation of cases for court presentation
 - (d) Assistance in prosecution
 - (e) Identification and apprehension of suspects
 - (f) Collection of physical evidence
 - (g) Determination of suspect involvement in other crimes
- (6) Sworn members shall adhere to sections 406.11 and 406.12, Florida Statutes, which state that every death shall be investigated by the medical examiner of the district in which the death occurred, and any person who becomes aware of any death shall report such death and its circumstances to the district medical examiner.
- (7) No written warnings will be issued in death investigations.

D Reporting Procedures for Fatal, Life-Threatening, Missing Persons or High-Profile Boating and Hunting Accidents

- (1) If an investigation involves a boating or hunting accident with fatalities, life-threatening injuries, missing persons, high media attention or controversial issues, the investigating sworn member shall immediately inform the Duty Officer. As soon as practical, the Duty Officer shall notify the regional chain-of-command. The Regional Commander shall in turn notify the appropriate Deputy Director at GHQ. As soon as practical, the Deputy Director shall notify the Division Director.
- (2) An Accident Information Form (FWC/DLE-091) shall be completed and submitted (via email) to one of the following sections, depending on the type of accident, within 24 hours after the time the accident was first reported:

- (a) Boating Accident Boating and Waterways BoatingAccident@myfwc.com
 - (b) Hunting Accident Investigations HuntingIncident@myfwc.com
- (3) The Accident Information Form shall be disseminated to the appropriate GHQ staff by the receiving section.

E Assignment of Personnel and the Transfer of Investigative Responsibility

- (1) The closest available unit shall be assigned to respond to a boating or hunting accident.
- (2) The sworn member at an accident scene shall retain authority to direct the investigation until relieved of that responsibility by supervisory or investigating personnel. The sworn member is not relieved of such authority until a supervisor or investigator clearly advises the sworn member that he or she is aware of the facts and is assuming responsibility.

F Boating Accident Reports

- (1) A member may give the operator(s) the Boating Accident Self-Report (FWC/DLE-146C) only when:
 - (a) The accident does not meet the reportable accident criteria. (Death, disappearance of any person, personal injury beyond first aid or damage to any vessel or other property in an apparent aggregate amount of at least \$2,000.)
- (2) Sworn members shall adhere to the reporting of boating accidents as outlined in section 327.301, Florida Statutes.
 - (a) Boating accident reports shall not be used to document incidents involving vessels damaged by vandalism, thrown objects, or by fire, unless the fire resulted from a boating accident (including those which were caused by equipment or machinery damage or failure). Such incidents shall be reported on the Incident Summary Report.
 - (b) All photographs, audio/video tapes, reports, and any other materials generated or obtained during the course of any boating accident investigation are the property of the Division and may not be sold, disposed of, disseminated or otherwise released, except in accordance with the provisions of law. Members are prohibited from selling photographs, videotapes or other materials made in conjunction with the performance of their official duties.
 - (c) The original copy of the Boating Accident Investigation Report (FWC/DLE-146) shall be maintained in the Regional Office, while a copy shall be sent to the Boating and Waterways Section at GHQ in accordance with the instructions provided on the report and the timelines specified herein.
- (3) The Florida Boating Accident Investigation Report (FWC/DLE-146) shall be completed for all reportable accidents and for non-reportable accidents for which charges are to be pursued.
 - (a) The sworn member may choose to complete a Florida Boating Accident Investigation Report (FWC/DLE-146) in any accident case. If the sworn member should choose to complete the report, he/she shall use only the Florida Boating Accident Investigation Report (FWC/DLE-146) and shall not give the operator a self-reporting form.
 - (b) All Boating Accident Investigation Reports shall be reviewed and approved by the investigating sworn member's immediate supervisor.
 - (c) Boating Accident Investigations shall be classified as follows: Class 1 Investigations- Accidents involving a fatality, missing person or serious bodily injury; Class II Investigations – all other categories.
 - (1). **Class I Boating Accident Investigation Reports** shall be completed, reviewed and submitted to the Boating & Waterways Section (GHQ) no later than **60 days** after accident notification.
 - (2). **Class II Boating Accident Investigation Reports** shall be completed, reviewed and

submitted to the Boating & Waterways Section (GHQ) no later than **30 days** after accident notification.

- (4) Protracted Investigations that cannot meet the reporting deadlines in paragraph 3(c) shall be documented on an Incident Summary Report. The report shall contain at a minimum the accident number, date of accident, and the reason for extension. All extension notifications shall be sent to the immediate supervisor of the member assigned to the investigation, who shall ensure that the extension is justified. For extensions on Class I accident investigations, the supervisor shall also forward the Incident Summary Report to the Boating & Waterways Section at GHQ. All Incident Summary Reports documenting investigation extensions shall be included in the final report.

G Hunting Accident Reports

- (1) Uniform Hunting Incident Reports (FWC/DLE-144) shall be completed by an investigator in all accidents or casualties resulting from the use or misuse of a gun or bow as defined in rule 68A-1.004, F.A.C., that occur while hunting and that result in death, injury, or property damage.
- (2) Accidents resulting from tree stand use or other hunting related incidents may be reported on the Uniform Hunting Incident Report (FWC/DLE-144) if so directed by a supervisor.
- (3) All photographs, audio/video tapes, reports, and any other materials generated or obtained during the course of any hunting accident investigation is the property of the agency and may not be sold, disposed of, disseminated or otherwise released, except in accordance with the provisions of law. Members are prohibited from selling photographs, videotapes or other materials made in conjunction with the performance of their official duties whether such materials were produced using Division or personally owned equipment and supplies.
- (4) Once the investigation is completed, the original copy of the Uniform Hunting Incident Report (FWC/DLE-144) shall be maintained in the Regional Office, while copies shall be sent to the Division's Investigations Section at GHQ.

H DUI or BUI Accident Investigations

- (1) Sworn members shall pay particular attention to the behavior, attitude, speech, physical condition, balance and other characteristics which may indicate impairment on the part of any driver or operator.
- (2) If waiting for another law enforcement agency to assume a traffic accident investigation involving DUI, the sworn member shall take precautions to protect the impaired operator from themselves or others and preserve any evidence.
 - (a) The sworn member shall brief the arriving law enforcement officer of the driver's possible impairment.
- (3) Sworn members investigating an accident involving persons under the age of twenty-one and serious bodily injury or death in which alcohol is determined to be a factor, shall notify the local Division of Alcoholic Beverages and Tobacco Law Enforcement District Office. Notification shall be made as soon as possible during the initial stages of investigation.
- (4) If signs of operator impairment are observed during a boating accident investigation, the sworn member shall conduct a criminal investigation to determine if probable cause exists to believe the driver or operator is under the influence.
- (5) If a sworn member has probable cause to believe that a vessel which has caused the death or serious bodily injury of a human being was operated by a person under the influence of alcoholic beverages, any chemical substances, or any controlled substances, a sworn member shall ask for voluntary consent from the person operating or in actual physical control of the vessel to submit to a test of the person's blood for the purpose of determining the alcoholic content thereof or the presence of chemical substances as set forth in section 877.111, Florida Statutes, or any substance controlled under chapter 893, Florida Statutes. Notwithstanding section 327.352, Florida Statutes, the testing requested by this paragraph need not be incidental to a lawful arrest

of the person. (section 327.353 (1)(a), Florida Statutes)

- (a) If the person refuses or is unable to consent due to injuries, then the sworn member shall obtain a search warrant.
 - (b) Absent consent, or issuance of a search warrant, the sworn member shall not cause the blood to be taken unless exigent circumstances are present. Only those individuals listed in section 316.1932, Florida Statutes, shall be authorized to draw blood. Exigent circumstances must be fully detailed, and should only be considered present when either:
 - 1. An ongoing emergency at the scene of the accident would require such a large amount of the sworn member's time that, following rendering of aid for the emergency, the person's blood-alcohol level would be so altered as to prevent the blood-alcohol test from accurately allowing the determination of the amount of alcohol present at the time immediately following the accident; or
 - 2. In locating and communicating with a prosecutor to review the search warrant and a judge to sign and issue the search warrant, the sworn member would encounter a great enough delay that the person's blood-alcohol level would be so altered as to prevent the blood-alcohol test from accurately allowing the determination of the amount of alcohol present at the time immediately following the accident.
 - (c) The potential natural metabolization of alcohol in the bloodstream of the person does not create an exigency by itself justifying warrantless, nonconsensual blood testing in all BUI/DUI cases, though it is a relevant consideration in determining if exigent circumstances exist. Law enforcement officers may not categorically collect a blood sample without a warrant simply because alcohol is leaving the bloodstream of the person.
 - (d) If a blood test will be conducted as required by a search warrant or due to exigent circumstances sworn members may use reasonable force, if necessary, to require the operator to submit to the administration of the blood test.
 - (e) If an operator is being treated at a hospital and medical blood is drawn, the results of the medical blood test may be obtained by warrant or subpoena at a later date.
 - (f) When the operator is not a flight threat, hospital personnel shall be requested to notify the sworn member when the operator is going to be released.
 - (g) If the operator is a flight threat, the sworn member shall place the operator under arrest and make arrangements to ensure security.
- (6) When probable cause exists for DUI or BUI, the driver or operator shall be charged appropriately.

I Death Notification

- (1) Notification Within the Regions
 - (a) All death notifications shall be made in person. Notification for injuries or illness may be made by phone.
 - (b) When it becomes necessary to notify the next of kin of a deceased person as a result of a boating or hunting accident, at least one sworn member in uniform shall be assigned to the notification process.
 - (c) The sworn member delivering the notification should have as much information as possible to enable the member to carry out the notification in a professional and considerate manner.
 - (d) The sworn member shall document the name of the person notified, relationship, and time notification was made.
 - (e) The sworn member should request assistance in delivering the notification message. At least one of the following should be present: another sworn member, another law

enforcement officer or a local victim's assistance representative.

- (f) The sworn member should stand by after the notification and render assistance if necessary to include the possible contact of clergy or other requested family or friends or the provision of medical assistance.
 - (g) For information on victim/witness assistance and notification, see General Order 36, *Victim and Witness Assistance*.
- (2) Death while in Law Enforcement Custody
 - (a) If a death occurs in the process of an arrest or while in the custody of a sworn member, another qualified sworn law enforcement agency having jurisdiction will conduct the investigation. This includes death by natural causes as well as homicides.
 - (b) Supervisors are responsible for completing the Deaths in Law Enforcement Custody form (CJ-11A) and submitting it to the Florida Department of Law Enforcement (FDLE) if the Division experiences the death of a suspect in the process of an arrest or during custody. This includes death by natural causes as well as homicides. This form should be requested from FDLE's Florida Statistical Analysis Center (FSAC) because it is subject to annual change.
- (3) Notification to Outside Agency
 - (a) When a sworn member needs to notify the next of kin of a deceased, seriously injured, or seriously ill person outside the region, state or country, notification should be done through the next of kin's respective police agency.
 - (b) The sworn member should request a Division Duty Officer teletype the respective law enforcement agency, providing as much information as possible. If teletype communications are not available, the request shall be made by telephone.
 - (c) The sworn member shall document confirmation of the outside agency's notification. If possible, the confirmation should include the name of the initial person making contact, whom they contacted, the relationship to the deceased, and the time of contact.
- (4) Undelivered Notifications
 - (a) If unable to deliver a notification, the sworn member shall note all efforts made, including names, addresses, telephone numbers, and times attempted.
 - (b) The sworn member's supervisor shall ensure that every reasonable effort to notify the next of kin has been made and that these efforts are documented.
- (5) A Severely Injured or Killed Sworn Member
 - (a) All sworn members are required to complete a confidential Line of Duty Death Information form (FWC/DLE-002). The original will be sent to the Division's Personnel Manager, while a copy of the completed form is maintained in the region.
 - (b) When it becomes necessary to notify a member or member's family of a deceased, seriously injured, or seriously ill member or family member, the Regional Commander, or highest-ranking available supervisor, shall assign appropriate members to make the notification.
 - (c) The Regional Commander shall immediately notify the appropriate Deputy Director at GHQ.
 - (d) The Deputy Director at GHQ shall notify the Division's Personnel Manager for employee assistance guidance.
 - (e) The Director shall assign a member with the rank of Captain or higher to act as a liaison and to assist the investigating agency.

J Hazardous Material Spills/Incidents

- (1) Procedures for dealing with such incidents are outlined in the U.S. Department of Transportation publication entitled "Emergency Response Guidebook."
 - (a) Members should not exceed the scope of their training and should refer Hazardous Material Spill investigations to the appropriate law enforcement agency having jurisdiction.
- (2) The Department of Environmental Protection, Office of Emergency Response shall be notified.
 - (a) The sworn member shall take the necessary safety precautions.
 - (b) The sworn member shall maintain the incident scene and preserve the evidence.
 - (c) The sworn member shall locate and identify witnesses.

K Miscellaneous Procedures

- (1) Responding to public records requests for copies of accident investigations shall be the responsibility of the Regional Office housing the original report. Requests for reports of accidents investigated by other agencies should be referred to that agency or the Boating and Waterways Section at GHQ.
- (2) Accident report requests should be handled in accordance with chapter 119, Florida Statutes and Commission policy.
- (3) The names of juveniles who are charged for criminal violations in accidents shall not be released.
- (4) Autopsy photographs are not a public record.
- (5) All references to social security numbers on accident reports shall be removed from all reports distributed pursuant to a public records request.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report
FWC/DLE-002	Line of Duty Death Information
FWC/DLE-091	Accident Information Form
FWC/DLE-144	Uniform Hunting Incident Report
FWC/DLE-146	Florida Boating Accident Investigation Report
FWC/DLE-146C	Boating Accident Self-Report
FDLE CJ-11A	Death in Law Enforcement Custody Form (must be requested from FDLE)



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

OFFSHORE PATROL VESSEL OPERATIONS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
30	May 7, 2018	July 21, 2008	All Sworn Members

References
General Order 16
CFA 14.02

1 POLICY

- A** This General Order applies to *Heavy Endurance*, *Endurance* and *Intermediate* Class vessels assigned to the Offshore Patrol Vessel (OPV) program.
- B** It is the policy of the Division to establish procedures for securing Offshore Patrol Vessels (OPVs) during inclement weather.
- C** It is the policy of the Division to establish procedures and provide guidance to members on the safe operation of Offshore Patrol Vessels to provide for effective public safety, fisheries and domestic security patrols.
 - (1) To command a *Heavy Endurance* or *Endurance* class Offshore Patrol Vessel, except in emergency situations, members must hold at least a United States Coast Guard (USCG) Captain's License (OUPV/ 6-pack).
 - (2) The standard crew for an *Endurance* class OPV is two sworn members and the vessel Operator in Charge (OIC). The minimum crew required for operation is one sworn member and the vessel OIC, however, additional crew members are preferred when available.
 - (3) OPVs may be equipped with a Division approved automatic weapon.
 - (4) Boarding teams should have at least two members.
 - (5) Vessel OICs are Alternate Evidence Custodians.
 - (6) The vessel OIC shall have the final decision for all actions regarding crew and vessel safety.
 - (7) Crew members shall adhere to the Division's Offshore Patrol Vessel Manual.
 - (8) All safety, navigation equipment, and vessel systems shall meet Safety of Life at Sea (SOLAS) standards, federal and state laws.
 - (9) All OPV occupants shall wear an approved floatation device with an attached man-overboard (MOB) light when outside the enclosed cabin area when vessel is not moored.
 - (10) All Offshore Patrol Vessels shall be equipped with the following equipment at a minimum:

- (a) Communications equipment to include; FWC radios, VHF radio, cellular phone, satellite phone or other long-range communications systems.
- (b) Functioning navigational equipment to include, compass, charts (paper and/or electronic), GPS and radar. Endurance Class vessels should have a minimum of two independent radar, GPS, and compass systems (one magnetic compass and one flux gate compass is permissible). The minimum requirement for underway operations is one of each system.
- (c) Emergency lights and siren.
- (d) Emergency Position Indicating Radio Beacon (EPIRB).
- (e) Inflatable offshore life raft capable of supporting Vessel OIC and crew.
- (f) "Emergency Ditch Box" to include USCG approved Visual Distress Signals (VDS), waterproof handheld VHF Marine Radio, first aid kit, and an emergency manual water desalination and filtration system.
- (g) A current copy of USCG Navigational Rules.
- (h) First aid and first responder equipment.
- (i) Automatic External Defibrillator (AED) (Heavy Endurance and Endurance Classes only).
- (j) Bilge dewatering capabilities
 1. A minimum of two (2) automatic bilge pumps positioned to allow pump out of all spaces. These pumps must be wired to function when the vessel's power is turned off.
 2. A minimum of one additional method (portable gasoline, 12-volt portable or genset driven/ powered pump) capable of pump out of all spaces.
 3. Endurance Class vessels shall be equipped with audible and visual bilge alarms capable of dock-side alert when vessel is moored and unoccupied.
 4. Vessels that, by design, have inaccessible sealed hull spaces may be exempt from some dewatering requirements on a case-by-case basis as approved by the OPV program coordinator.

D Definitions

- (1) **Heavy Endurance Class Offshore Patrol Vessels** are those capable of extended patrol in offshore areas during varying weather conditions. The Heavy Endurance class fleet contains vessels 50 feet or greater in length. These vessels have berthing and support facilities and equipment to enable them to operate on multi-day missions without returning to port.
- (2) **Endurance Class Offshore Patrol Vessels** contains vessels 38 feet or greater in length. These vessels have enclosed cabins and accommodations to support extended patrols in offshore waters during varying weather conditions. They do not have berthing for each crew member.
- (3) **Intermediate Class Offshore Patrol Vessels are designated as such by the OPV Program Coordinator or designee.** These vessels are capable of short-duration day patrols of offshore areas in varying weather conditions. Intermediate Vessels are larger than standard near shore patrol vessels and are less than 38 feet in length. They do not have berthing for crew members.

2 RESPONSIBILITIES

A Division

- (1) Ensure that the OPV OIC and crew are trained in the proper operation and care of the Offshore Patrol Vessel and associated equipment.
- (2) Ensure that all required equipment is procured for and assigned to OPVs.

B Regional Commanders

- (1) Approve the storage locations for OPVs during hurricanes and other emergencies.
- (2) Ensure that Offshore Patrol Vessels are provided with required crew.

C Area Captains

- (1) Establish and maintain alternate boarding teams to conduct boarding operations from OPVs.
- (2) Resolve issues regarding a vessel's OIC request for alternate crew members versus patrol supervisor needs.

D OPV Program Coordinator

- (1) Ensure all OPV safety policies are adhered to by the program.
- (2) Assist in the development of OPV policies and procedures.
- (3) Coordinate and standardize equipment and operations between various offshore patrol vessels.
- (4) Plan and provide incident command and control for multi-vessel or extended deployment special details.
- (5) Review all OPV accident investigations.
- (6) Manage operator-training program development.
- (7) Develop and implement the budget for the OPV program.
- (8) Coordinate, schedule, and conduct vessel inspections of OPVs.
- (9) Provide recommendations and consulting services to command staff and vessel OICs related to offshore fleet planning, operations, staffing, and maintenance.

E OPV Operator-in-Charge (OIC)

- (1) Ensure the safe operation, readiness, and maintenance of the assigned Offshore Patrol Vessel and associated equipment.
- (2) Direct OPV activities of the assigned crew.
- (3) Ensure that all laws, policies, and procedures are followed.
- (4) Ensure that evidence is properly handled and stored in accordance with General Order 16 - *Collection, Preservation and Documentation of Evidence and Property*.
- (5) Maintain required logs and documents patrol activities.
- (6) Determine when approved automatic weapon should be mounted.
- (7) Ensure adequate supplies of food, fresh water, fuel, clothing, lines and other necessary supplies are on board prior to each mission.
- (8) Ensure all required equipment is checked for operational status prior to leaving the dock. All non-operational equipment shall be repaired or replaced as soon as practical.
- (9) Identify locations to secure OPV during hurricanes and other emergencies, and forwards a written recommendation to the statewide offshore patrol fleet coordinator for comments, and the Regional Commander for approval. Original plans shall be maintained in the Regional Office and a copy maintained aboard the Offshore Patrol Vessel.
- (10) Determine whether to conduct, postpone, or cancel operations based on weather, status of the OPV, availability of personnel or any other pertinent factors which could result in an unacceptable level of risk.

F Offshore Patrol Vessel crew and boarding teams

- (1) Follow procedures outlined in the Offshore Patrol Vessel Manual.
- (2) Perform basic vessel maintenance and upkeep.
- (3) Operate auxiliary equipment and perform duties as an able seaman.
- (4) Stand watch.
- (5) Conduct search and rescue operations.
- (6) Enforce all applicable federal and state laws.
- (7) Assist federal, state, and local law enforcement agencies.
- (8) Board vessels and complete boarding reports and other documentation as required.

3 PROCEDURES

A Boarding procedures

- (1) Notify the Communications Center of the location as well as the identity of the vessel to be boarded.
- (2) The boarding crew shall wear Division-approved personal flotation devices.
- (3) Boarding crew members shall always be in uniform and carry functioning portable radios for communication.
- (4) The boarding crew should immediately identify themselves as law enforcement officers to the boarded vessel's occupants and state the reason for boarding.
- (5) The boarding crew shall maintain communications with the OPV OIC and apprise the OIC of their status during the boarding.
- (6) The boarding crew shall conduct a complete written inspection prior to concluding the boarding.

B Securing large vessels during storm events


- (1) All circumstances must be considered when preparing to secure vessels in the path of a storm. Plans should be based on reasonable prudent mariner principles.
- (2) Possible short routes for escaping the storm's path shall be identified and updated routinely based on forecasted track of the storm.
- (3) Long distance evacuation plans shall include crew transportation back to residence.
- (4) The OIC shall have a contingency plan for checking the condition of the vessel as soon as weather conditions permit.
- (5) The OIC has the authority and ability to make sound maritime risk management decisions based on prevailing conditions.
- (6) Each OIC should coordinate a telephone conference call at least 72 hours prior to an anticipated storm landfall with the statewide OPV program coordinator, Regional Commander, and appropriate Deputy Director for a final decision on where to secure the vessel.
- (7) Safe mooring locations in protected waters should be identified in advance, and agreements with entities that control these safe locations should be in place.
- (8) Basic mooring standards are prudent and should include, double line moorings, redundant safety lines for each mooring point, double/triple anchoring, and mooring point clean up.
- (9) A minimum of a 1" - 1.5" Double Braid, or Triple Twist nylon line is required for use in securing vessels. Line shall be vessel specific, double braid is preferred.
- (10) Each OIC shall determine the line that is best suited for securing their assigned vessel.

- (11) The required line shall be properly stored to protect the line from the elements.
- (12) Properly secured chaffing gear is mandatory.
- (13) The haul-out of a vessel should be considered a **LAST OPTION**, and contractual arrangements shall be made well in advance of a storm. If possible, and preferably by contract, the vendor performing the haul-out shall be obligated to return the vessel to the water as soon as possible after the storm.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report
	Incident Summary Report Narrative

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement

	TITLE	GENERAL ORDER
	STRUCTURE OF COMMAND	32
	APPLICABILITY	EFFECTIVE DATE
	ALL MEMBERS	July 26, 2013
		RESCINDS/AMENDS
		December 5, 2008

REFERENCES

Art. IV, Section 9 of the State Constitution and S. 20.331, 379.3311 and 379.3313, F.S.
 CFA 1.02 and 1.03 and CFA 2.05 and 2.06

1 POLICY

- A** The Division will establish an organizational structure that clearly identifies the chain of command and the authority empowering its members.
- (1) To ensure that organizational components are under the direct command of a single supervisor.
 - (2) To ensure that each member is accountable to only one supervisor at any given time.
 - (3) To provide members the command or functional authority to effectively execute their duties.
 - (4) To define the Division’s organizational structure and the responsibilities of its members.
 - (5) To ensure that its members are fully acquainted with the established structure of command.
 - (6) To maintain effective internal communications with superiors and subordinates.
 - (7) Members will adhere to the chain of command. Exceptions must be specifically authorized by the Division Director or the Executive Director of the Commission, or in those situations where the need to bypass the chain of command can be justified by the critical and urgent nature of the problem and supervisory guidance is not available.
 - (8) Members will promptly obey any lawful orders of a superior. This will include orders from a supervisor and relayed by a person of the same or lesser rank or by a duty officer.
 - (9) Members will not follow unlawful orders.
 - (10) Orders and instructions will normally be communicated through the chain-of-command to the respective operational components. This policy does not prohibit the use of an “open door policy” to discuss specific issues with management.
 - (11) Members shall participate in and work on cross-functional teams or assignments to achieve Commission goals when asked, as long as it does not conflict with the members’ law enforcement duties.
 - (12) Supervisors shall be mindful of the Commission’s shared resources concept and accommodate shared resource teams and assignments whenever feasible to meet Commission goals, as long as it does not conflict with the Division’s law enforcement mission.
 - (13) The Director of the Division of Law Enforcement’s authority is defined in an Authority Memorandum and the Commission’s Internal Management Policies and Procedures Manual.
 - (14) The Division of Law Enforcement’s sworn member’s authority is provided in Article IV, Section 9 of the State Constitution and sections 20.331, 379.3311 and 379.3313 of the Florida Statutes.

- (15) All authority to command is derived from the following:
- (a) United States Constitution and Federal Law
 - (b) Florida Constitution and State Law
 - (c) Federal and State Rules
 - (d) Commission Policies and Procedures
 - (e) Division of Law Enforcement General Orders
 - (f) Orders issued by the Director/ Colonel
 - (g) Orders issued by a Deputy Director/ Lieutenant Colonel
 - (h) Orders issued by a Major or Division Chief of Staff
 - (i) Orders issued by a Captain
 - (j) Orders issued by a Lieutenant
 - (k) Orders issued by a member in official acting status of any of the above ranks.
 - (l) Orders issued by a supervisor to non-sworn personnel.
 - (m) Orders issued by a Pilot I or II, Investigator I or II, or training personnel when they are performing within their scope of expertise.
 - (n) Orders issued by a senior member when circumstances require a senior member to take command.
 - (o) Orders issued by a Field Training Officer to a trainee.

2 RESPONSIBILITIES

A Division

- (1) Ensures that a command protocol is established throughout the Division that clearly designates the chain of command for Division members.
- (2) Enacts measures which establish a command protocol in the absence of supervisory personnel during exceptional circumstances, which may involve situations involving personnel of different functions engaged in a single operation and in normal day-to-day activities.
- (3) Posts and distributes current organizational charts and provides updates as organizational changes occur.

B Members

- (1) Are accountable for the judicious use of such authority as may be granted to them for its application in accordance with the provisions of law, and in compliance with the Division's General Orders.
- (2) To acquaint themselves with positions identified in their respective chain of command.
- (3) If given an unlawful order, the member will promptly and respectfully call attention to the unlawfulness of the order.
 - (a) If the unlawful order is not changed or rescinded, the member will not follow the order and immediately report this fact via the chain-of-command to the Division Director, starting with the rank above the person who gave the unlawful order.
- (4) If given an order which conflicts with any previous order or with any General Order or provision of Commission policies or procedures, the member will promptly and respectfully call attention to such conflict.

- (a) If the order is not changed or rescinded to eliminate the conflict, the last order shall stand and that supervisor shall bear the responsibility.
- (5) Effective internal communication is crucial to achieve fulfillment of established objectives. It is imperative to disseminate communication up, down, and across the division as this affords an opportunity for all members to communicate concerns and ideas to leadership. It is essential to obtain feedback to guarantee the message is being received and understood as intended.

C Supervisors

- (1) Direct subordinates' work activities under their respective command.
- (2) Ensure the effective use of resources under their command.
- (3) Provide career development training for subordinates.
- (4) Are accountable for the actions of members under their command.
- (5) Inform members on a temporary duty assignment on their new chain-of-command.
- (6) Assign duties in accordance with the terms of any applicable collective bargaining agreements, the requirements of the position, and the qualifications of the member assigned to perform the work.
- (7) Respond to questions from subordinates. If an immediate answer cannot be given, the supervisor must inform the subordinate when they will be able to provide an answer.

3 PROCEDURES

A Command Protocol

(1) Absence of the Director (Colonel) of the Division of Law Enforcement

- (a) Foreseen absence: The Director will assign supervisory authority and notify all affected personnel via email.
- (b) Unforeseen absence: Supervisory authority will fall to the first available Deputy Director (Lieutenant Colonel) who will notify all affected personnel via email.
- (c) Unforeseen absence lacking the availability of a Deputy Director (Lieutenant Colonel): Supervisory authority will fall to the Division Chief of Staff who will notify all affected personnel via email.

(2) Absence of other incumbent Supervisors

- (a) When a member's supervisor is not available, the member shall contact the next level in the chain of command for direction. A member may contact another supervisor of equivalent level (e.g. another area lieutenant) for guidance on an issue prior to contacting the next level in the chain of command.
- (b) When an incumbent supervisor will be absent due to annual, sick, or administrative leave or leave without pay for 3 or more days, he/she will designate an acting supervisor for the duration of the absence.
- (c) If absent for 5 or more days, the next higher ranking supervisor shall approve the acting supervisor.
- (d) In exceptional situations, the incumbent supervisor's immediate supervisor will choose the acting supervisor.
- (e) In all instances involving command succession in the field, the appropriate Communications Center and affected personnel will be notified when an acting supervisor has been placed in command. The notification will include the supervisor's name, scope of authority, and the beginning and ending dates of the assignment.

(3) Command and Control

- (a) In exceptional situations and in normal day-to-day agency operations, an incident shall be under the command and control of the component best suited to carry out the ultimate goal of the operation or incident.
- (b) In situations involving members of different functions engaged in a single operation within the same region, the member in command of the component best suited to carry out the ultimate goal of the operation or incident shall assume command.
- (c) In situations involving members from different sections engaged in a single operation, command shall be assumed by the leader of the section/ region best suited to carry out the operation. The leader determined to be the best suited to command the operation, shall ensure that all personnel involved in the operation are aware of who is in charge. If all factors in a single operation are comparable, the senior section leader shall be in charge.

(4) Member of Senior Rank Assuming Command

- (a) In order to take full command of any situation, the member of senior rank shall identify himself/herself and announce his/her intentions to the member then in charge.
- (b) Command will only be assumed when a situation appears to be beyond the control of the member then in charge, or if ordered to assume command by another member of senior rank.

(5) Member of Junior Rank Assuming Command

- (a) A member of junior rank may take command of a situation by identifying him/herself and announcing his/her intent to the member then in charge.
- (b) Such assumption of command shall only be undertaken when the member then in command is unable to perform his/her duties due to some physical or mental condition.

- (6) **Command by Non-Supervisory Members:** Whenever more than one member is present at a scene of an incident without a supervisor being present, the member originally dispatched or assigned shall be in charge unless specifically relieved.

4 FORMS

FORM NUMBER	FORM TITLE
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Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

OPERATION OF DIVISION EQUIPMENT

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
33	November 09, 2018	November 30, 2017	All Members

References

33 CFR 175.110, 46 CFR 26.30, and 46 CFR 25.35; S. 322.12, F.S.; IMPP 4.1.11 and 5.3.7; GO 03, 06, 24, 30 and 42; CFA 14.02, 14.08M, 14.09M, 29.01

1 POLICY

- A** It is the policy of the Division to ensure members are properly equipped to accomplish Division responsibilities, and to ensure that Division vehicles, vessels, and aircraft are properly maintained.
- B** It is the policy of the Division that all vehicles, vessels, and aircraft owned, leased, or rented, and operated by members in the performance of their duties shall be used only for official business or as otherwise authorized by this General Order.

2 RESPONSIBILITIES

- A** All members who operate Division vehicles or vessels are responsible for their safe operation.
- B** Except as specifically authorized in this General Order, vehicles, vessels, and aircraft shall be operated in compliance with all applicable federal, state, and local regulations.
- C** Members shall use occupant safety restraining devices in all Commission vehicles that have occupant restraint devices installed.
 - (1) The operator of a Division vehicle that has installed occupant restraint devices shall require all passengers to use the vehicle's occupant restraint devices.
 - (2) Members shall not modify, remove, deactivate or otherwise tamper with the vehicle's safety belts or occupant restraint systems.
 - (3) Inoperative restraint systems shall be immediately reported to a supervisor.
- D** Supervisory approval is required prior to Division vessels being left in the water.
 - (1) If Division vessels are kept in the water they should be equipped with at least two batteries and two functioning bilge pumps with automatic switches.
 - (2) Division vessels not painted with bottom paint shall be pulled on a weekly basis and cleaned. Division vessels equipped with bottom paint shall be pulled and cleaned as required to prevent excessive growth.

- E Equipment Readiness** – Each member shall ensure that after use, equipment shall be fueled with at least one-half tank as indicated by fuel gauge and in operating condition to respond to calls to include fuel card and essential emergency equipment.
- F Fuel and Lubricants** – Each member shall use only the manufacturer’s recommended fuel and lubricants in Division vehicles, vessels, and aircraft.
- G Equipment Repairs** – A member shall coordinate with the appropriate supervisor to determine and verify the need, location and method of payment concerning all repairs to equipment.
- H Preventative Maintenance** – Members are responsible for the condition and maintenance of all assigned equipment according to the manufacturer’s recommendations.
- I Modifications to Division Vehicles and Vessels and/or the Equipment Contained Therein**
- (1) Any modification to a Division vehicle or vessel including the law enforcement equipment contained therein, except as described in (c) below, shall be approved by a Regional Commander or Section Leader.
 - (a) Such modifications may only be approved for officer safety and/or to enhance core mission responsibilities.
 - (b) Some modifications will render the vehicle, vessel, or equipment warranty null and void. Consideration of this shall be made before approval is provided.
 - (c) Minor modifications shall be allowed without Regional Commander/Section Leader approval (e.g. relocating the radio microphone or flashlight mount/charger, placing blackout material on interior lights, etc.).
 - (2) All approved modifications shall be forwarded to the Fleet and Technical Services Section Leader who shall determine if the approved modification should be considered as a standard requirement and incorporated into one or more law enforcement equipment rigging profile.
- J Interior and Exterior Maintenance of Vehicles**
- (1) Vehicles and vessels shall be kept neat and clean inside and out.
 - (2) Vehicles and vessels shall be waxed as needed or as directed by a supervisor.
- K** The state (FWC) license plate assigned to an unmarked vehicle with a confidential tag shall be kept in the trunk of the vehicle. An exception to this requirement may be approved by a Major (or a member of higher rank than a Major) for certain classified assignments.
- L** Confidential or fictitious tags shall only be assigned to Investigators or as authorized by the Division Director.
- M** No personal modifications on Division vehicles or vessels are permitted without proper approval as outlined above in section I. This includes, but is not limited to, decals, stickers, tags, and window tinting.
- N** All members assigned Commission vehicles and vessels shall submit the logs to the Region/Section no later than the 5th calendar day of each month.
- O** The Property Inspection and Inventory Report (FWC/DLE-017) shall be completed at least once per year by the appropriate supervisor for all sworn members assigned to field operations. When the inspection reveals blatant or numerous maintenance issues, inspections shall be completed at the supervisor’s discretion until all issues have been addressed and corrected. Additional inspections and inventories may be conducted as deemed necessary by the appropriate supervisor.

3 PROCEDURES

A Required Equipment for Patrol Vehicles and Vessels (excluding ATVs, Bicycles, and PWCs)

- (1) Properly charged fire extinguisher

- (2) Operational flashlight
- (3) First aid/first responder kit and a biohazard kit
 - (a) The first aid/first responder kit and the biohazard kit shall be carried in the vehicle or vessel being operated by the member. The kits may be moved back and forth between assigned vehicles and vessels if the operating member is assigned only one set of kits.
 - (b) At a minimum, the first aid kit should contain gloves, a CPR mask, adhesive tape, gauze pads and gauze wrap.
 - (c) If any supplies within the first aid/first responder, or biohazard kit list an expiration date, members shall make certain those supplies are replaced prior to the listed expiration date.
- (4) Personal Protective Equipment as defined in Section 3 (Procedures) of General Order 08, *Communicable Disease Control*
- (5) Area maps and charts
- (6) Jumper cables (boats as needed)
- (7) Reflective safety vest (vehicles only)
- (8) Seat belts and airbags (vehicles only)
- (9) A rubber mat may be placed in the patrol vessel at the request of the member
- (10) Division vessels shall meet the following standards for equipment:
 - (a) Life preservers and other life-saving equipment in accordance with 33 CFR 175
 - (b) All vessels shall be equipped with one U.S. Coast Guard (USCG) approved PFD for each person on board. The PFD issued to the member may be counted in this number and equipped with a strobe light and/ or chemical light stick
 - (c) All vessels shall be equipped with a USCG approved Type IV PFD (Throw Cushion or Throw Ring)
 - (d) Visual distress signals in accordance with 33 CFR 175.110
 - (e) Fire extinguisher equipment in accordance with 46 CFR 25.30
 - (f) Backfire flame control for applicable vessels in accordance with 46 CFR 25.35
 - (g) Muffler on airboats
- (11) All Division vessels of 30' and above shall be equipped with an Emergency Position-Indicating Radio Beacon (EPIRB).
 - (a) Vessels routinely working beyond 9 miles from shore shall also be equipped with an EPIRB.
 - (b) Regional Commanders may opt to out-fit vessels of less than 30' based on patrol responsibilities and personnel requests.
- (12) Refer to General Order 30, *Offshore Patrol Vessel Operations* for Offshore Patrol Vessel standards.

B Operational Emergency Warning Light(s), Division Radio and Siren

- (1) Approved light(s), P.A. systems, and radios shall be placed in accordance with the FWC Fleet and Technical Services Rigging Guideline Manual or as directed by the Division Director.
- (2) Non-operational emergency equipment shall be immediately reported to a supervisor and repaired promptly.

C Required Equipment for All-Terrain Vehicles (ATVs), and Personal Water Craft (PWCs)

- (1) Equipment as required by federal and state law and in accordance with the FWC Fleet and Technical Services Rigging Guideline Manual.

D Operation and Maintenance of ATVs, and PWCs

- (1) ATVs and PWCs are specialty equipment, which shall be used to conduct patrol activities and for special details as directed by a supervisor.
- (2) Members who operate ATVs and PWCs shall be familiar with and trained in the specialized operating characteristics of the equipment.
- (3) Members with an assigned ATV or PWC are responsible for the proper storage, transport, and periodic and scheduled maintenance as outlined in the owner's manual and this General Order.
- (4) If the ATV or PWC is not equipped with a radio then the member operating the equipment shall be in possession of, and using, a functioning handheld or head-set radio.
- (5) PWCs should not be operated at night except in emergency situations or as approved by a supervisor.
- (6) Any added accessories or equipment to ATVs or PWCs shall be of low profile and shall be approved by the immediate supervisor.
- (7) Division-issued helmets, correctly fitted and worn as designed, must be used when operating an ATV.
 - (a) Division-issued helmets must have U.S. Department of Transportation (DOT) approval.
 - (b) All new helmets purchased shall be silver or black and may feature an approved FWC logo decal and/ or badge decal.
 - (c) All new helmets purchased shall be either modular helmets (flip-face helmets), half helmets or $\frac{3}{4}$ helmets. Shatterproof eye protection (goggles or face mask) must be worn with half or $\frac{3}{4}$ helmets.
 - (d) "Skull cap" helmets are prohibited.
 - (e) Members working in plain clothes may receive supervisory exemption from wearing the silver or black Division-issued helmet but must wear a DOT-approved helmet.
 - (f) Members working in a covert capacity may be exempted from helmet wear by the Investigations Section Leader or designee.
 - (g) The helmet wear requirement may be waived by the Division Director for specific assignments and details if necessary to meet operational needs.
- (8) Helmets are not required on Division-owned Utility Terrain Vehicles (UTVs) if the vehicle is equipped with a roll cage or similar rollover protection system.

E Operation of Aircraft

- (1) For guidance on the operation of Division aircraft refer to General Order 24, *Division Aircraft*.

F Operation and Maintenance of Airboats

- (1) Members shall adhere to the Division's Airboat Manual and all operators shall be checked off via the Airboat Manual.
- (2) The Training Section shall coordinate the required training for airboat operation and maintain such records.
- (3) The Airboat Manual shall be issued to all approved operators.
- (4) All airboat occupants should wear ear and eye protection.

- (5) Members should use a functioning audio equipment headset when operating an airboat.
- (6) Airboats shall be maintained according to the manufacturer's recommendations.

G Operation and Maintenance of Trailers

- (1) Trailers and tires shall be maintained according to the manufacturer's recommendations.
- (2) Trailer wheel bearings shall be greased regularly (as needed).
- (3) A properly inflated spare tire, and equipment to change trailer tires, shall be readily available.
- (4) Freshwater rinsing shall be completed after saltwater immersion.
- (5) Trailer lights, proper size ball, trailer coupling, and safety chains/cables shall be checked, fully operational, and connected prior to towing the trailer.
- (6) Boats placed on trailers shall be properly secured by the winch, bow safety chain/cable and stern strap(s).
- (7) Other equipment placed on trailers shall be properly secured to the trailer prior to towing.

H Mobile Command Trailer

- (1) This trailer serves as a mobile command and control post and is equipped to provide communications capabilities between Division personnel and other emergency response agencies during natural and man-made disasters, and during special events of a magnitude that would severely tax local communications capabilities.
- (2) The Mobile Command Trailer shall be properly maintained in operational condition ready to respond to all requests for service.
- (3) Requests for the assignment of the mobile command trailer shall be made to the Operational Support Section Leader at GHQ through the appropriate chain-of-command. The request shall indicate the reason(s) the vehicle is needed, length of time needed (when known), the location of the disaster or event, and the agency requesting FWC assistance (if applicable).
- (4) The Mobile Command Trailer shall be staffed during the assignment by authorized members of the Division. The detail commander may authorize personnel from other agencies to staff the vehicle in conjunction with FWC personnel.
- (5) Members towing the Mobile Command Trailer must possess a Florida Driver License with the proper endorsement and must be trained in all procedures involving the operation and setup of the Trailer.
- (6) It is the responsibility of the Operational Support Section Leader or designee at GHQ to ensure the vehicle is always properly serviced and in a good state of repair.
- (7) The following equipment shall be maintained in the Mobile Command Trailer:
 - (a) Equipment as outlined in Section 3 (Procedures), Subsection A, *Required Equipment for Vehicles and Vessels* above.
 - (b) Emergency phone numbers and radio frequencies for other emergency service providers in the detail area.
 - (c) Tools that may be necessary.
 - (d) Administrative supplies necessary for incident command duties.
 - (e) Other equipment deemed necessary by communications or supervisory personnel.

I Canine (K-9) Vehicles

- (1) Canine vehicles are used by the Division to transport canines on routine patrol and to scenes where the use of a FWC Division of Law Enforcement canine is needed.
- (2) Vehicles shall have a temperature alarm sensor and fans to ensure maximum air circulation.

- (3) Vehicles shall display sufficient markings to indicate that a canine is present.
- (4) The Canine Manual shall be referred to for additional guidelines.

J Segway Personal Transporter (PT) and T3 Series electric standup vehicle (ESV)

- (1) The Segway PT and the T3 ESV are specialty equipment, which shall be used for certain park patrol assignments, special details or as authorized by a supervisor.
- (2) Only members who received the appropriate training and vehicle orientation are authorized to operate the PT and T3 ESV.
- (3) Members shall wear a bicycle helmet at all times when operating the PT or T3 ESV.

K Personal Flotation Devices (PFD)

- (1) The Division will provide U.S. Coast Guard approved personal flotation devices (PFD) for all members using vessels.
- (2) A Division approved personal flotation device shall be worn by all members and visitors while onboard a Division vessel that is underway.
- (3) A sworn supervisor may authorize members not to wear a personal flotation device for plain-clothes details. Members and visitors are not required to wear a personal flotation device while below deck or inside the cabin of a Division-designated Offshore Patrol Vessel (General Order 30, *Offshore Patrol Vessel Operations*).

L Personal Emergency Position Indicating Radio Beacon (EPIRB)

- (1) The Division shall provide a personal Emergency Position Indicating Radio Beacon (EPIRB) to all sworn members who regularly patrol in a vessel.
 - (a) Once an EPIRB has been issued, it shall be worn while onboard a Division vessel that is underway.
- (2) The EPIRB shall be secured to the sworn members PFD with the included Velcro strap.
 - (a) It is recommended that sworn members secure the EPIRB on their support side.
- (3) Sworn members are authorized to utilize the Division issued personal EPIRB while off-duty, however, in the event the EPIRB is lost or damaged while in use off duty, sworn members shall be responsible for reimbursing the Division for the cost of the EPIRB.

M Vehicle and Vessel Ride-Alongs

- (1) Ride-alongs with a sworn member are permissible for the following reasons and with the following restrictions:
 - (a) Commission Interns – As needed for the internship program and with sworn supervisory approval. Ride-alongs for internships shall not take precedence over any other patrol activity and shall be scheduled in a manner that avoids any negative impact on Division needs.
 - (b) Recruitment Orientation – One ride-along providing the citizen is 18 years of age or older, has an employment application on file, a criminal records check has been conducted and on file with application, and has obtained prior approval by a sworn supervisor. Recruiters may provide up to 3 ride-alongs provided the citizen is 18 years or older and supervisory approval has been obtained.
 - (c) Cooperative Endeavors – Landowners and managers, government personnel, informants, witnesses, environmental groups, and media representatives.
 - (d) Non-Jurisdictional Sworn or Military Personnel – Law enforcement officers or military personnel from another jurisdiction, state or country may ride as a visitor with supervisory approval.

- (e) Short duration public assistance transportation does not require supervisory approval but does require that the sworn member notify dispatch with the starting and ending time and mileage.
- (f) Equipment Demonstration and Testing – Equipment vendors may participate in ride-alongs for the purpose of equipment testing and demonstration and for other vendor-related functions.
- (g) The member operating the Division vehicle or vessel is responsible for ensuring that the General Release (FWC/DLE-023) has been executed prior to and for each person riding, except for short public assistance transportation, prisoner transport, and during emergency situations. Commission employees and other (local, state or federal) government employees, including legislators and other elected officials, on official business are not required to complete the General Release.
- (h) The General Release (FWC/DLE-023) is to be completed, submitted to the appropriate supervisor and filed locally in the Region.
- (i) The appropriate Deputy Director may authorize other ride-alongs on a specific case-by-case basis.
- (j) The member shall notify Dispatch of the starting and ending times when a non-member is being transported.

N General Operation

- (1) All members shall operate their assigned vehicles and vessels with due regard for safety and in compliance with all laws regulating the operation of emergency vehicles and vessels whether in an emergency situation or on routine patrol. Refer to General Order 03, *Pursuits and Emergency Response*, and Florida Statutes for additional information as it relates to pursuits.
- (2) A law enforcement officer of another agency may, when necessary, operate a Commission unit.
- (3) No member shall operate any commission vehicle, vessel, or aircraft for which he or she has not received instruction for safe operation and is not properly licensed.
- (4) A member shall not knowingly operate, or allow to be operated, equipment lacking properly functioning primary steering, lighting, or braking equipment except in cases of emergency. This does not apply to a Division mechanic working on Division equipment.
- (5) If equipped, the anti-theft device on law enforcement vehicles shall be activated when the driver leaves the vehicle unattended with the engine running or keys in the ignition to provide power to the emergency equipment or radio. The location of the control switch or any other information shall not be revealed to non-law enforcement personnel unless authorized by a supervisor.

O Lights-Out and Night Operations

- (1) Patrol vehicles and vessels may be operated without displaying lights when:
 - (a) Operation without lights is necessary in the performance of the sworn member's law enforcement duties.
 - (b) The sworn member adheres to Florida Statutes, and the guidelines in this General Order.
 - (c) A sworn member must continuously balance the potential danger to life and property created by lights-out operation. In making the decision to operate in a lights-out mode the following factors shall be considered:
 - 1. The sworn member has attended and successfully completed the required lights-out operation training.
 - 2. Environmental factors determine it is safe to do so.
 - 3. The condition, performance and the capabilities of the equipment allow doing so.

4. The member is familiar with the area.
 5. A member may disengage the vehicles brake lights, taillights, tag lights and backup lights utilizing approved and installed cut out switches when it can be done safely.
- (2) A member shall not operate a Division vehicle without headlights except when:
 - (a) Operating a vehicle at 15 mph or less and using a Division approved sneak light and;
 - (b) Only after advising communications of the location and duration of lights-out operations.
 - (c) Sneak light use on **Limited Access Roadways** is prohibited. Limited access roadways for the purpose of this General Order are, a street or highway especially designed for through traffic and for which access to and from is limited to designated interchanges. Examples include Interstate Highways, Expressways, or the Florida Turnpike.
 - (3) A member shall not operate a Division vessel without lights except when it is necessary to provide concealment for a specific incident or detail.
 - (4) The Training Section shall ensure that all regional sworn members are trained in night operations including the use of sneak lights.
 - (5) The Fleet and Technical Services Section shall determine the appropriate type of sneak lights for Division vehicles.

P Authorized Use of Division Patrol Vehicles

- (1) Division patrol vehicles are to be used to conduct authorized state business including, but not limited to conducting patrol, investigations, inspections, attending training, court proceedings, and other assignments as authorized by sworn supervision.
- (2) Incidental use of Division patrol vehicles is permitted by sworn members only when such use does not create an appreciable divergence from the most direct or practical route to an official or authorized destination. Sworn members assigned Class C vehicles and members on travel status may use their assigned vehicles during normal duty hours to and from lunch or meal breaks and other incidental travel. Members in travel status may use the vehicle for incidental travel for meals and entertainment. If in a marked vehicle the member must be in uniform or have a Division approved jacket available in case of emergency. If in an unmarked vehicle, members shall wear appropriate attire. Members shall not park the vehicle at establishments which may bring discredit or embarrassment to the Commission.
- (3) General Order 42, *Health and Fitness*, shall be referred to for appropriate vehicle usage to encourage sworn members to maintain an acceptable fitness level to perform law enforcement duties.
- (4) General Order 06, *Off-Duty, Extra-Duty, and Hire-Back Employment* shall be referred to for appropriate vehicle usage for Off-Duty, Extra-Duty, and Hire-Back employment.

Q Purchase Card (P-Card) Use for Equipment

- (1) The use of the P-Card by non-supervisory personnel, requires prior supervisory approval.
- (2) The P-Card is not to be confused with the State Fuel Card. The P-Card **shall not** be used for the purchase of gas. Oil may be purchased on the P-Card if required for the maintenance of a vehicle or vessel during a service visit.
 - (a) Bulk purchases of fuel and oil require a Purchase Order.
- (3) Members shall use only P-Cards to pay for maintenance services and repairs to vehicles and vessels. Patrol vehicles and vessels include all forms of boats as well as ATVs, buggies and trailers.
- (4) The use of the P-Card by non-supervisory personnel shall not include the purchase of cleaning, waxing supplies, or equipment such as winches, jacks, life jackets, boat brushes, boat hooks, etc. These type purchases must be made by a P-Card trained Lieutenant or by other approved

methods.

- (5) Members with special duty assignments, such as Investigator 2's, K-9 officers and Recruiters, may be authorized by the Regional Commander to use their P-Card outside these restrictions.
- (6) Refer to FWC IMPP 4.1.17 *State Purchasing Card Program* and the Purchasing Section's Portal Site for additional information relating to the use of purchasing cards.
- (7) If members are in doubt, they shall contact the Regional Purchasing Director **prior** to making any purchase.

R Purchase Card (P-Card) Use for Travel

- (1) Travel-related purchases that are allowable with the purchasing card include:
 - (a) Air Fare.
 - (b) Car Rental.
 - (c) Train Fare.
 - (d) Hotels/Motels – Room expense only for single occupancy rate or multiple rate if sharing with other members in travel status.
 - (e) Parking.
 - (f) Taxi.
- (2) Travel-related purchases that are NOT allowable with the purchase card include:
 - (a) Personal telephone calls.
 - (b) Food or beverages.
 - (c) Movies.
 - (d) Room Service.
 - (e) Tips/portage.
 - (f) Gas.


S Accidents and Equipment Damage

- (1) Members shall adhere to FWC IMPP 5.3.8 *Accidents and Equipment Damage* for information on the reporting of accidents and equipment damage.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-017	Property Inspection Inventory Report
FWC/DLE-023	General Release

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement

	TITLE	GENERAL ORDER
	SEARCH AND RESCUE OPERATIONS	34
	APPLICABILITY	EFFECTIVE DATE
ALL MEMBERS	July 21, 2008	RESCINDS/AMENDS
		May 1, 2001
REFERENCES CFA 21.01		

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to conduct search and rescue operations.
- B** It is the policy of the FWC Division of Law Enforcement to conduct search and rescue operations in order to minimize loss of life, personal injury, and property damage.
- C** It is the policy of the FWC Division of Law Enforcement to conduct search and rescue operations in a manner that minimizes member risk during search and rescue missions.
- D** It is the policy of the FWC Division of Law Enforcement to coordinate search and rescue operations with the United States Coast Guard or with those jurisdictional agencies that can contribute resources.
- E** It is the policy of the FWC Division of Law Enforcement to support cooperation and coordination among state and local agencies, federal agencies and others who have an interest or responsibility in search and rescue matters.

2 RESPONSIBILITIES

A Sworn Members

- (1)** Sworn members will respond to any notification of distress, even if suspected to be a false call or a hoax. A distress shall be considered to exist until closed, suspended, or downgraded by a sworn supervisor.
- (2)** Sworn members may assist in search and rescue operations outside of state waters with supervisory approval.

B Sworn Supervisors

- (1)** A sworn supervisor should suspend search and rescue operations at any time when environmental conditions, operational concerns or equipment failure seriously jeopardize the safety of the sworn member or others involved in the operation.

C Regional Commanders

- (1)** Regional Commanders shall maintain a copy of the United States National Search and Rescue Supplement (NSS) to the International Aeronautical and Maritime Search and Rescue Manual (formerly known as the National Search and Rescue Manual) as well as the U.S.C.G. Addendum to the National Search and Rescue Supplement (NSS).

3 PROCEDURES

A Receiving Distress Calls

- (1) The following information shall be documented when a distress call is received:
 - (a) Time, date, and reporting source (radio call sign or phone number).
 - (b) Nature of distress/type of assistance needed.
 - (c) Vehicle/Vessel/Individual location and description.
 - (d) Weather/sea conditions.
 - (e) Number and descriptions of persons.
 - (f) Name, address, date of birth, medical concerns, and gender of occupants.
 - (g) Communications, navigational and survival equipment.

B Overdue Situation:

- (1) In an overdue situation, the following additional information shall be obtained:
 - (a) Time and location of departure, and hours overdue.
 - (b) Intended destination and route.
 - (c) Last communications with overdue person.
 - (d) Did the person, vehicle or vessel stop over anywhere or is habitually late?

C Notification Procedures

- (1) The Duty Officer will immediately advise the nearest on-duty sworn member(s) of the situation. When information received indicates that life may be in imminent danger, the Duty Officer will immediately notify all appropriate rescue organizations.
- (2) The appropriate sworn supervisor shall be immediately notified of all distress or overdue situations and shall determine the type and level of response. A sworn supervisor will respond to the scene and act as the on-scene coordinator in those cases that require significant effort.
 - (a) The coordinator will ensure that documentation of the search and rescue operation is completed.
- (3) The Division Director shall be notified via the chain of command when a sworn member is confirmed to be missing while on patrol.

D Search Procedures

- (1) Searches in navigable waters shall be coordinated with the United States Coast Guard. The United States Coast Guard need not be notified when the search area is not a navigable waterway. Navigable Waters includes bays, sounds, rivers, canals, and lakes which are connected with the Gulf of Mexico or the Atlantic Ocean.
 - (a) Division patrol vessels operating in a marine environment conducting search and rescue operations should be equipped with an operating VHF radio with a minimum of channel 16, 21 and 23 capabilities.
- (2) A sworn supervisor shall assign and deploy the appropriate resources.
- (3) All other searches in other jurisdictions shall be coordinated with the appropriate agencies.
- (4) Determine if the vehicle, vessel or subject is at the last known location. If practical, leave a note asking the subject to contact the nearest communications center upon return.
- (5) Keep chain-of-command informed of search status.

- (6) An Incident Summary Report (FWC/DLE-045) is required to be completed for each search and rescue operation. A sworn supervisor will ensure that the total number of hours worked, vessel hours, aircraft hours and vehicle miles are documented.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-045	Incident Summary Report



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

DIVISION REPORTS AND RECORDS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
35	June 6, 2018	October 25, 2017	All Members

References

Ch. 119, F.S.; GS1-SL and GS2; IMPP 1.7;
CFA 26.01M, 26.02, 26.03M, 26.05, 26.08, 26.09M

1 POLICY

- A** It is the policy of the Division that all required reports and forms documenting the activities of its members be completed accurately and in a timely manner.
- B** It is the policy of the Division to comply with the FWC Internal Management Policy and Procedures (IMPP) Section 1.7, *Commission Records*, the Department of State's general records schedules GS1-SL for State and Local Government Agencies and GS2 for Law Enforcement Agencies, as well as the Florida Fish and Wildlife Conservation Commission's specific records retention schedules.
- C** It is the policy of the Division to comply with the provisions of Chapter 119, Florida Statutes, concerning the appropriate handling of public records.
- D** It is the policy of the Division to establish controls to account for the status of the reports for which the member is responsible, and to ensure that appropriate copies of reports are secured and maintained according to policy.
- E** It is the policy of the Division that Division reports and records information is available to sworn members on a 24-hour basis.

2 RESPONSIBILITIES

A Supervisors

- (1) Division supervisors are responsible for receiving, reviewing and approving reports and records completed by members, and for ensuring that reports and records are forwarded or delivered to the appropriate locations.

B Members

- (1) Members are responsible for accurately completing appropriate reports, forms, and records and submitting them in accordance with established policies and procedures.
- (2) All members are responsible for maintaining reports and records in a manner that ensures privacy and security.

- (3) Documents requiring a signature must be completed with a handwritten or electronic signature. An electronic signature is intended to provide a secure and accurate identification method, ensuring that the signatory:
 - (a) Is uniquely identifiable and linked to the signature, and
 - (b) Has sole control of the private key to create the electronic signature, and
 - (c) Is capable of identifying if data has been tampered with after the message was signed.

3 PROCEDURES

A Personnel Records

- (1) Personnel records and files are subject to public inspection and copying. However, the following information is exempt from public disclosure under chapter 119, Florida Statutes and shall not be released except with the approval of a supervisor and for a legitimate governmental purpose.
 - (a) Home addresses, telephone numbers, social security numbers and photographs of active or former law enforcement personnel.
 - (b) Home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of active or former law enforcement personnel.
 - (c) Names and locations of schools and day care facilities attended by the children of active or former law enforcement personnel.
- (2) All requests for copies of official personnel files of current or former members or employees shall be referred to the official custodian of personnel records in the FWC's Office of Human Resources.
- (3) All exempt information listed in Section 3 (Procedures), Subsection A, Personnel Records, (1) (a) – (c) of this General Order shall be redacted or deleted prior to inspection or copying pursuant to a public records request.
- (4) Performance evaluations and other documents necessary to evaluate members shall be maintained in accordance with established records retention schedules.
- (5) While a complaint of misconduct against an employee is being investigated, the complaint and investigative file are confidential and exempt from disclosure, pursuant to Section 119.071(2)(k), Florida Statutes. After the investigation is completed, the file then becomes a public record regardless of the outcome of the investigation.
- (6) Active criminal intelligence information and active criminal investigative information are exempt from public disclosure and dissemination to the public pursuant to Section 119.071(2)(c), Florida Statutes. The Division Director or designee may approve the release of active criminal intelligence information or active criminal investigative information as needed.
- (7) Work notes, including electronic notes, if they are retained by a member for the purpose of preparing investigative reports or notes kept by a supervisor to prepare performance evaluations or disciplinary actions, are public records upon completion of the investigation, evaluation or disciplinary action.

B Division Reports and Records

- (1) The Division shall use a single approved automated records management system to track and monitor the status of all pending and completed reports. Reports that require supervisory approval must be signed or electronically approved by a supervisor before being entered in or saved to any system.
- (2) Members shall accurately complete and submit all required reports. Reports shall be legible with minimal errors in spelling or grammar. No member shall knowingly enter, or cause to be entered, any inaccurate, false, or improper information. The supervisory review process shall not

adversely affect the timely submission of reports. Corrections are to be made by means of a supplemental report, or at the direction of a supervisor.

- (3) No member shall destroy, alter, or remove any report or record of the Commission except as allowed by law or rule. Anyone having knowledge of such behavior must immediately report it to an appropriate supervisor.
- (4) Members who request or obtain any information through the FCIC/NCIC or DAVID systems shall not release such information outside the agency except for law enforcement use. Members shall be held accountable for unlawful dissemination of such information.

C Public Records

- (1) Requests for access to public records shall be handled in accordance with Chapter 119, Florida Statutes and FWC IMPP Section 1.7, *Commission Records*.

D Citations and Warnings

- (1) The Fleet and Technical Services Section shall purchase, issue and track the distribution of paper citations and warning books to the field.
 - (a) The Regional Commander or designee shall maintain accountability for all paper citations and warnings.
 - (b) The Fleet and Technical Services Section shall maintain the official database for all electronic citation, warning and report numbers.
 - (c) Paper citation and warning books shall be securely stored.
 - (d) Lost, stolen, damaged, and voided paper citations and warnings shall be tracked in the Division authorized automated records management system on the Incident Summary Report and be entered into the electronic citation tracking system by each Regional Office designee.
 - (e) Voided electronic citations shall be entered into the Division authorized automated records management system by the member who issued the citation. A member who voids an electronic citation shall prepare and submit an Incident Summary Report explaining the reason/s the citation is being voided.
- (2) The Fleet and Technical Services Section shall enter the arrest and warning data into a database.
- (3) The Fleet and Technical Services Section shall not receive any original citations or warnings.
- (4) The Fleet and Technical Services Section shall purchase carbon copy (NCR) forms, and evidence labels and provide those forms to the Regions.
- (5) Scanned copies of issued paper citations and warnings shall be submitted to the Records Services Subsection in Tallahassee no later than 15 calendar days from the date issued. Approval for deviations from this timeframe must be requested in writing, stating the reason for the delay and must be submitted to the Fleet and Technical Services Section Leader through the appropriate Regional Commander.

E Region and Section Records

- (1) The Regions and Sections are responsible for the maintenance and security of all arrest citations, warnings, and transmittal forms. All other original records shall be processed and secured in the Region/Section as required, unless specific written instructions state otherwise.
 - (a) A thorough audit of all citations, warnings and transmittal forms (to include voided, destroyed, lost or stolen forms) issued during the preceding calendar year shall be conducted by each region and section and submitted to the Fleet and Technical Services Section by no later than March 1st of each year.

- (2) Records shall be stored and maintained to ensure privacy and security. A Records Check-Out Log (FWC/DLE-560) shall be maintained by the records custodian, when any member removes any report or record from the office, it shall be documented in a log book with the date of removal, the returned date and time as well as the employee removing the item and the purpose for removal.
- (3) Regional Commanders / Section Leaders shall maintain a document indicating the appointment of the Office/Section Records Manager and alternate(s).
- (4) Records shall be available to Division members via the Division authorized automated records management system, the appointed Office/Section Records manager, and in accordance with *IMPP 1.7, Commission Records*.
- (5) The photographs and fingerprints of juveniles taken into custody shall be marked "**Juvenile Confidential**" and be kept in a separate file.
- (6) The Regions are responsible for compliance with agency and state records retention schedules in accordance with FWC IMPP Section 1.7, *Commission Records*.

F Completion of the Incident Summary Report

- (1) Incident Summary Reports shall be completed using Mobile Forms for:
 - (a) Biological and chemical scenes requiring the use of PPE.
 - (b) Custodial arrests.
 - (c) Wildlife Alert arrests.
 - (d) Property and evidence seizures.
 - (e) Assaults against members.
 - (f) Endangered or threatened species investigations.
 - (g) Narcotics-related investigations.
 - (h) Narcotics-related seizures.
 - (i) Cases involving resisting arrest with or without violence.
 - (j) Instances where assistance is given to another agency on any of the above.
 - (k) All criminal citations issued.
 - (l) Instances that will likely result in news media coverage or other potentially controversial encounters.
 - (m) Loss of Division badge or identification card.
 - (n) Incidents which are reported to the Uniform Crime Reporting Program (UCR).
 - (o) Upon request of a supervisor.
- (2) Sworn members shall transmit finished Incident Summary Reports to their supervisor as soon as practicable, but no later than 72 hours, unless an extension is granted by a supervisor.
- (3) If the incident is ongoing after 72 hours, a supplemental report shall be completed and transmitted for approval.
- (4) All incomplete reports regarding an ongoing incident shall be updated with a supplemental report at least every 30 days.
- (5) A sworn supervisor is required to review, approve, or reject Incident Summary Reports as soon as practicable, but not to exceed 7 days after the report is submitted, using the Division authorized automated records management system.

- (6) When locations are required, document a common name, and latitude/longitude coordinates in the following format are required: N degrees and decimal minutes: W degrees and decimal minutes. For example: N26 12.878 W80 98.788. Members shall use at least three decimals after the period to increase accuracy.

G Collection, Use and Release of Social Security Numbers


- (1) Members shall not collect an individual’s social security number unless specifically authorized to do so by federal or state law.
- (2) When a social security number is collected, the individual shall be supplied, in writing, with the specific federal or state law governing the collection, use, or release of social security numbers for each purpose the number was collected, including any authorized exceptions that apply to such collection, use, or release.
- (3) Collected social security numbers shall not be used for any purpose except as indicated in the supplied written notification.
- (4) The following are situations where social security numbers may be collected by sworn members with a written notification supplied to the affected individual:
 - (a) As part of the hiring process;
 - (b) During background investigations; or
 - (c) When documenting job-related injuries.
- (5) Social security numbers maintained by the Division shall not be released or disclosed unless the release or disclosure is specifically authorized by federal or state law or a court order.

H Forms Management

- (1) The Operational Support Section shall maintain all electronic forms which are not contained in Mobile Forms for the Division of Law Enforcement.
- (2) The following procedures shall be adhered to:
 - (a) All forms shall be distributed electronically. However, distribution of carbon copy forms shall be done by the Fleet and Technical Services Section.
 - (b) The creation and use of forms in applications other than Word, Excel or PDF, unless specifically authorized, is prohibited.
 - (c) All Division forms can be found on the Division’s intranet site at: <http://portal2.fwc.state.fl.us/sites/LE/DLE%20Forms%20Library/Forms/AllItems1.aspx>
The Operational Support Section must authorize a form to be implemented for use and distribution.
 - (d) Recommendations to change or create a form shall be accomplished by submitting a Form Change Request (FWC/DLE-523A) through the appropriate chain of command to the Operational Support Section. Altering forms from the original Division approved format as posted in the DLE Forms library is prohibited. Only the Operational Support Section, which is responsible for forms management, is authorized to make changes to forms.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report
FWC/DLE-523A	Form Change Request

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement		
	TITLE	GENERAL ORDER
	VICTIM AND WITNESS ASSISTANCE	36
		EFFECTIVE DATE
		January 11, 2017
APPLICABILITY		RESCINDS/AMENDS
ALL MEMBERS		October 13, 2011
REFERENCES S. 119.071, s. 914.22 and 914.23, Ch. 943, F.S., Ch. 960, F.S.; CFA 17.05		

1 POLICY

- A** In an effort to comply with the laws of the State of Florida governing victims and witnesses of crime, it shall be the policy of the Florida Fish and Wildlife Conservation Commission's Division of Law Enforcement to inform all victims and witnesses of their rights as enumerated in Florida Statute. Victims and witnesses will be made aware of their rights through the Division of Law Enforcement's Victim and Witness Rights Information Brochure.
- B** It is the policy of the FWC Division of Law Enforcement that victims and witnesses of crimes be treated fairly and with dignity and compassion. Specific provisions of this policy are established to enact the requirements of chapters 960 and 943, Florida Statutes. Nothing in this policy prevents or prohibits members from providing assistance to victims or witnesses who would not otherwise be eligible for assistance as provided in chapters 960 and 943, Florida Statutes. Reasonable assistance in coping with the crime and any related criminal proceeding shall be given.
- C** This General Order establishes guidelines and procedures for all members in assisting victims and witnesses of crime.
- D Definitions**
 - (1) **Crime** – Any felony or misdemeanor as defined by the laws of the State of Florida.
 - (2) **Victim** – A person who suffers physical, financial, or emotional harm as the direct result of a specified crime committed upon his/her person or property. Also referred to as a "victim" is a victim's parent or guardian if victim is a minor, the lawful representative of the victim or the victim's parent or guardian if the victim is a minor, and the next of kin of a homicide victim.
 - (3) **Witness** – A person, as determined by law enforcement, who has information or evidence relevant to a specific crime.
 - (4) **Victim and Witness Rights Information Brochure** – Information brochure created by the Division to provide essential information regarding the rights of victims and witnesses and the services available to them as required by law. The Division issues the brochure in English and Spanish.

2 RESPONSIBILITIES

- A Division of Law Enforcement**
 - (1) The Division's Operational Support Section will provide Victim and Witness Rights Information Brochures to all sworn members for distribution as needed via the Division's Law Enforcement Information Page.
 - (2) The Division will also provide the Victim and Witness Rights Information Brochure on its internet

site at www.myfwc.com/law.

- (3) The Division will ensure the confidentiality of records and files pertaining to victims and witnesses and their role in case development to the extent consistent with applicable laws.
- (4) The Division will ensure that all members are familiar with the policies and procedures in this General Order. In addition, members shall have access to additional information on victim and witness assistance posted on the Division's Law Enforcement Information Page, including region-specific information where available. Any additional information on victim and witness assistance provided by the Division should address:
 - (a) Necessity for sensitivity when dealing with victims of crime(s).
 - (b) Familiarization with the latest information pertaining to victims' rights and the services available to them.
 - (c) Familiarization with those crimes that require the Division to offer the victim an opportunity to complete a victim notification form indicating whether or not they desire advisement of the offender's release from confinement.

B Regional Commanders

- (1) The Regional Commanders or their designees will ensure that regional information on victim and witness assistance is up-to-date and available to all members.

C Members

- (1) All members will be responsible for providing information concerning victims' rights, the role of victims and witnesses in the criminal justice system, available support services, and crime victim compensation to victims and witnesses as required by law. This will be accomplished by distributing the Division's Victim and Witness Rights Information Brochure.
- (2) Sworn members will maintain an adequate supply of the Division's Victim and Witness Rights Information Brochure and other locally available services and distribute information to victims and witnesses with whom they have contact.
- (3) All members will provide assistance to victims and witnesses as may be reasonably necessary, which may include referrals to other agencies.
- (4) All sworn members must be familiar with the guidelines for the fair treatment of victims and witnesses as identified in s. 960.001 (1) F.S. and reproduced in section 3 (Procedures), subsection H (1) through H (32) of this General Order.

3 PROCEDURES

A Victims' Rights and Services Information

- (1) Cards, brochures and Division brochures explaining victims' rights and available services will be maintained at each regional field office. Those regional field offices which operate in more than one judicial circuit should maintain local victim assistance information from each circuit.
- (2) The Division's Victim and Witness Rights Information Brochure will be delivered to victims at the earliest practical time during an investigation. Local victim and witness information cards and brochures may also be delivered if available.
- (3) The name of the investigating sworn member, incident summary number, and regional field office phone number will also be provided to victims on the Division's Victim and Witness Rights Information Brochure.
- (4) The date and time victim and witness informational materials are delivered to the victim(s) shall be noted in the arrest affidavit and in the Incident Summary Report.
- (5) In order to provide assistance 24 hours a day, victim and witness informational cards, brochures

or the Division's Victim and Witness Rights Information Brochure will be made available to any member that has contact with the public, including duty officers and clerks. Victims inquiring into available services should receive assistance from the member with whom they first have contact.

B Victim Notification Card (FWC/DLE-282)

- (1) This form must be completed when one of the following crime(s) has been committed:
 - (a) Domestic Violence (s. 741.28, F.S.)
 - (b) Homicide (782, F.S.)
 - (c) Sexual Offense (794, F.S.)
 - (d) Stalking (s. 784.048, F.S.)
 - (e) Attempted Murder or Attempted Sexual Offense (777, F.S.)
- (2) Completed forms will be attached to the arrest affidavit or Incident Summary Report and delivered to the appropriate Sheriff's office.

C Protection of Victims or Witnesses

- (1) Sections 914.22 and 914.23, Florida Statutes, prohibit tampering with, or retaliation against, any victim or witness in a criminal case.
- (2) When a member is made aware of any attempts to tamper with or retaliate against a victim or witness, the victim or witness will be referred to the State Attorney's Office for assistance.
- (3) Any time that such tampering or retaliation is actually occurring at the time a member is contacted by a victim or witness, the member will immediately forward the information to the regional communications center.
- (4) The regional communications center will notify a sworn supervisor and either dispatch a sworn member to the scene or notify the local law enforcement agency having jurisdiction.
- (5) Once the security of the victim and witness is assured, the sworn member will contact the State Attorney's Office and complete an incident summary report detailing the incident.

D Confidentiality of Certain Information

- (1) Section 119.071, Florida Statutes, provides for confidentiality of certain information relative to this policy to include:
 - (a) Any information revealing the identity of a confidential informant or a confidential source.
 - (b) Any criminal intelligence information or criminal investigative information or other criminal record which may reveal the identity of a person who is the victim of any sexual battery, lewd and lascivious act committed in the presence of a person under the age of 16, or child abuse.
 - (c) Any criminal intelligence information or criminal investigative information which reveals the personal assets of the victim of a crime, other than property stolen or destroyed during the commission of the crime.
- (2) Upon written request of a person who has been a victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence, the following information will be held exempt (from disclosure) that would not otherwise be held confidential:
 - (a) Home or employment telephone number,
 - (b) Home or employment address, and
 - (c) Personal assets.

E Property of Victims

- (1) The property of victims shall be retained only when there is a compelling law enforcement reason such as when necessary for successful investigation, testing or prosecution.
- (2) The evidentiary significance of property owned by the victim shall be reviewed with the State Attorney.
- (3) Upon approval by the State Attorney, the property will be returned to the victim as soon as reasonable.
- (4) Photographs will be taken of the property for use in criminal proceedings.

F Member-Provided Assistance During Follow-Up Investigations

- (1) Scheduling of line-ups, interviews, and other appearances should be done at the convenience of the victim or witness, when possible.
- (2) Victims and witnesses should be contacted periodically during the follow-up investigation to ensure that needed assistance is being received and to be provided an update on the status of the investigation.

G Cooperation with other Agencies

- (1) Members will assist and cooperate with other agencies providing victim and witness assistance to the fullest extent possible and in keeping with the primary mission of the Division.

H Section 960.001, Florida Statutes requires sworn members to ensure through distribution of a victims' rights information card or brochure at the crime scene, during criminal investigation, or in any other appropriate manner, that victims are given, as a matter of course, at the earliest possible time, information about the following guidelines and rights of victims and witnesses of crimes as enumerated in the Division's Victim and Witness Rights Information Brochure:

- (1) The right of the victim to receive information regarding the availability of crimes compensation, when applicable for victims or crimes or their relatives where the victim is deceased. Telephone numbers of these services are included in the Division's Victim and Witness Rights Information Brochure.
- (2) The right of the victim to receive information on local community services to include counseling, shelter, legal assistance, or other types of help, depending on the particular circumstances. Telephone numbers of these services will be provided to the victims and witnesses as applicable.
- (3) The right of the victim or witness to receive information regarding the victim's role within the criminal justice or juvenile justice system to include what the victim may expect from the system and what the system may expect from the victim.
- (4) The right of the victim or witness to receive information regarding the stages of the criminal and juvenile justice process which are significant to the victim or witness and the manner in which information about such stages may be obtained.
- (5) The right of the victim, who is not incarcerated, including the next of kin of a homicide victim, to be informed, present, and heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent that the right does not interfere with the constitutional rights of the accused.
- (6) The right that incarcerated victims shall be informed of the crucial stages of the criminal and juvenile proceedings and be afforded the opportunity to submit written statements at all crucial stages of the proceedings.
- (7) The right of a victim to a prompt and timely disposition of the case as long as it does not interfere with the constitutional rights of the accused.
- (8) The right to be free from intimidation. It is against the law to cause a victim/witness to be placed

in fear by force or threats, to make an assault on, or harm any victim/witness. It is a felony to tamper with or threaten a witness. If you are being threatened or intimidated, please contact the Florida Fish and Wildlife Conservation Commission's Division of Law Enforcement or any law enforcement officer.


- (9) The right that each victim who has been scheduled to attend a criminal or juvenile justice proceeding shall be notified as soon as possible by the agency or person scheduling his appearance of any change in scheduling which will affect his appearance.
- (10) The right to receive advance notification of judicial proceedings relating to the arrest and/or release (to include community control and work release) of the accused as well as the proceedings in the prosecution.
- (11) The victim has the right to be notified by the appropriate agency of the arrest and release of the offender (including work release and community control).
- (12) The victim of a felony involving physical or emotional injury or trauma, or in a case in which the victim is a minor child or in a homicide, the guardian or family of the victim shall be consulted by the state attorney in order to obtain the views of the victim or family about the disposition of any criminal or juvenile case brought about as a result of such crime.
- (13) The right of the victim to a prompt return of property unless there is a compelling law enforcement need to retain it.
- (14) The right of the victim to receive the assistance of the State Attorney and law enforcement in notifying the victim's employer and creditors in order to explain his circumstances.
- (15) The right of the victim to request and receive restitution and the victim's rights of enforcement in the event an offender does not comply with the restitution order. The victim shall also have the right to be notified when restitution is ordered.
- (16) The right of the victim to submit an oral or written impact statement pursuant to FS 921.143 and the right to receive assistance from the State Attorney in the preparation of such statement.
- (17) The right of the victim to receive reasonable consideration and assistance from members of the FWC Division of Law Enforcement. When requested, the victim will be assisted in locating accessible transportation and parking, and shall direct those persons to separate pretrial waiting areas when such facilities are available. When so requested, the Division shall also assist the Court in attempting to locate translators.
- (18) The right of the victim, material witness, parents or legal guardian of a minor who is a victim or witness, or immediate relative of a homicide victim to be notified of the escape of a criminal defendant. The State Attorney and law enforcement shall make every effort to ensure prompt notification.
- (19) The right of the victim to have a victim advocate present during discovery deposition.
- (20) The right of the victim to review certain portions of a pre-sentence investigation report for adult and youthful offenders prior to the sentencing of the accused.
- (21) The victim and the State Attorney's Office with the consent of the victim, have standing to assert any legal rights of a crime victim as provided by law or The Florida Constitution.
- (22) The right of the victim of a sexual offense to have the courtroom cleared, with certain exceptions, during his or her testimony, regardless of the victim's age or mental capacity.
- (23) The right of the victim of domestic violence to be informed of the address confidentiality program administered through the Attorney General's Office.
- (24) The right of a victim to know in certain cases and at the earliest possible opportunity, if the person charged with an offense has tested positive for human immunodeficiency virus (HIV) infection. In such cases, upon request of the victim or the victim's legal guardian, or of the parent or legal guardian of the victim if the victim is a minor, the court shall order such person to undergo

HIV testing. In addition, in certain cases, and if requested by the victim, the right of the victim to receive information on the results of the testing within two weeks of the court's receipt of such results.

- (25) The right that a victim, or the next of kin of a victim may not be excluded from any portion of any hearing, trial or proceeding pertaining to the offense based solely on the fact that such person is subpoenaed to testify, unless, upon motion, the court determines such person's presence to be prejudicial.
- (26) The right that victims and witnesses who are not incarcerated shall not be required to attend discovery depositions in any correctional facility.
- (27) The statutory obligation to advise the victim or the next of kin of a homicide victim that any information gained pursuant to FS Chapter 960, regarding any case handled in juvenile court must not be revealed to any outside party, except as reasonably necessary in pursuit of legal remedies.
- (28) The right of a victim to request, for specific crimes, an exemption prohibiting the disclosure of information to the public which reveals the victim's home and work telephone numbers, home and work addresses, and personal assets not otherwise held confidential under the public records law.
- (29) The right to request, in certain circumstances that the offender be required to attend a different school than the victim or siblings.
- (30) The right of a victim of a sexual offense to request the presence of a victim advocate during the forensic medical examination. An advocate from a certified rape crisis center shall be permitted to attend any forensic medical examination.
 - (a) Pursuant to FS 943.326, the victim of a sexual battery has the right to have DNA evidence collected and tested and the victim or their representative must be informed of this right and of the purpose of submitting evidence for testing.
- (31) No law enforcement officer, prosecuting attorney, or government official shall ask or require a victim of a sexual offense to submit to a polygraph examination or other truth-telling device as a condition of the investigation.
- (32) The right of a victim or the victim's legal guardian, or the parent or legal guardian of a victim, if the victim is a minor, to request that a person who is charged with any offense enumerated in section 775.0877(1)(a)-(n), Florida Statutes, that involves the transmission of body fluids from one person to another, undergo hepatitis and HIV testing.

4 FORMS

Form Number	Form Title
	Incident Summary Report
FWC/DLE-282	Victim Notification Card
FWC/DLE-513	FWC Victim and Witness Rights Information Brochure (English)
FWC/DLE-513A	FWC Victim and Witness Rights Information Brochure (Spanish)

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement		
	TITLE	GENERAL ORDER 37
	INVESTIGATIONS	EFFECTIVE DATE July 16, 2012
		APPLICABILITY ALL SWORN MEMBERS
<p>REFERENCES</p> <p>S. 257.36 & 379, F.S.; GO 2, 16, 38, 40; 58</p> <p>CFA 18.01, 18.02, 18.04, 18.05, 18.08, 18.09, 18.12, and 34.02</p>		

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to provide guidance to Division members on the conduct and coordination of criminal, non-criminal and regulatory investigations.
- B** It is the policy of the FWC Division of Law Enforcement to adopt procedures that provide for effective and efficient detection, documentation and prosecution of those who violate laws.
- C Definitions**
 - (1) **Preliminary investigation** – The activities undertaken by a sworn member (usually an officer) who responds to the initial report of a crime.
 - (2) **Follow-up investigation** – The activities undertaken by a sworn member that requires additional investigative work beyond the officer's preliminary investigation.
 - (3) **Complex or protracted investigation** – The activities undertaken by a sworn member that require extensive investigative work.
 - (4) **Environmental crimes** – incidents which constitute a felony or serious misdemeanor and/or involve the illegal disposal, storage, and/or transportation of hazardous, industrial, bio-medical, toxic, and/or solid waste which poses a significant threat to human life, could have a significant environmental impact, involves organized crime or involves illicit economic gain.

2 RESPONSIBILITIES

- A The Division will:**
 - (1) Adopt procedures for the prevention and suppression of criminal activities.
 - (2) Ensure all sworn members have the proper training and equipment to effectively perform their duties and to complete assigned tasks.
 - (3) Ensure that criminal investigations are conducted in compliance with the United States Constitution, Florida Constitution, all applicable laws, and the General Orders of the FWC Division of Law Enforcement.
 - (4) Fully cooperate in criminal investigations and intelligence operations.
- B Responsibilities of sworn members who encounter or respond to the scene of alleged criminal activity:**
 - (1) Render first aid and obtain medical assistance for the injured if required, noting all conditions such as the position of victims or injured subjects, remarks, unusual actions, events or activities, and remaining alert for spontaneous statements and dying declarations.

- (2) Determine if a crime has been committed.
- (3) Initiate enforcement action to include arresting or pursuing the offender (if applicable) and/or dispatching apprehension information.
- (4) Secure the crime scene, arrange for the collection and protection of evidence, limit access, locate, identify and isolate witnesses. If warranted, collection of evidence can be completed by the appropriate partner agency.
- (5) Determine the need for investigative specialists and/or supervisory members to respond to the scene and notify the Communications Center of such need.
- (6) Refer those tasks identified in section C below to the Investigations Section. Other tasks that are not listed but may become protracted and/or complex in nature should be referred to the Investigations Section and/or the Division's Intelligence Unit (see General Order 58, *Law Enforcement Intelligence*) using the Criminal Intelligence Report (FWC/DLE-622IV).
- (7) Initiate an investigation to include the arranging for the collection and preservation of evidence, photography, crime scene diagrams and interviewing the complainant, witnesses, victim(s) and suspect(s).
- (8) Compile a thorough and accurate report of activities – data recorded should be sufficient to:
 - (a) Identify evidence, witnesses and elements of offenses. Documentation shall be in the format described in section 3 (Procedures) of this General Order.
 - (b) Facilitate effective prosecution (if applicable).
- (9) Recognize that nothing stated herein relieves any sworn member from the specific responsibility for taking immediate and positive enforcement action in each situation that comes to their attention where laws relating to criminal activity are being violated. However, when the circumstances existing at the scene clearly exceed the scope of the investigative authority delegated to the sworn member, the member will immediately notify a supervisor.
- (10) FWC Law Enforcement Officers will NOT use authority under Chapter 379, Florida Statutes to enter property to work or investigate environmental crimes. The appropriate investigative techniques shall be utilized and the appropriate resources (warrants) must be obtained prior to entering the property. (See also General Order 2, Warnings, Arrests, Traffic Enforcement and Interviews)

C The Investigations Section is responsible for follow-up and complex/protracted investigations. These responsibilities may include but are not limited to:

- (1) Provide investigative support to uniformed sworn members.
- (2) Investigation of boating accidents that involve fatality or great bodily harm as defined.
- (3) Investigation of all hunting accidents as defined.
- (4) Investigation of all alligator attacks.
- (5) Background investigations.
- (6) Regulatory inspections of captive wildlife.
- (7) Commercial wildlife, fishery and resource investigations.
- (8) Investigations relating to Endangered and Threatened Species.
- (9) Investigation of environmental crimes as defined.
- (10) Investigation of other non-specific traditional crimes.
- (11) Investigation of all natural resource crimes.
- (12) Review and analyze all previous reports prepared in the preliminary or initial phases of transferred investigations.

- (13) Conduct undercover and covert operations.
- (14) Conduct surveillance operations.
- (15) Conduct computer forensics investigations.
- (16) Review agency and confidential records.
- (17) Collect blood and tissue samples for laboratory analysis.
- (18) Identify, document and utilize informants, anonymous sources and unknowing/unwitting witnesses.
- (19) Handle evidence as outlined in General Order 16, *Collection, Preservation and Documentation of Evidence and Property*.
- (20) Review of results from laboratory examinations.
- (21) Arrange for dissemination of information and intelligence as appropriate.
- (22) Train sworn members in investigative procedures.
- (23) Plan, organize, and execute approved arrest and search warrants.
- (24) Prepare investigative case files for court presentation.
- (25) Assist in prosecutorial efforts.
- (26) Assist federal, state and local law enforcement agencies.
- (27) Identify and apprehend suspects and fugitives.
- (28) Utilize approved tracking and surveillance devices.
- (29) Review and analyze external sources of information.
- (30) Check criminal history of suspects and determine involvement of suspects in other crimes.

D Responsibilities of an Investigator 1 include but are not limited to the following:

- (1) Work both independently and as a member of a team conducting the full range of FWC Division of Law Enforcement investigations.
- (2) Conduct background investigations.
- (3) Assist Investigator 2s as directed by supervisor.
- (4) Conduct referred investigations.
- (5) Collect and disseminate intelligence with uniformed patrol.
- (6) Other duties as directed by supervisory members.
- (7) Conduct major boating accident investigations.
- (8) Conduct hunting accident investigations.
- (9) Conduct vessel theft and title fraud investigations.
- (10) Conduct alligator attack investigations.
- (11) Conduct and coordinate investigations on state lands.

E Responsibilities of the Investigator 2 designated as a Captive Wildlife Investigator include but are not limited to the following:

- (1) Inspect all wildlife held in captivity to ensure compliance with State laws and rules regulating humane treatment and safe housing of wildlife.
- (2) Inspect ports of entry and common carriers to detect violations of state and federal laws relating to the importation, transportation, and exportation of wildlife and aquatic life.

- (3) Inspect all entities involved in the commercialization of fish and wildlife.
- (4) Maintain competency in remote chemical immobilization techniques.
- (5) Maintain competency in the handling of wildlife.
- (6) Conduct fatality and injury investigations relating to captive wildlife.
- (7) Mentor and train sworn members in captive wildlife regulation.
- (8) Serve as a Point of Contact for media in cases relating to captive wildlife.
- (9) Other duties as directed by supervisory members.

F Responsibilities of the Investigator 2 designated as an Environmental Crimes Investigator include but are not limited to the following:

- (1) Investigation of environmental crimes.
- (2) Assisting the DEP Office of Emergency Response with on-site evidentiary sampling.
- (3) Support Regional Domestic Security Task Forces with any environmental threats as needed.
- (4) Provide support to regulatory programs as needed.
- (5) Mentor and train sworn members in environmental crime investigations.
- (6) Serve as a point of contact for media in cases relating to environmental crimes.
- (7) Other duties as directed by supervisory members.

G Responsibilities of an Investigator 2 designated as a Resource Investigator include but are not limited to the following:

- (1) Conduct, coordinate and monitor undercover operations and investigations.
- (2) Utilize tracking, electronic and surveillance devices.
- (3) Mentor and train sworn members in conducting covert investigations.
- (4) Assist with the management of informants and confidential informant files.
- (5) Support sworn members with undercover/surveillance elements of their investigations.
- (6) Conduct investigations of commercial fish and wildlife trafficking
- (7) Conduct port inspections.
- (8) Conduct Internet based crimes investigations.
- (9) Other duties as directed by supervisory members.

H Responsibilities of Lieutenants supervising investigative personnel include but are not limited to the following:

- (1) Supervise, direct and approve all investigative activities.
- (2) Review the reports of subordinates.
- (3) Review all tasks referred by the Uniform Patrol Section and provide a recommendation to the appropriate Captain on those that may be declined.
- (4) Supervise and coordinate the response to any boating or hunting accident resulting in great bodily harm or fatality.
- (5) Supervise and coordinate the response to any major environmental crime resulting in significant impact to the environment.
- (6) Supervise the execution of search warrants.
- (7) Track investigations to ensure that they are being conducted in a timely and professional

manner.

- (8) Evaluate and prioritize investigative cases and make the necessary assignments or adjustments based on available personnel and probability of successful prosecution.
- (9) Coordinate and monitor undercover operations and investigations worked jointly between Environmental Crimes Investigators and Resource Investigators.

I Responsibilities of Captains supervising investigative personnel include but are not limited to the following:

- (1) Coordinate multi-agency investigations.
- (2) Maintain the readiness and inventory of all specialty equipment under his command.
- (3) Ensure that Lieutenants supervising investigative personnel monitor all investigative activities of their subordinates.
- (4) Review all fatality investigations prior to submission to the State Attorney's Office.
- (5) Provide in writing to the Regional Commander and the affected Uniform Patrol Captain the rationale for any declined referred Investigations.
- (6) Provide and ensure cooperation and coordination on all investigations.
- (7) Serve as records custodian for regional investigative files.
- (8) Serve as Evidence and Information funds custodian for the region.
- (9) Develop and maintain up-to-date intelligence information.
- (10) Coordinate with the Training Section to provide specialized training regarding investigations for Division members.
- (11) Advise the Regional Commander of the status of investigations.
- (12) Refer Investigations as appropriate – An initial report of a crime may be referred to another agency if a Captain, or above in rank, determines the other agency is more appropriate to investigate.

J Responsibilities of the Investigations Section at General Headquarters (GHQ) include but are not limited to the following:

- (1) Investigations
 - (a) Coordinate, monitor and supervise undercover and covert investigations.
 - (b) Coordinate and document specialized investigative training and equipment.
 - (c) Document and manage fictitious identities and identifications.
 - (d) Administer Evidence & Informant funds.
 - (e) Receive, analyze and disseminate statewide intelligence as requested.
 - (f) Informant documentation, record keeping and other duties as outlined in General Order 40, *Confidential Informants, Files and Funds*.
 - (g) Administer Statewide Investigative Case Management System relative to Investigations.
 - (h) Ensure that investigative intelligence complies with all applicable state and federal regulations.
 - (i) Monitor and/or coordinate Inter-Regional, Out of State or Multi-Agency cases.
 - (j) Conduct liaisons with federal, state, and local partners.
- (2) Captive Wildlife Office

(a) Maintain licensing/permitting records repository for captive wildlife.

- (b) Submit inspection requests to Regional Investigative Captains or designee.
 - (c) Conduct final review and approval of captive wildlife permits and licenses.
 - (d) Coordinate captive wildlife training.
 - (e) Conduct liaison with other federal, state and local agencies.
- (3) Forensics Program
- (a) Coordinate laboratory analysis and examinations relating to wildlife.
 - (b) Coordinate with the Training Section and the Investigations Section to provide training on evidentiary processes and procedures.
 - (c) Ensure that the Investigations Section possesses the necessary crime scene-related equipment to properly secure and process evidence.
- (4) Internet Crimes Unit
- (a) Designated investigators will be trained and assigned to conduct internet crimes investigations requiring the use of clean investigative computers and specialized investigative techniques.
 - (b) Designated internet crimes investigators will coordinate all internet crimes investigations to preserve officer safety, prevent duplicate investigations and determine investigative province.
 - (c) Designated internet crimes investigators may reassign Internet investigations that do not require the use of clean investigative computers or specialized investigative techniques

3 PROCEDURES

A Reporting and Case File Maintenance

- (1) If a sworn member has not been trained, or has not been provided access to the Statewide Investigative Case Management System they shall:
- (a) Within five (5) days after initiation of an investigation, or within (5) days after the completion of a significant case action, complete an Incident Summary Report (FWC/DLE-045) and the accompanying Incident Narrative (FWC/DLE-045A).
 - (b) Complete other required documents as requested by supervisor, including but not limited to the Criminal Intelligence Report (FWC/DLE-622).
- (2) If a sworn member has been trained and provided access to the Statewide Investigative Case Management System they shall:
- (a) Within five (5) days after initiation of an investigation, or within (5) days after the completion of a significant case action, enter all investigative and informational findings into the Statewide Investigative Case Management System.
 - (b) Complete other required documents as requested by supervisor.
- (3) Sworn members with training in the use of and access to the Statewide Investigative Case Management System may use the system to file a report for instances that require the completion of an Incident Summary Report (FWC/DLE-045) in accordance with General Order 35, *Division Reports and Records* with the approval of a supervisor and if appropriate to do so.
- (4) All open criminal investigations shall be maintained and secured to prevent the unauthorized access, removal or destruction of such files.

B Information Development – Sources of information can be obtained from many different areas. The following guidelines should be followed:

- (1) Interviews
 - (a) Witness statements should be recorded or written on a Sworn Written Statement (FWC/DLE-208).
 - (b) Suspect interviews shall be conducted in accordance with established state and federal law. No attempt will be made to obtain confessions or statements by force, coercion, threat, or promise. A sworn member shall:
 - 1. Not deny suspect necessities such as water, food, or use of toilet facilities.
 - 2. Not subject a suspect to physical abuse or the threat thereof
 - (c) Field Interviews – If a sworn member observes circumstances that arouse suspicion or cause alarm, they should investigate. Sworn members shall stop and detain individuals in accordance with section 901.151, Florida Statutes, “Stop and Frisk.” Field interviews conducted of criminal suspects shall be documented on Criminal Intelligence Report Form (FWCDLE 622IV). Those persons detained under section 901.151, Florida Statutes, may be required to submit to a photograph at the discretion of the sworn member. In instances where reasonable suspicion of criminal activity is suspected the subject’s name, date of birth, photograph shall be recorded and documented. The information is to be disseminated to appropriate sworn members for investigative intelligence and future records.
- (2) Interrogation
 - (a) All persons undergoing a custodial interview will be advised of their Miranda Warnings.
 - 1. Miranda Warnings should be fully read from an agency approved format.
 - 2. Once a suspect invokes the right to counsel, the suspect may not be approached or questioned about ANY offense, even unrelated ones, until the suspect either initiates the discussion, or until there has been a break in custody.
 - (b) The burden of proof is on the state to establish that the suspect has waived his/her constitutional rights. Whenever feasible, the waiver should be recorded and/or obtained in writing through use of the Miranda Rights Signature Form (FWC/DLE-207) or the use of the Sworn Written Statement with Miranda Rights (FWC/DLE-209).
- (3) Collection, Preservation, and Use of Physical Evidence – Physical evidence is helpful in identifying the suspect and events leading to the crime. See General Order 16, *Collection, Preservation and Documentation of Evidence and Property* for additional evidence procedures.
- (4) Undercover and Surveillance Operations are useful in obtaining information concerning the identities or activities of subjects. It is especially useful when little or no advantage can be obtained by further questioning.
 - (a) This section refers to the targeted surveillance of a criminal suspect whom is related to an active criminal investigation. This section does not refer to opportunistic surveillance conducted during the course of routine patrol activities.
 - (b) Undercover and surveillance operations will be conducted in accordance with General Order 38, *Undercover, Surveillance and Decoy Operations*.
- (5) Criminal Background Investigations (Criminal Dossier)
 - (a) Criminal background investigations shall be entered into the Statewide Investigative Case Management System.
 - (b) Documents obtained from outside sources as hardcopies will be included as attachments, or maintained as “hard copies.” These documents may include, but are not limited to the following:

1. Public record files to include; motor vehicle and vessel registrations, driver license, social security number, occupational licenses, and fishing/hunting licenses.
 2. Agency files that have not already been entered into the Statewide System.
 3. Investigative or incident summary cases from other officers/investigators.
 4. Reports from other agencies.
 5. Newspaper and credit files.
 6. Statements from law enforcement officers and informants who have knowledge of the suspect's activities.
 7. Bank accounts and financial records.
 8. Local, state, and federal arrest records.
- (6) Applicant Background Investigations
1. Sworn and non-sworn Division applicant background investigations shall be completed in accordance with General Order 61, *Employee Background Investigations*
- (7) Polygraph or Computer Voice Stress Analyzer (CVSA)
- (a) If a polygraph or CVSA test is desired by a sworn member it must be approved by the Regional Commander or Section Leader.
1. If approved, scheduling will be between the investigating sworn member, the person to be examined, and the polygraph or CVSA examiner.
 2. The investigating sworn member shall be available prior to the test date for file review and when the test is administered, unless excused by the polygraph or CVSA examiner.
 3. The investigating sworn member shall be available in the event a confession is obtained during the examination.
- (b) When the polygraph is used for investigative purposes, the following guidelines will be used:
1. The examiner shall be highly trained in the interview techniques and the interpretation of psychological and emotional responses recorded on the machine.
 2. All polygraph or CVSA examinations shall be administered only by examiners who have completed the academic requirements, training and have a certificate in Forensic Psychophysiology or CVSA.
- (c) If trained and certified polygraph or CVSA examiners are not available within the Division, assistance from the Florida Department of Law Enforcement or the appropriate local agency shall be requested.

C Investigative Documentation

- (1) Investigative reports will be completed and submitted to a supervisory Lieutenant.
- (2) Reviewed and approved reports concerning fatalities or forfeiture proceedings should be forwarded to the appropriate office at GHQ within five (5) work days.
- (3) Open investigations shall be updated regularly by the investigating sworn member and reviewed by the member's supervisor.
- (4) A Case File Check List (FWC/DLE-566) shall be included in all hard copy files of open investigations.
- (5) Any hard copy files of open investigations shall be kept secure in a locked file cabinet. A

Records Check-Out Log (FWC/DLE-560) shall be maintained to document access to the file cabinet and to track the location of case files. Members may keep a "working copy" in their custody and control while conducting their investigations.

- (6) When updating an investigation include the following:
 - (a) A "Narrative" entry describing the status of the investigation.
 - (b) Attachment of any court orders, property receipts, or other documents.
 - (c) A description of the investigative activities planned for the next 30 days.

D Investigation Disposition

- (1) Each investigation submitted for disposition must be reviewed and approved by a Lieutenant or higher.
- (2) Each investigation submitted for disposition shall contain a summary that includes court and sentencing information.
- (3) Each investigation will be submitted to the appropriate Captain.

E Investigation Closure

- (1) No investigation will be closed until it is properly classified and resolved.
- (2) Properly classified is considered one of the following:
 - (a) Closed, cleared by arrest.
 - (b) Closed, cleared exceptionally.
 - (c) Suspended.
 - (d) Unfounded.
 - (e) Closed, Juvenile.
- (3) Properly resolved consists of:
 - (a) Filing information with the State Attorney's Office for review for possible criminal charges with no further investigative activity required to support the successful prosecution; or
 - (b) Referring the investigation to another law enforcement agency if continued investigation by the other agency is more appropriate; or
 - (c) Issuance of a citation or warning and immediate corrective action.
- (4) When reporting the closure of an investigation, any hard copies of original forms or documents are to be maintained in the originating regional office.
- (5) A summary report should be completed and submitted with the case file to the sworn member's immediate supervisor within 15 days of the investigation's conclusion.
- (6) Investigative File Maintenance – Closed investigative files containing hard copies of original statements and other documents shall be maintained by the Regional Investigative Captain.
- (7) Active criminal intelligence/information and hardcopies of active criminal investigative files are exempt from public disclosure and shall not be disseminated to the public.
- (8) Criminal investigative files and information/intelligence shall be available for review by Division members, crime analysts and other law enforcement officers for investigative and other legitimate purposes, as directed and/or approved by a supervisor.
- (9) Criminal investigative files may be purged and destroyed as outlined in chapter 119, Florida Statutes, and are subject to the consent of the Records and Information Management Program of the Division of Library and Information Services of the Department of State in accordance with section 257.36, Florida Statutes.

- (10) Information/intelligence records and files relating to active vice and organized crime investigations are to be maintained separately from all other files.

F Investigation Clearance Standards

- (1) An investigation will be considered cleared by arrest if an arrest or citation is made for the offense.
- (2) An investigation will be considered exceptionally cleared if the identity and location of the offender is known, enough information exists to support an arrest, and he/she can be taken into custody but one of the following prevents an arrest:
- (a) The State Attorney's Office declines to prosecute the offender even though sufficient information exists to support an arrest and prosecution;
 - (b) If the investigation is a felony and the victim refuses to cooperate in the prosecution or cannot be located and the State Attorney's Office declines to prosecute;
 - (c) The State Attorney's Office advises that the offender will be prosecuted on another violation;
 - (d) The investigation is referred to another agency; or
 - (e) The offender is deceased.
- (3) An investigation will be considered suspended if:
- (a) The follow-up investigation has been unsuccessful in producing sufficient information regarding the suspect(s);
 - (b) Ninety (90) days has elapsed since a capias, warrant, or summons was issued for the arrest of a suspect, but the suspect has not been arrested or served; or;
 - (c) The State Attorney's Office declines to prosecute due to a lack of evidence or there is a lack of information to support an arrest.
- (4) An investigation will be considered unfounded when a sworn member's investigation reveals that the offense never actually occurred.

G Natural Death Investigations – Sworn members shall secure the scene and notify the Communications Center, which will then contact the local Sheriff's Office or other appropriate law enforcement agency having jurisdiction, and a sworn supervisor.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-045	Incident Summary Report
FWC/DLE-045A	Incident Summary Report Narrative
FWC/DLE-207	Miranda Rights Signature Form
FWC/DLE-208	Sworn Written Statement
FWC/DLE-209	Sworn Written Statement with Miranda Rights
FWC/DLE-560	Records Check-Out Log
FWC/DLE-566	Case File Check List
FWC/DLE-622IV	Criminal Intelligence Report



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

UNDERCOVER, SURVEILLANCE, AND DECOY OPERATIONS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
38	October 25, 2017	July 16, 2012	All Sworn Members

References

S. 119.07, F.S.; GO 40

CFA 15.11M

1 POLICY

- A** It is the policy of the Division to safely conduct undercover, plain clothes, surveillance, or decoy operations as needed to accomplish the mission of the Florida Fish and Wildlife Conservation Commission.
- B** It is the policy of the Division that electronic and surveillance equipment shall not be loaned to any other agency without approval of the appropriate Deputy Director.
- C** It is the policy of the Division to adhere to section 119.07, Florida Statutes, which states that information revealing surveillance techniques, procedures or personnel is exempt from public inspection.
- D** It is the policy of the Division that sworn members assigned to the Professional Standards function may be assigned to conduct undercover investigations and surveillance operations with the approval of the Division Director.

2 RESPONSIBILITIES

A Members

- (1) All sworn members are responsible for following the guidelines and procedures established by this General Order.
- (2) Sworn members shall not acknowledge personnel assigned to undercover operations unless the undercover personnel initiate the contact.

3 PROCEDURES

A Common Guidelines for Covert and Plain Clothes Operations

- (1) Authority to approve undercover and surveillance operations rests with the appropriate Section Leader or Regional Commander or their designee.
- (2) A single supervisor shall be designated to command the operation.

- (3) The commanding supervisor shall be responsible for approving the plan for:
 - (a) Routine and emergency communications;
 - (b) Requesting medical assistance, if necessary;
 - (c) Briefing all assigned members, including Duty Officer(s), if appropriate.
- (4) The commanding supervisor shall notify the supervisors responsible for the target area, if applicable
- (5) The commanding supervisor is responsible for confirming the target location of the operation.
- (6) The commanding supervisor is responsible for taking steps to identify and make contact with the suspects during the operation.
- (7) The commanding supervisor is responsible for documenting the entire operation as appropriate, including operational plans and after-action reports as required. The Operational Plan for Class 1 Operations (FWC/DLE-168) or the Operational Plan for Class 2 Operations (FWC/DLE-169) shall be used as appropriate.

B Plain Clothes Patrol

- (1) Plain Clothes Patrol is regularly assigned patrol activities conducted by a sworn member while on duty and not wearing a Division-issued uniform.
- (2) Sworn Members not assigned to the Investigations Section may conduct plain clothes patrol with prior approval from the appropriate Captain.
- (3) Prior to conducting plain clothes patrol, all uniformed members shall successfully complete a Division-approved plain clothes course or concealed carry course.
- (4) Sworn members working Plain Clothes Patrol should request the assistance of a uniformed officer to make arrests whenever practical. However, members on Plain Clothes Patrol may make an arrest when a uniformed officer is not readily available.
- (5) Sworn Members not on assigned Plain Clothes Patrol should avoid conducting physical arrests when not wearing an issued uniform unless a uniformed officer is not available and the violation is serious enough to warrant additional risks to the officer and the public.

C Case Classifications and Required Approvals

- (1) All undercover and covert operations shall be classified and approved based on the below criteria:
 - (a) Class 1: The following shall be considered Class 1 operations:
 1. Operations pertaining to the illegal take of Endangered, Threatened or high-profile species.
 2. Investigations involving high profile media coverage, public or stakeholder interests.
 3. Investigations involving persons who are holding a political office or persons that have been employed by FWC.
 4. Long-term operations, operations that expand into other states or cross regional boundaries.
 5. Operations that require establishment of a residence, or sting operations for which a fictitious storefront must be maintained.
 6. Operations involving large cash transactions.
 7. Environmental crimes operations involving the insertion of an undercover investigator as an employee of a targeted business.

8. All Class 1 operations will be approved by the Investigations Section Leader or designee.
- (b) Class 2: The following shall be considered Class 2 operations;
1. All other operations involving the use of a cover in conjunction with the preplanned purchase, sale or barter of fish and wildlife, or fish and wildlife products, or other contraband, or any violations involving environmental laws.
 2. Operations involving the covert use of electronic surveillance equipment targeting environmental violators.
 3. Tactical acquisition of criminal intelligence.
 4. Hiring of a charter or guide service.
 5. Operations utilizing confidential informants.
 6. All Class 2 operations will be approved by the Regional Commander. The Investigations Section Leader or designee will be notified of all Class 2 investigations before they are initiated.
- (c) Class 3 operations: Frequently, Investigators encounter buy/bust or confidence buy or sale opportunities. Generally, these cases do not necessitate use of an in-depth cover and are intended to involve one time contacts; however occasionally they may be further developed and re-classified as detailed above. Class 3 operations will be approved by the Lieutenant assigned as the permanent supervisor of the Investigator who will be operating in an undercover or covert capacity.

D Undercover Operations

- (1) The nature of undercover work requires that those engaging in such covert activities receive both formal and informal training. Prior to being assigned in an undercover or covert capacity, all sworn members shall;
 - (a) Complete a minimum of forty hours training in basic investigative procedures. This coursework may be provided internally by FWC personnel or be provided by a recognized external source.
 - (b) Complete a basic undercover operations course that is a minimum of forty hours in duration. This course may be provided internally through the Basic Covert Operations Course or be instructed by a recognized external source approved by the Investigations Section Leader.
 - (c) Have documented experience working in a support capacity during undercover operations.
 1. A letter of acknowledgement from a previous undercover operations supervisor will be sufficient to meet this documentation requirement.
- (2) When conducting undercover operations, assigned members will adhere to the following guidelines and procedures:
 - (a) Steps will be taken to analyze and identify all known and potential suspects involved in the operation.
 - (b) When appropriate, contact should be made with the appropriate regional investigative section to enlist assistance or to turn over the investigation.
 - (c) Complex or protracted undercover investigations should be handled by the appropriate regional investigative section.
 - (d) Sworn members will have an established operational plan when contact is made with suspects in an undercover capacity.
 - (e) Care should be given in analyzing the target area of the undercover operation in an effort

to identify special needs or concerns.

- (f) Sworn members assigned to undercover operations may be assigned false identification credentials and other necessary identification for a particular undercover investigation. Obtaining these credentials will be coordinated through the Investigations Section. The Investigations Section Leader or higher must approve all undercover credentials prior to their use. The Investigation Section leader or his designee will maintain a comprehensive list of all fictitious identities. Sworn members assigned false identification will use the utmost care in maintaining the confidentiality of the credentials and their false identities.
 - (g) Sworn members assigned to an undercover capacity will be issued the appropriate funds in accordance with General Order 40, *Confidential Informants, Files and Funds*, and the necessary equipment to accomplish the mission. All expense budgets shall be approved by the Division Director or a Deputy Director.
 - (h) Sworn members assigned to undercover operations will be briefed on established means of non-emergency and emergency communication procedures.
 - (i) All confidential or fictitious vehicle and vessel registrations will be approved and coordinated by the Investigations Section Leader.
 - (j) Permanent or temporary reassignment of a vehicle/vessel displaying confidential or fictitious registration information to any unassigned person requires notification of the Investigations Coordination Unit and the approval of the Investigations Section Leader.
- (3) Supervisors conducting undercover operations are responsible for the following:
- (a) Consulting with the State Attorney's Office if there is any doubt regarding possible legal issues.
 - (b) Ensuring that all members involved are briefed, provided guidelines for making arrests and that back-up security is available.
 - (c) Ensuring that an adequate number of personnel are assigned to the operation.
- (4) Internet Investigations
- (a) Internet investigations are considered covert operations that require the use of false identification, fictitiously created websites, and surreptitious investigative methods.
 - (b) All online false identities, fictitiously created websites, social media sites, investigative postings, etc., shall be registered with the Investigations Section at General Headquarters to avoid duplication of investigative efforts and to ensure officer safety.
 - (c) All Internet investigations will be coordinated through the designated Regional Internet Crimes Investigator or the Statewide Internet Investigations Coordinator.
 - (d) Online contact with suspects will be limited to authorized members with assigned clean investigative computers.
 - (e) Passive Internet information collection maybe conducted by any member to gather information. Passive information collection does not involve communication with suspects.

E Covert Surveillance Operations

- (1) When conducting covert surveillance operations, such as, but not limited to, following or "organized tailing" of vehicles or surveillance of a residence prior to serving a warrant, assigned members will adhere to the following guidelines and procedures:
- (a) Steps will be taken to analyze and identify victims, crimes, and crime locations involved in the operation. Contact should be made with the appropriate regional investigative section to enlist assistance in gathering this information.
 - (b) Members involved in the surveillance operation will take steps to identify and analyze

probable offenders and their habits, associates, vehicles, methods of operation, or any other pertinent information. These efforts should be coordinated through the appropriate regional investigative section when possible.

- (c) An operational plan shall be prepared and approved. The operational plan for surveillance operations shall be documented using the Division's Memo Form (FWC/DLE-521) and include or address the following:
 - 1. Description of the location and confirmation of the target location
 - 2. Description of the surrounding area (gates, fences, visual obstructions, etc.)
 - 3. Identification and physical description of suspect(s) and suspect vehicles, the suspect's residence, place of business etc.
 - 4. Background information (FCIC/NCIC, military history, mental history, firearms check, criminal history etc.)
 - 5. Specific intelligence relevant to the surveillance operation
 - 6. Names of personnel to be used in the surveillance operation
 - 7. Equipment to be utilized including specialized equipment, expense funds, etc.
 - 8. Assignments and teams for relief, backup, and support services
 - 9. Strategies and tactics for approaching, entering, securing, and leaving the target area
 - 10. Non-emergency and emergency communications (frequencies, telephone numbers, signals, codes, etc.)
 - 11. Transportation (vehicle assignments and arrangements)
 - 12. Review of applicable policies and procedures (laws, etc.)
 - 13. Safety/Emergency/Medical procedures
 - 14. Plan for the officers if the subject leaves the target area
 - 15. Post surveillance activities (debriefing, media considerations and report writing assignments)
- (d) Members involved in the operation will be familiar with the area of the surveillance.
- (e) Members involved in the operation will be familiar with surveillance techniques, observation procedures and the equipment to be used.
- (f) Members will be supplied with the appropriate expense funds necessary to carry out the goals of the surveillance operation.
- (2) The supervisor conducting the surveillance operation is responsible for the following:
 - (a) All members are trained and equipped with the necessary and appropriate equipment to carry out the objectives of the operation.
 - (b) Determining the means of non-emergency and emergency communications and advise the members involved, including the appropriate Duty Officer(s).
 - (c) That appropriate back-up security is available.
 - (d) Notification of concurrent jurisdictional agencies, if appropriate.
 - (e) Appropriate personnel are assigned with relief personnel being briefed and on stand-by, if applicable.

F Decoy Operations

- (1) When conducting decoy operations, members shall adhere to the following guidelines and procedures:

- (a) Steps will be taken to analyze and identify victims, crimes, and crime locations involved in the operation.
- (b) Sworn members involved in decoy operations shall be supplied with the appropriate materials to conduct the operation.
- (2) The supervisor of the unit conducting the decoy operation is responsible for the following:
 - (a) All members involved are provided guidelines for making arrests during the operation, and that back-up security is available.
 - (b) That an adequate number of personnel are trained and assigned to the operation.
 - (c) An appropriate operational plan utilizing Memo Form (FWC/DLE-521) will be in place and discussed with all members involved in the operation.
 - (d) Members involved in the decoy operation understand who is assigned to the operation and the responsibility of each member.
 - (e) That means of non-emergency and emergency communications between assigned personnel and dispatch are established and clearly communicated to everyone involved.
 - (f) That close supervision of the decoy operation is maintained at all times.
- (3) The supervisor conducting the decoy operation is responsible for:
 - (a) Having determined the legal issues related to the operation. When applicable, assistance in making this determination should be solicited from the State Attorney's Office.
 - (b) Keeping the chain-of-command informed.
 - (c) Notifying other agencies which have concurrent jurisdiction.
 - (d) Proper documentation of the operation.

G Decoy Animals

- (1) Sworn members using decoy animals shall adhere to the following guidelines:
 - (a) Prepare an operational plan using the Division's Memo Form (FWC/DLE-521) for the use of decoy animals and submit or relay the plan to the appropriate supervisor for approval.
 - (b) The plan shall include, at a minimum, the personnel involved, the exact location, time and date of the operation.
 - (c) If approved, this information shall be relayed to the appropriate Duty Officer just prior to the operation.
 - (d) Upon completion of the operation, an Incident Summary Report shall be completed and submitted to the appropriate supervisor.
- (2) The local State Attorney's Office and the local courts of appropriate jurisdiction shall be advised of the principles of decoy animal operations and must be in agreement with the use of decoy animals.
- (3) When used on private lands, the landowner should grant permission prior to the placement of decoy animals on his/her property. Deviations may be approved by the supervisor.
- (4) Decoy animals may only be used in areas with known illegal hunting. The indiscriminate use of decoy animals just to make arrests is not permitted.
- (5) Each site location and use of decoy animals shall be approved by a patrol supervisor.
- (6) Decoy deer shall not be a trophy buck but only a doe, spike, or one with small antlers. (Five or six point maximum)
- (7) Decoy deer shall be partially hidden by brush, bushes or other cover so that only those persons road hunting or night hunting are likely to see the decoy deer. (Decoy deer shall not be placed

on road right-of-ways)

- (8) In the interest of safety, two officers are required for a decoy animal operation and the officer observing the decoy animal shall safely position himself/herself on the opposite side of the road from the replica deer. The patrol vehicle shall be located in a safe location.
- (9) The decoy animal shall not be placed at an intersection of roads. Further, the site selection must not create any hazardous road or traffic conditions for the officers, general public or violators.
- (10) The area used shall be a rural road or setting, not a heavily traveled main road during high use periods.
- (11) The area behind the decoy animal shall have an adequate backstop that will safely curtail all shots originating from any direction from the road in which the decoy animal is visible.
- (12) All decoy deer shall have at least 8" X 10" of hunter orange material attached to the back side of the mount so that walk-by hunters that may be in the area will not fire at the decoy deer from any unsafe direction.
- (13) Any variances from these guidelines concerning the use of decoy animals shall be approved by the Regional Commander. (Example: change antler size to target known trophy hunter)

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report
FWC/DLE-168	Operational Plan for Class 1 Operations
FWC/DLE-169	Operational Plan for Class 2 Operations
FWC/DLE-521	Division Memo Form



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

HONOR GUARD AND FUNERAL PROTOCOL

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
39	May 9, 2019	March 28, 2013	All Members

References

GO 23

1 POLICY

- A** It is the policy of the Division to staff an Honor Guard that represents the Division as a well-trained ceremonial unit to render honors, preserve traditions, promote esprit-de-corps, and instill pride.
- B** Honor Guard members are selected from within the Division in consideration of their law enforcement capabilities and self-motivation. Assignment to the Honor Guard is a secondary duty and shall be voluntary.

2 RESPONSIBILITIES

A The Division Director or designee

- (1) Shall appoint an Honor Guard Commander for the Division.

B Regional Commanders/Section Leaders

- (1) Consider the nature of an Honor Guard event when authorizing the use of Honor Guard members. Priority should be given to in-line-of-duty death of a Division member and other law enforcement agencies.
- (2) Review and approve a recommendation for selection/dismissal of an Honor Guard member.

C Honor Guard Commander

- (1) Represent the Division and serve as the liaison to communicate and organize events.
- (2) Provide specially trained personnel to respond to and participate in ceremonies, events, or other functions as directed by the Division Director or designee and as outlined in the Honor Guard Manual.
- (3) Coordinate all Division funeral protocols with the appropriate Regional Commander/Section Leader or designee.
- (4) Immediately notify Honor Guard members of an Honor Guard event and select members based on event needs and member availability.

- (5) Notify members they have been selected and have members notify their immediate supervisor of the selection.
- (6) Provide selected members with details concerning the Honor Guard event, assist with organizing the event, determine the appropriate uniform to be worn by the Honor Guard Team at each event, and assign member(s) to serve as Honor Guard Detail Commander.
- (7) Conduct inspections of personnel, uniforms, accessories, and equipment to ensure members adhere to proper care and maintenance as prescribed in the Honor Guard Manual and consistency is exhibited among members.
- (8) Determine training needs, arrange for Honor Guard training, and ensure training is conducted to promote proficiency in drill and ceremony and other functions as required.

D Honor Guard Detail Commander

- (1) Serve as liaison between the Honor Guard Commander and participating Honor Guard members.
- (2) While at an event, coordinate duties and serve as the officer in charge during the event, regardless of rank. Responsibility for supervision of the Honor Guard Team during an Honor Guard event rests with the Honor Guard Detail Commander.
- (3) Ensure that Honor Guard members, while performing their duties, adapt accordingly, dress as prescribed in the Honor Guard Manual, and represent the Division appropriately.
- (4) If required at an event, the Honor Guard Detail Commander may determine the appropriate uniform to be worn by participating members.
- (5) Conduct inspections of personnel, uniforms, accessories, and equipment to ensure members adhere to proper care and maintenance as prescribed in the Honor Guard Manual and consistency is exhibited among members.

E Honor Guard Member

- (1) Commit at least three years of service to the Honor Guard.
- (2) Provide notice to the Honor Guard Detail Commander of their commitment to attend training or participate in events.
- (3) Demonstrate the ability to perform required drill and ceremony movements, actions, and positions at an acceptable level of proficiency and be tested periodically to ensure that level is maintained.
- (4) Adhere to General Order 23, *Uniforms, Personal Appearance and Dress Code*, except as provided in this General Order.
 - (a) Male members shall arrive at every Honor Guard event with a fresh haircut that reflects the highest standards of Division policy and a military-like appearance. Hair may not touch any portion of the ear. Goatees and beards are prohibited while representing or performing in any capacity during any honor guard function.
 - (b) Female members shall arrive at every Honor Guard event with hair that reflects the highest standards of Division policy and a military-like appearance. Headbands and highly visible accessories such as large barrettes, pins, and decorative adornments, etc., are not allowed. However, modest conservative items that are similar in color to the member's own hair and that are necessary to contain and control hair are allowed and should not interfere with the wearing of the uniform or any Honor Guard covers.
- (5) Maintain all Honor Guard uniforms and equipment to a standard that demonstrates the highest professionalism and reflects pride in the agency and the Honor Guard mission.

- (6) When notified of an event, to respond accordingly to the location of the event as directed, arrive with all required equipment, designated uniforms with accessories, and all brass polished, at least 45 minutes prior to the start of the event unless otherwise directed.

3 PROCEDURES

A Sworn members interested in participating as a member of the Honor Guard shall notify the Regional Commander/Section Leader and the Honor Guard Commander of their interest in becoming a team member. The Regional Commander shall have final approval for selection of team members.

B Honor Guard Member Qualifications

- (1) Potential Honor Guard members must meet the following criteria:
 - (a) Be a sworn member of the Division, with at least one year of satisfactory law enforcement experience with the Division, including completion of the sworn members Field Training Program and initial employment probationary period.
 - (b) Be free from any injury or disability which could adversely affect his/her physical performance and prevent the sworn member from performing the essential duties of the Honor Guard.
 - (c) Not be on light duty status or administrative leave.
 - (d) Not have had a suspension for disciplinary reasons for a minimum of one year.
 - (e) Must be in good physical condition.
- (2) If the applicant does not meet the above criteria, the applicant may request an exception to the appropriate Deputy Director. The request and the waiver, if granted or denied, must be in written format and retained in the regional files.
- (3) Honor Guard members are expected to consistently perform above average during normal duties and should be recognized as positive informal leaders in the field. Working just at, near, or below expectations for normal patrol duties, or failure to meet and/or maintain the conditions above are grounds to be removed from or to not be accepted to the Honor Guard. Additionally, Honor Guard members may be removed from the team for:
 - (a) Failing to maintain proficiency and competency in Honor Guard skills or failing to maintain professional appearance of equipment or personal appearance,
 - (b) Behaving/performing in a manner that does not reflect favorably on the Division.
 - (c) The Honor Guard Commander may forward recommendations for dismissal of an Honor Guard member without cause to the appropriate Regional Commander.
- (4) Potential Honor Guard members must successfully complete a basic skills demonstration and submit to an oral interview. The interview board, appointed by the Regional Commander/Section Leader, shall rank and approve each applicant for suitability. The interview board shall be composed of two Honor Guard members, and one member designated by the appropriate Regional Commander/Section Leader.

C Training

- (1) New Honor Guard members shall attend the first available Honor Guard training.
- (2) Honor Guard members shall attend continued training as outlined in the Honor Guard manual.
- (3) Honor Guard members not able to attend any scheduled training shall notify the Honor Guard Commander.

D Division Response to Death of a Sworn Member

- (1) Sworn members of the Division will cover their badges with a black mourning band from the time of a sworn member's death until midnight following the funeral service.

E Activation and Deployment

- (1) The Honor Guard will be activated upon the death of a sworn member and will liaise with survivors, the agency, and affected members. They will coordinate Division and partnership responses and participate as appropriate to facilitate memorial and funeral services as requested.
- (2) Honor Guard Members are authorized to attend any funeral service as directed, while on duty and in uniform, utilizing Division vehicles.
- (3) A Division uniform will be provided for burial of the deceased sworn member and will consist of the items specified in the Honor Guard Manual.
- (4) Participation by Division aviation units shall be authorized if the deceased member was an active Division Pilot.
- (5) One U.S. flag shall be provided by the Division unless the member was a veteran and a flag has been provided by the Federal Government.

F Member Attendance at Funerals for In-Line-of-Duty-Death and Not Job Related Death

- (1) Attendance by members both within and outside of the affected region and/or section shall be at the discretion of the appropriate Deputy Director or designee.
- (2) Any member authorized to attend may not claim per diem, lodging, or overtime as a result of his or her attendance at the funeral.

G Retired Member Death

- (1) Honor Guard Members are authorized to attend the funeral service while on duty, in uniform, and utilizing an agency vehicle.
- (2) Sworn members may be authorized to attend the funeral service at the discretion of the appropriate Deputy Director or designee.


H Funeral Protocols

- (1) Agency, member, and Honor Guard participation shall be guided by policy and with utmost consideration of the previous requests of the deceased member and the requests of the surviving family
- (2) If the deceased member previously submitted a Line-of-Duty-Death Form (FWC/DLE-002), it shall immediately be made available to appropriate surviving family member(s) for their review and to assist them in making decisions. The form shall be delivered by the appropriate member(s), as determined only after careful consideration of all circumstances.
- (3) The Division Director or designee shall have final authority on allowing funeral vehicle escort services for members of the law enforcement community or government.
- (4) Funeral protocols are determined by member status and circumstance at time of death, to include Line-of-Duty-Death (or Military Killed-in-Action), Not Job Related Death (or Military, Not Killed-in-Action), and Retired Member Death.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-002	Line-of-Duty Death Form

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement

	TITLE	GENERAL ORDER
	<p align="center">CONFIDENTIAL INFORMANTS, FILES AND FUNDS</p>	<p align="center">40</p>
		EFFECTIVE DATE
APPLICABILITY	ALL MEMBERS	RESCINDS/AMENDS
		March 28, 2013
<p>REFERENCES</p> <p>119.021 and 914.28 F.S.; 69I-23.002(1), F.A.C. CFA 18.03, CFA 7.06</p>		

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to provide direction and ensure accountability for the use of confidential informants, files and funds.
- B** It is the policy of the FWC Division of Law Enforcement to maintain stringent control over evidence and information funds used by the Division and to ensure that the funds are used only for authorized purposes.
- C** It is the policy of the FWC Division of Law Enforcement that its Office of Policy and Planning shall perform an annual administrative review of the Division's actual confidential informant practices to ensure conformity with this General Order, other applicable policies and procedures, and Section 914.28 Florida Statutes.
- D** It is the policy of the FWC Division of Law Enforcement to conduct all confidential informant operations in accordance with Section 914.28 F.S. (Rachel's Law) and in accordance with best law enforcement practices.
- E** It is the policy of the FWC Division of Law Enforcement to assign the highest priority in operational decisions and actions to the preservation of the safety of confidential informants, law enforcement personnel, target offenders, and the public.
- F** It is also the policy of the FWC Division of Law Enforcement to take the necessary precautions by developing sound confidential informant control procedures and to provide the necessary informant training.
- G** It is the policy of the FWC Division of Law Enforcement to limit the ongoing use of juvenile informants as much as possible and to focus alternative investigative techniques to develop and validate any information that might have been provided by the juvenile.

H Definitions

- (1) Confidential informant** – means a person who cooperates with a law enforcement agency confidentially in order to protect the person or the agency's intelligence gathering or investigative efforts and:
 - (a)** Seeks to avoid arrest or prosecution for a crime, or mitigate punishment for a crime in which a sentence will be or has been imposed; and
 - (b)** Is able, by reason of his or her familiarity or close association with suspected criminals, to:
 1. Make a controlled buy or controlled sale of contraband, controlled substances, or other items that are material to a criminal investigation;
 2. Supply regular or constant information about suspected or actual criminal activities to

a law enforcement agency; or

3. Otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

- (2) **Limited Use Informant** – a person that meets one of the following criteria:
 - (a) A person under the age of 18.
 - (b) A person on probation or parole.
 - (c) A person formerly dependent on drugs or currently participating in a drug treatment program.
 - (d) A person with two or more felony convictions.
 - (e) A person who has been convicted of a drug felony.
 - (f) A person who has been previously declared unreliable.
 - (3) **Walk-In Informant** – until subsequent investigations or background checks justify a less stringent information classification.
 - (4) **Citizen Informant** – an individual freely providing information regarding a criminal activity as a concerned citizen usually on a “one-time” basis, but may provide information on a regular or frequent basis.
 - (5) **Investigative Source** – an individual providing information regarding criminal activity in response to questions during a field or custodial interview.
 - (6) **Anonymous Source** – an unidentified individual providing information regarding criminal activity that may require significant corroboration to be reliable.
 - (7) **Chief Investigator** – The Investigations Section Leader. The Chief Investigator may delegate responsibilities to captains, lieutenants or criminal analysts assigned to the Investigations Coordination Unit at GHQ as deemed appropriate.
 - (8) **Confidential Informant File** – Individual records for each Confidential Informant that contain biographical/historical information, a criminal history record, summary of payments made to the informant, information received from the informant, informant’s involvement in operations, and an assigned code number. The file may include “Citizen Informant” information if documentation is necessary to establish the reliability of the “Citizen Informant.”
 - (9) **Limited Use Informant File** – Records containing a minimum of the same information as the Confidential Informant File along with the following guidelines:
 - (a) If the Limited Use Informant is a juvenile, written consent of a parent or guardian must be included.
 - (b) If the Limited Use Informant is on parole, then the file must contain documentation to verify that the Regional Parole Commissioner is contacted at least 30 days prior to the proposed use of the person.
 - (10) **Deactivated File** – A Confidential Informant File or a Limited Use Informant File that is not actively open.
 - (11) **Evidence and Information Fund** – Funds appropriated by the State of Florida and maintained in a separate checking account, authorized by Chief Financial Officer of the State of Florida in accordance with Section 69I-23.002(1), Florida Administrative Code, for the purpose of obtaining information or evidence for investigations.
 - (12) **Controlled buy** – means the purchase of contraband, controlled substances, or other items that are material to a criminal investigation from a target offender which is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.
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- (13) **Controlled sale** – means the sale of contraband, controlled substances, or other items that are material to a criminal investigation to a target offender which is initiated, managed, overseen, or participated in by law enforcement personnel with the knowledge of a confidential informant.
- (14) **Target offender** – means the person suspected by law enforcement personnel to be implicated in criminal acts by the activities of a confidential informant.

2 RESPONSIBILITIES

A Regional Investigative Captains

- (1) Regional Investigative Captains are responsible for classifying those files that have had no activity for 90 days as a Deactivated File. Files/Records that are classified as “Unreliable” within the Deactivated File will give the details of such classification and will clearly be marked as “Unreliable”. Regional Investigative Captains will perform this classification during normal quarterly inspections.
- (2) Regional Investigative Captains are responsible for the review and oversight of the use of confidential informants in their region.

B Chief Investigator

- (1) Assigns the code numbers to Confidential Informants.
- (2) May authorize the expenditure of Evidence and Information Funds up to \$2,500 with approval of the appropriate Deputy Director.
- (3) Maintains the Evidence and Information Fund in accordance with all appropriate laws and procedures.
- (4) Makes proper disbursements and deposits.
- (5) Keeps accurate bookkeeping, accounting, and banking procedures.
- (6) Maintains a file containing copies of all relevant fund transaction documents which will be stored in a secured and restricted location. Access will be restricted in accordance with Section 119.021, Florida Statutes, and this General Order.
- (7) Purges Evidence and Information Fund records. Evidence and Information Fund records shall be maintained in accordance with state records and retention provisions as outlined in Section 119.021, Florida Statutes.
- (8) The Chief Investigator is responsible for approving the use of juveniles as limited use informants.
- (9) The Chief Investigator or designee is responsible for ensuring that all members involved in the use or recruitment of confidential informants receive training on this General Order and any other applicable policies and procedures. Documentation regarding this training shall document the date the member received training.

3 PROCEDURES

A Evidence and Information Fund

- (1) When a sworn member determines the need for Evidence and Information Funds, a Request for Evidence and Information Funds (FWC/DLE-075) form shall be completed. The form will explain in detail the need, purpose and intended use of the requested funds and will provide complete justification for the withdrawal request. The name of the Confidential Informant or the Limited Use Informant shall not be disclosed on the form.
- (2) The request will be reviewed and approved by the sworn member’s supervisor, the Regional

Investigative Captain, and the Regional Commander and then forwarded to the Chief Investigator at GHQ for approval.

- (3) The request will remain in a confidential file maintained by the Chief Investigator at GHQ. A complete detailed explanation of the use of funds must be provided, including the numerical identification, but not the name of any the Confidential Informant or the Limited Use Informant receiving Evidence or Information Funds.
- (4) Evidence and Information Funds may be used to reimburse an expense legitimately incurred by a Confidential Informant or Limited Use Informant while engaged in an investigative effort for the Division of Law Enforcement. It is the responsibility of the sworn member requesting funds to determine whether information or expense reimbursement would be paid to a Confidential Informant or Limited Use Informant. A request will be subject to approval by the sworn member's supervisor, the Regional Investigative Captain and the Regional Commander.
- (5) Evidence and Information Funds may also be used to reimburse a sworn member for an expense incurred while engaged in an investigative activity. However, no Evidence and Information Funds will be used for reimbursement of an expense covered by per diem.
- (6) Evidence and Information Funds should not be used when an item can be purchased with a purchase order, reimbursement voucher or a state credit card, assuming that such purchase will not jeopardize the investigation.
- (7) The Division Director or a Deputy Director must authorize the expenditure of more than \$2,500.
- (8) The Chief Investigator will fill in the shaded area of the request form showing the check number, date written and the amount. The check and a copy of the form will be returned to the requesting Investigative Captain via the appropriate Regional Commander.

B Use of Funds

- (1) Evidence and information funds are only to be disbursed to authorized personnel for the following reasons:
 - (a) Payment that is to be made to a confidential informant or a limited use informant.
 - (b) Purchase of evidence in connection with an investigation.
 - (c) Expenditure for an authorized investigative operation.
 - (d) Flash or front money.

C Evidence and Information Funds Expenditure Reports

- (1) The Evidence and Information Fund Expense Justification Form (FWC/DLE-076) will be completed when the expenditure was Confidential Informant or Limited Use Informant related.
- (2) If a Confidential Informant or a Limited Use Informant was paid for information or performance, a signed receipt will be obtained from the informant. The Confidential Informant or Limited Use Informant may use an alias when furnishing or signing a receipt, providing the alias is documented in the appropriate informant's file. The receipt shall contain the following information:
 - (a) The amount of the payment;
 - (b) The officer's name;
 - (c) The informant's name or identifier, if any;
 - (d) The information or material purchased;
 - (e) The purpose of the payment; and
 - (f) The date and case number.

- (3) A business receipt should be submitted by a Confidential Informant or Limited Use Informant if he/she is reimbursed for an expense incurred while working for the Division of Law Enforcement, i.e., hotel, food, etc.
 - (a) If a business receipt is not available, the Confidential Informant or Limited Use Informant will submit a signed receipt.
 - (b) Each receipt will be filed in the appropriate file by the investigating sworn member or the Regional Investigative Captain.
- (4) The sworn member making the payment shall attest on the Evidence and Information Fund Expense Justification Form (FWC/DLE-076) to whom, how much, when, and where the funds were expended.
- (5) Expense Justification Form B (FWC/DLE-077) will be completed when the expenditure is for reimbursement of an expense incurred in an investigative activity for the Division.

D Return of Funds

- (1) Evidence and Information Funds that have been withdrawn and are unexpended must be returned to the Chief Investigator at GHQ along with a written explanation on why the funds were not used. The funds and explanation must be submitted within 30 days from the date of the withdrawal. One 15-day extension may be allowed if approved by the appropriate Regional Commander or Chief Investigator at GHQ. The reason for the 15-day extension must be in writing and submitted prior to approval.
- (2) A Return of Unused Evidence and Information Funds (FWC/DLE-078) will be completed by the member returning the funds.
- (3) The Chief Investigator at GHQ will fill in the shaded area of the form containing the date of deposit, amount of deposit, and deposit slip number. A copy will be returned to the requesting Regional Investigative Captain via the appropriate Regional Commander. The Regional Investigative Captain shall place the copy in the Confidential Informant's file.
- (4) The Chief Investigator at GHQ will deposit unused funds in the Evidence and Information Fund checking account immediately upon receipt of the funds.

E Records and Audits

- (1) A ledger will be maintained by the Chief Investigator at GHQ showing all transactions and a monthly reconciliation will be completed when the bank statement is received.
- (2) Every quarter, the Chief Investigator at GHQ shall submit the ledger and other associated records to the Division of Law Enforcement's Chief of Staff or designee for an internal audit of the Evidence and Information Fund.
- (3) The Chief of Staff or designee shall complete the internal audit of the Evidence and Information Fund within 90 days of receiving the fund records and submit a report of expenditures to the Division Director.

F Establishment of an Informant File System

- (1) A file will be maintained on each Confidential Informant and Limited Use Informant managed by the appropriate Regional Investigative Captain and will contain the following:
 - (a) A completed Confidential Informant Agreement and Profile Sheet (FWC/DLE-087) with an assigned coded confidential informant control number.
 - (b) A current photograph of the Confidential Informant or Limited Use Informant.
 - (c) Inclusion of fingerprints of the Confidential Informant or Limited Use Informant along with information obtained from the Automated Fingerprint Identification System (AFIS) is optional, and such information shall only be included in the file if necessary based on the needs of a particular informant or investigation.

- (d) An NCIC/FCIC criminal history check updated each month the confidential informant remains active under Division supervision.
 - 1. NCIC/FCIC criminal history must be removed from the file once the file has been deactivated, and any printouts of a criminal history must be destroyed in a manner that maintains the confidentiality and security of the information contained therein.
 - (e) A driver license status check and results.
 - (f) A list of payment amounts and dates.
 - (g) Information obtained from the informant.
 - (h) Informant's involvement in operations.
 - (i) Biographical/background information and any other information relative to the reliability of the informant including the use by any other agency.
 - (j) Documentation of informant's training.
 - (k) Documentation of informant's contacts.
- (2) Each Confidential Informant File or Limited Use Informant File shall be maintained in a locked cabinet in each field office where the Confidential Informant was developed. Access will be restricted to only the Regional Investigative Captain and the Regional Commander.
 - (3) Confidential Informants or Limited Use Informants will be documented in the appropriate case management system and will be secured as a hidden file.
 - (4) The Chief Investigator at GHQ is responsible for ensuring compliance with the appropriate sections of 26 U.S.C., and 19 U.S.C., section 1619.
 - (5) Each Confidential Informant File and Limited Use Informant File will be used to:
 - (a) Provide a source of background information about the informant, their use, and deployment.
 - (b) Provide a complete history of the information received from the informant to establish reliability.
 - (c) Enable review and evaluation by the appropriate supervisor of information given by the informant.
 - (d) Minimize incidents that could be used to question the integrity of a sworn member or the reliability of the informant.
 - (6) Only authorized personnel may review a Confidential Informant's File or a Limited Use Informant's File upon the approval of the appropriate Regional Commander or Chief Investigator at GHQ. The requestor must submit a written request explaining the need for the review. A copy of this request, with the requestor's name and the approval will be maintained in the informant's file.
 - (7) Any access to confidential informant files and records shall be documented using the Records Check-Out Log (FWC/DLE-560).
 - (8) Records concerning a confidential informant shall be destroyed after the completion of the retention period for confidential informant files as defined in General Records Schedule GS2 for Law Enforcement, Correctional Facilities, and District Medical Examiners. Destruction of the files shall be conducted by the Regional Investigative Captain in a manner that maintains the confidentiality and security of the information contained therein.
 - (9) The Division's Office of Policy and Planning or a member designated by the Division Director shall review the confidential informant file security procedures as part of its program policy oversight duties on an annual basis.

G Use of a Confidential or Limited Use Informant

- (1) A sworn member must receive prior approval from their supervisor and Investigative Captain before using an individual as a Confidential or Limited Use Informant. The sworn member must consider at least the following factors when assessing whether an individual is suitable to be used as a confidential or limited use informant:
 - (a) The person's age and maturity;
 - (b) The risk the person poses to adversely affect a present or potential investigation or prosecution;
 - (c) The effect upon agency efforts that the disclosure of the person's cooperation in the community may have;
 - (d) Whether the person is a substance abuser or has a history of substance abuse or is in a court-supervised drug treatment program;
 - (e) The risk of physical harm to the person, his or her immediate family, or close associates as a result of providing information or assistance, or upon the disclosure of the person's assistance to the community;
 - (f) Whether the person has shown any indication of emotional instability, unreliability, or of furnishing false information;
 - (g) The person's criminal history or prior criminal record; and
 - (h) Whether the use of the person is important to or vital to the success of an investigation.
- (2) The sworn member shall advise an individual who may become a confidential or limited use informant of the following and document the advisement on the Confidential Informant Agreement and Profile Sheet (FWC/DLE-087):
 - (a) The FWC Division of Law Enforcement cannot promise inducements such as a grant of immunity, dropped or reduced charges, or reduced sentences or placement on probation in exchange for serving as a confidential informant.
 - (b) The value of an individual's assistance as a confidential informant and any effect that assistance may have on pending criminal matters can be determined only by the appropriate legal authority.
 - (c) A person who is requested to serve as a confidential informant shall have an opportunity to consult with legal counsel upon request before the person agrees to perform any activities as a confidential informant. However, this does not create a right to legal counsel funded by the FWC Division of Law Enforcement, the Florida Fish and Wildlife Conservation Commission, the State of Florida or public entity.
- (3) After the sworn member receives approval to use an individual as a Confidential or Limited Use Informant, all required information shall be obtained and placed in the appropriate informant file by the Investigative Captain.
- (4) A person determined to be unsuitable for use as a Confidential or Limited Use Informant will be immediately deactivated. A report documenting the reasons for the unsuitability of the informant will be completed and included in the deactivated file. The Investigative Captain shall forward a copy of such documentation to the Chief Investigator at GHQ.
- (5) A sworn member requesting to use a Confidential or Limited Use Informant previously designated as deactivated must receive prior approval from the appropriate Investigative Captain, Regional Commander and Chief Investigator at GHQ.

H General Guidelines for Managing a Confidential Informant

- (1) Confidential and Limited Use Informants are required to sign and abide by the provisions of the Confidential Informant Agreement and Profile Sheet (FWC/DLE-087). The sworn member

using the informant will discuss each of the provisions of the agreement with the informant, with particular emphasis on the following:

- (a) A Confidential or Limited Use Informant is not a law enforcement officer. He/she has no arrest powers, is not permitted to conduct searches and seizures and may not carry a weapon.
- (b) A Confidential or Limited Use Informant may be arrested and will not receive any special legal considerations from the Division if he/she is found engaged in any illegal activity.
- (c) A Confidential or Limited Use Informant shall not take any action that may be considered entrapment. Entrapment occurs when the informant encourages, persuades or otherwise motivates a person to engage in criminal activity.

I Wildlife Alert Program

- (1) The Wildlife Alert Program is a reward system that provides monetary incentives for any person to immediately report fish, wildlife and boating offenses and provide sufficient detailed information for an arrest of the violators.
- (2) If the caller wants to remain anonymous, the Duty Officer shall provide the caller with a color and a number between 1 and 10. Callers should be instructed to keep the assigned color and number to verify they are the complainant. The assigned incident summary number may also be given to the caller. After ten days the caller may call in and request the status of their complaint. When they call in they will be asked to provide their assigned color and number.
- (3) When arrests are made, the complaint should be closed and given to the appropriate personnel for processing.
- (4) The Incident Summary Report (FWC/DLE-045) and arrest documents are to be reviewed by the Regional Commander or designee to determine the amount of the recommended reward. The Wildlife Alert Reward Fee Schedule shall be adhered to. Exceptions to this schedule shall be reviewed for approval by the Wildlife Alert Committee or their designee.
- (5) The Wildlife Alert Information Form (FWC/DLE-623) is completed and attached to copies of the Incident Summary Report and arrest documentation. The packet shall be forwarded to the Investigations Section at GHQ who shall forward it to the Wildlife Alert Committee or their designee for processing and payment.
- (6) A separate file shall be maintained for all Wildlife Alert cases.
- (7) All reward checks are to be mailed to the complainant unless the complainant's address is unknown, then the check shall be mailed directly to the appropriate Regional Commander or designee.
- (8) If the check is payable to the Regional Commander then it has to be cashed by the Commander.
 - (a) If there is no contact person, the check should not be cashed until the complainant has made contact with the office and arrangements made to deliver the cash.
 - (b) If the arresting sworn member is the only contact, the cash should be given to them for delivery. The sworn member, accompanied by another sworn member to serve as a witness, and the complainant must sign a receipt. The complainant does not have to sign the receipt with their name. They can initial it or use their assigned color and number.
 - (c) If the check has not been delivered after six months, it should be returned to the Investigations Section at GHQ with a memorandum of explanation.


J Regulations

- (1) No member of the Division shall maintain a social or business relationship with a known Confidential or Limited Use Informant.

- (2) Members of the Division shall not solicit, accept gratuities or engage in any private business transaction with a known Confidential or Limited Use Informant.
- (3) A sworn member should be accompanied by another law enforcement officer when meeting with a Confidential or Limited Use Informant.
- (4) Meetings with Confidential or Limited Use Informants will not take place in areas of covert operations or security sensitive areas of the office.
- (5) No sworn member will meet with a Confidential or Limited Use Informant of the opposite sex without being accompanied by another law enforcement officer.
- (6) A juvenile shall only be used as a Limited Use Informant with parental approval and in accordance with state laws.
- (7) Confidential or Limited Use Informants are not authorized to use Commission business cards or law enforcement insignia.
- (8) A member may be required to make restitution and be subject to disciplinary action and/or prosecution if evidence and information funds are improperly used.
- (9) Audits of the Evidence and Information Fund shall be performed in accordance with the requirements of the Chief Financial Officer and the Auditor General of the State of Florida.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-045	Incident Summary Report
FWC/DLE-075	Request for Evidence and Information Funds
FWC/DLE-076	Evidence and Information Fund Expense Justification Form
FWC/DLE-077	Expense Justification Form B
FWC/DLE-078	Return of Unused Evidence and Information Funds
FWC/DLE-087	Confidential Informant Agreement and Profile Sheet
FWC/DLE-560	Records Check-Out Log
FWC/DLE-623	Wildlife Alert Information Form

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement		
	TITLE	GENERAL ORDER 41
		EFFECTIVE DATE November 17, 2010
	APPLICABILITY ALL MEMBERS	RESCINDS/AMENDS July 21, 2008
REFERENCES N/A		

1 POLICY

- A** The purpose of this General Order is to outline the commission's response to members who, as a result of responding to or becoming involved in a critical incident, may be in need of peer counseling or access to mental health services. Public service can often be emotionally demanding and difficult, and members may risk experiencing stress and related emotional difficulties. Some emotional reactions may have a negative impact on personnel performance, and in extreme instances, may present a danger to the welfare and safety of members, their families or the public. Therefore, it is the policy of the FWC Division of Law Enforcement to provide all commission members and their families with access to peer counseling and/or mental health services.
- B** The FWC Division of Law Enforcement establishes regional Critical Incident Stress Management (CISM) Teams that provide access to emotional and psychological support to members. This support and assistance extends to family members when appropriate. Assistance may be accomplished through a broad range of crisis services that include, but are not be limited to:
- (1) Pre-deployment education, preparation, planning and policy development
 - (2) Assessment of the situation and the reactions of personnel
 - (3) Strategic crisis response planning
 - (4) Large group interventions (Rest, Information, and Transition Services and Crisis Management Briefings)
 - (5) Small group interventions (defusing, Critical Incident Stress Debriefing)
 - (6) Individual (one-on-one peer) support services
 - (7) Family support services
 - (8) Follow-up services
 - (9) Referral, when necessary, to professional assistance programs and/or providers
 - (10) Post-incident education
- C** CISM is intended to provide support and assistance during, and in the immediate aftermath of critical incidents. CISM has clearly defined notification and initiation procedures, a structured response, and post-incident conclusion process. CISM is not intended to provide long-term counseling or other mental health support, and is not a substitute for psychotherapy. Members in need of prolonged assistance shall contact EAP and/or their primary medical care provider.
- D Confidentiality**
- (1) Confidentiality is the hallmark of the CISM Team program. Any statements made by involved members to CISM Team members in group and individual interventions will be confidential

with the following exceptions:

- (a) If the member poses a danger to him/herself or others;
 - (b) If the member has violated a law; and/or
 - (c) If the member has violated a commission or division policy.
- (2) Failure by any CISM Team member to maintain confidentiality will result in immediate removal from the team and/or disciplinary action.
 - (3) Members who have been involved in a violation of law or their oath of office shall not rely upon nor expect peer counseling to serve as a means of relieving or diminishing their real or perceived responsibility. Exceptions to the confidentiality rule will be clearly stated to the participants prior to the beginning of any CISM process.
 - (4) CISM members having knowledge of one of the exceptions will immediately contact the appropriate Regional Commander, who will notify the Division Director or designee through the chain-of-command.
 - (5) It is the policy of the FWC Division of Law Enforcement to respect the confidentiality of the Critical Incident Stress Management processes. The Division will not question the individual(s) involved, or CISM team members regarding the facts surrounding a critical incident debriefing, defusing, or the individual(s) involved, or referrals made to a mental health provider.

E Definitions

- (1) **Critical Incident** – Any situation that causes members to experience unusually strong emotional reactions that could interfere with their ability to function.
- (2) **Family members** – For purposes of this General Order, family members include, but are not limited to, spouse, fiancé, life partner, parents (including step or foster parents), children, or anybody so designated by the member.
- (3) **Critical Incident Stress Debriefing** – A confidential group discussion including members involved in a critical incident and members of the CISM Team. The primary purpose of the debriefing is to mitigate the impact of the critical incident. A debriefing is not an operational critique. Debriefings are usually conducted two to three days after an incident has occurred, and serve to assist team members in providing care, understanding, and educational support to affected members.
- (4) **Defusing** – A shortened, less formal, version of a debriefing, but more immediate in its application. An individual or group meeting between team members and employees involved in a critical incident, which is conducted shortly after an incident. It is the purpose of defusings to provide immediate on-scene support and intervention.
- (5) **One-on-One Peer Support** – a confidential discussion between a member and a peer support member in matters relating to CISM. Under certain circumstances, peer support may be provided by fellow Division members who are not team members.
- (6) **Peer Support Member** – A member of a Division CISM team who has received the appropriate approved training.
- (7) **Mental Health Professional** – A person trained and licensed to provide mental health counseling and treatment services. Mental Health Professionals can be reached by contacting the State of Florida's Employee Assistance Program (EAP) at 1-800-860-2058.
- (8) **Statewide Team Coordinator** – The coordinator is authorized to coordinate the Regional Teams, and has the responsibility of establishing training protocols, selection of members in coordination with the Regional Commanders, and holding regular meetings. The coordinator is chosen by the Division Director.
- (9) **Assistant Team Coordinator** – The Assistant Team Coordinator shall be a CISM Team member who shall be a Division member. The Assistant Team Coordinator shall be selected

by agreement of the CISM Team members, with final approval by the CISM Team Coordinator and Division Director or designee. The Assistant Team Coordinator shall assist the Statewide Team Coordinator, and assume the duties and responsibilities of the Statewide Team Coordinator in their absence.

- (10) **Team Leaders** – Team Leaders work under the authority of the Statewide Team Coordinator, and direct the activities of members assigned to their team. A Team Leader may serve as the Statewide Team Coordinator due to the coordinator's absence.
- (11) **Team Members** – Team members assist employees exhibiting signs of distress as a result of their involvement in critical incidents. Team members may be assigned to assist the Incident Commander with stress management.
- (12) **Employee Assistance Program (EAP)** – The State of Florida's Employee Assistance Program is a free employee benefit program intended to help state employees and their household members manage issues that might adversely impact their work performance, health, and well-being. EAP counselors typically provide assessment, support, and if needed, referrals to additional resources. More information on Florida's EAP can be found on the program website at <http://floridaeap.com>, or by calling 1-800-860-2058. EAP has Critical Incident Stress Debriefers and other resources available to respond as requested.

2 RESPONSIBILITIES

A Regional Commanders

- (1) Regional Commanders are responsible for establishing a Critical Incident Stress Management Team in their Region in coordination with the Division's CISM Statewide Team Coordinator. GHQ is included in the Northwest Region.

B Statewide Team Coordinator

- (1) The Statewide Team Coordinator has the responsibility for coordinating team functions and providing any necessary support to the regional CISM teams.
- (2) The Statewide Team Coordinator is also responsible for developing and maintaining a selection process for Commission members wishing to serve on a regional CISM team.
- (3) The Statewide Team Coordinator is responsible for organizing appropriate training providers and programs and ensuring that the appropriate training is attended by all regional teams.

C Team Leaders

- (1) The responsibility of Team Leaders may include:
 - (a) At the scene of a critical incident, determine appropriate response to the incident and plan team roles and involvement.
 - 1. Making contact with involved members, separating them from the scene as soon as such action is approved by the Incident Commander or other authority, and coordinating the small group defusing process as soon as practical;
 - 2. If needed, notify the mental health professional who can determine if there is a need to respond to the scene. If the mental health professional chooses to respond, they will be briefed on the circumstances of the incident and provided with assistance upon their arrival;
 - 3. Ensuring involved members are allowed contact with family members, if desired. If family members are invited to join the involved employee, team leaders or supervisors may arrange for their transportation;
 - 4. If possible, assigning a team member to each involved member for support and assistance until such time as they become stabilized.

(b) Post-Incident Consideration:

1. If possible, arranging for the transportation of involved members to a location where they are afforded the following considerations:
 - a. Allowed to relax in a stable, private environment;
 - b. Permitted to shower and change clothes (with prior approval from the criminal or administrative investigator in charge of the scene);
 - c. Have clergy or other spiritual needs met; and,
 - d. Have food and drink, if desired.
2. If a member is seriously injured or incapacitated, the team leader or supervisor shall coordinate with the Regional Commander to make contact with the family members in accordance with General Order 29, *Accident Investigations and Death Notification*.
3. Request the response of a mental health professional provided by the State of Florida's Employee Assistance Program (EAP) if appropriate or desired;
4. Encourage employees to seek follow-up counseling (considered on duty time) through the State of Florida's Employee Assistance Program; and
5. Assure that follow-up debriefing(s) are conducted as appropriate and that team members are rotated in this role if ongoing or appropriate for the situation.
6. Shall provide for quarterly meetings or conference calls of the regional team members to discuss mutual issues and concerns, review team activities and update any training as needed.

D Team Members

- (1) Team members do not fix responsibility or blame upon any member, and shall refrain from any discussion involving responsibility or blame, to the greatest extent possible.
- (2) Defusings and Critical Incident Stress Debriefings are not used to critique an incident.
- (3) All CISM Team Members, including the Statewide Team Coordinator and Team Leaders, are responsible for maintaining the confidentiality of the Critical Incident Stress Management processes. A breach of the confidentiality (with the exceptions noted in Section 1 (Policy), subsection D *Confidentiality* above) will result in dismissal from the team and may result in disciplinary action up to and including dismissal.

3 PROCEDURES

A Critical Incident Stress Management Team Selection

- (1) Applicants are advised that team participation is voluntary.
- (2) All members of the Commission are eligible to apply, but may be requested to respond on a 24 hour basis while a member of a team.
- (3) Applicants must have:
 - (a) Previous experience in law enforcement, corrections, or telecommunications operations and/or have received training in crisis intervention;
 - (b) Strong communication skills, including the ability to be empathetic; and,
 - (c) Ability to successfully complete team training requirements, including stress-related intervention.
- (4) Applicants may be interviewed and assessed for team suitability as part of the selection process, which may include an interview with team members.

B Minimum Training Requirements

- (1) Once selected, CISM team members must complete the following prior to participation in and/or conducting interventions:
 - (a) "Individual Crisis Intervention and Peer Support" class recognized by International Critical Incident Stress Foundation (ICISF)
 - (b) "CISM: Group Crisis Intervention" class recognized by ICISF
- (2) The following courses should be completed within two years of joining the CISM Team.
 - (a) "Advanced Group Crisis Intervention" class recognized by ICISF
 - (b) "Suicide Prevention Intervention and Postvention" recognized by ICISF

C Critical Incident Stress Management Team Activation

- (1) Requests for the Critical Incident Stress Management Team are made directly to the regional Team Leader or the Statewide Team Coordinator (if regional Team Leader is unavailable). Team response is determined by the regional Team Leader or Statewide Team Coordinator in consultation with the Regional Commander.
- (2) The regional Team Leader or Statewide Team Coordinator must be notified when any of the following incidents occur:
 - (a) Death or serious injury occurs to an on-duty member;
 - (b) Death or serious injury occurs to another person through the action of a member (whether on-duty or off-duty);
 - (c) A member becomes involved in any shooting (whether on duty or off duty);
 - (d) Casualties have resulted from any incident;
 - (e) Other law enforcement agencies request the CISM assistance, or
 - (f) Any incident, not listed above, that causes unusual distress to field personnel.
- (3) Activation of team members may occur when requested by a Regional Commander or Director, Statewide Team Coordinator or Team Leader as a result of any incident that causes unusual distress to field personnel.
- (4) CISM Team Members who are activated and respond to a critical incident while off-duty shall be credited in accordance with the bargaining agreement applicable to their class, or for actual time worked if the member is not covered by a bargaining agreement.

D Team Function

- (1) On-Scene Support
 - (a) The Team Leader will be allowed in or near the command post to act as an observer and liaison between the Critical Incident Stress Management Team and the Incident Commander.
 - (b) When called to a scene, team members will act as observers only and are restricted to the outer perimeter area unless otherwise directed by the Team Leader with the permission of the Incident Commander.
 - (c) Any adverse stress reaction observed by a team member will be reported to the Team Leader (who notifies the Incident Commander).
 - (d) If it becomes necessary to conduct a defusing at the scene, it is to be brief and supportive in nature. On-scene group interventions will not be conducted.
- (2) Off-Scene Support
 - (a) Off-scene defusings are a small group process. They are conducted within three hours of

an incident in a comfortable, quiet location away from the scene.

- (b) Brief, small group support processes such as the defusing are conducted off scene. They are used to reduce stress and tension and to restore personnel to adaptive functions in the aftermath of a traumatic event. The longer and more intricate Critical Incident Stress Debriefing, which is described in the next section below, is provided a few days after the event and helps to further reduce stress and enhances unit cohesion and performance.
- (c) Members are encouraged to speak freely with the CISM team and to discuss their emotions regarding the incident, but shall refrain from any discussion involving responsibility or blame.
- (d) CISM team members will be available, at any time, to speak with individuals who wish to speak with them privately.

(3) Formal Debriefing

- (a) Critical Incident Stress Debriefings (CISD) are, typically, small group follow-up sessions after defusing and other CISM services. The main goals of CISD are reduction and mitigation of traumatic stress reactions, the restoration of personnel to normal healthy functions, and referral for additional services for personnel who may need more formal assistance. CISDs are standard operating procedure, including mandatory attendance of the involved members, for the following incidents:
 - 1. Line of duty death of a member
 - 2. Serious, life threatening injury to a member
 - 3. Suicide of a colleague
 - 4. Mass casualty or multi-casualty event
 - 5. Any event that seriously threatened the lives of emergency services personnel (acts of extreme violence, shootings, hostage situations, barricaded subject with weapons, the use of deadly force). The CISD should be a standard operating procedure in cases in which an innocent person was killed or injured as a result of the actions of FWC personnel.
 - 6. Any event that is perceived as extremely unusual, threatening, overwhelming, or grotesque by the involved members.
 - 7. Any other incident for which the Division Director or the Incident Commander deem CISM response appropriate.
- (b) The Critical Incident Stress Debriefing (CISD) is a guided discussion of a traumatic event in which the participants freely discuss their cognitive, physical, emotional, and behavioral reactions to a traumatic event. The team members provide support, guidance, and information on stress management and recovery from distress.
- (c) Critical Incident Stress Debriefings are generally conducted two to three days after an incident has occurred, and are managed by the Team Leader or the Statewide Team Coordinator with the assistance of CISM Team members.
- (d) Media representatives or other uninvolved observers are not allowed to attend debriefings. Note-taking, tape or video recording, etc. is not permitted. To ensure maximum attention to the debriefing process, police radios, pagers, telephones, or other interruptions are not permitted.
- (e) CISDs should be coordinated to facilitate attendance by all of the personnel involved in the traumatic event.
- (f) The use of rank or authority is not appropriate in a debriefing session.

E Death or Injury resulting from a Line of Duty Action

- (1) Team members must recognize the need to maintain the integrity of a criminal or administrative investigation into the facts surrounding a serious injury or death arising from the line of duty action of a Division member.
- (2) When notified of an incident the Team Leader responds to the scene, makes contact with involved members, and removes them from the scene as soon as such action is approved by the Incident Commander or other authority. The Team Leader also ensures that a mental health professional is notified.
 - (a) The involved member's supervisor will make a supervisory referral to the Employee Assistance Program or other approved mental health professional within 24 hours of an incident, and will notify the employee of the date and time of the appointment. The supervisory referral is not required if a mental health professional from EAP has already made contact with the involved member.
 - (b) EAP counseling is confidential, and is provided at no cost to the employee.
- (3) Upon arrival, the mental health professional is briefed by the Team Leader and introduced to the involved member or members. Counselors offer their services, and provide instructions for later contact.
- (4) The on-duty supervisor or Team Leader may arrange to have family members transported to the debriefing (if the involved member desires).
- (5) Peer Support
 - (a) If possible, a team member will be assigned to each involved member for support and assistance.

F Post-CISM Response

- (1) Upon completion of any CISM activation, team members shall complete a CISM after-action report with the following elements:
 - (a) Name of the team member(s).
 - (b) General nature of the incident.
 - (c) A brief indication of the type of CISM services the member provided.
- (2) The CISM after-action report shall be completed in a timely manner after the incident and CISM response is concluded.
- (3) Only one CISM after-action report per incident shall be completed. If multiple team members responded to the same incident, the CISM team leader or most senior CISM team member shall prepare the report.
- (4) The CISM after-action report shall be prepared on the Division's Memorandum form (FWC/DLE-521) and submitted to the CISM Statewide Team Coordinator through the regional CISM team leader.
- (5) CISM after-action reports shall not contain:
 - (a) Any information revealed to the CISM team member in confidence,
 - (b) Any detail that identifies a member who used CISM services.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-521	Memorandum Form



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

HEALTH AND FITNESS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
42	May 9, 2019	June 6, 2018	All Members

References

Section 112.1815 F.S., 60L-34.0061(2), F.A.C.; IMPP 5.3, IMPP 6.1 AND IMPP 6.26; CFA 10.16M

1 POLICY

- A** The Division believes that a physically fit member enjoys image enhancement, increased attendance, the potential reduction of medical costs, and increased safety factors which significantly favor the ability of the member to safely perform functions and activities they may be called upon to do in the performance of their daily duties. The Division further wants to ensure a fit, healthy work force, and to assist members in developing and maintaining their physical fitness status and readiness to perform.
- B** It is the policy of the Division to encourage members to enjoy optimal fitness throughout their personal and professional lives, by becoming “fit for duty/fit for life”.
- C** It is the policy of the Division to stress the importance of fitness to:
 - (1) Reduce the likelihood of serious injury and illness by improving the physical conditioning and wellness of Division members.
 - (2) Increase member safety.
 - (3) Improve member work performance by reducing stress, obesity and other disorders associated with sedentary lifestyles.
 - (4) Provide guidance to Division members requiring or requesting assistance on physical fitness and health-related issues.
 - (5) Live a healthy life.

2 RESPONSIBILITIES

- A** It is the responsibility of each member of the Division to develop and maintain their physical fitness and readiness to perform the duties required for their position. This program may consist of:
 - (1) Medical screening: A screening of health risks for specifically identified positions.
 - (2) Fitness assessments: To assess health-related fitness areas.
 - (3) Fitness goal-setting: Counseling by trained instructors based on assessment results.
 - (4) Prescription: An individualized exercise and nutrition prescription based on the assessment.

- (5) Education: Formal training to teach safe exercise.
- (6) Feedback and Reinforcement: To assess results and insure involvement.

3 PROCEDURES

- A The Division shall offer fitness assessments each year. Attendance and participation at a Division Fitness Assessment is voluntary, but all Division members are encouraged to participate. The assessments are based on the Division's Physical Abilities Test (PAT).
- B Such assessments may be administered by members of the Division or others who are trained and recognized as certified fitness instructors.
- C The PAT shall be designed to evaluate each sworn member's physical readiness level, and shall consist of the following:
 - (1) Begin the course while seated on ground facing away from the course. When instructed, the member will stand upright, turn and begin to **Run**.
 - (2) **Run** - Sprint/run 500 feet to the **Hurdle**. (Tests quickness, speed, anaerobic and aerobic power. Related duty: sprint/run).
 - (3) **Hurdle** - Jump over four hurdles of various heights (12, 18, 12 and 24 inches) each spaced six feet apart without knocking the hurdle off its stand. If hurdle is knocked over the applicant must restart from the beginning of this event. Run 50 feet to **Serpentine**. (Tests agility. Related duty: jump over obstacles while in pursuit).
 - (4) **Serpentine** - Run a serpentine route, which consists of 10 poles (cones). Two rows of five each placed 5 feet off center and 10 feet apart (front to back), starting with the right row with the left row staggered five feet between right row. The applicant must complete the serpentine in the proper sequence. Each pole will be clearly marked to indicate whether pole should be kept to the right or left side as they move through the event. If a pole is passed incorrectly the applicant will be told to stop and begin this event again from the start. Run 100 feet to **Wall**. (Tests agility, balance and endurance. Related duty: run around obstacles while in pursuit).
 - (5) **Wall** - Climb over four-foot wall. In the event the applicant cannot clear the wall, a chair will be placed a distance of 50 feet from the wall. After one failed attempt to get over the wall the applicant may opt to retrieve the chair (with time running) and carry it to the **Wall** for use to clear the wall. Run 50 feet to **Bucket Carry**. (Tests the ratio of upper body strength to bodyweight. Related duty: climb/vault wall/fence while in pursuit).
 - (6) **Bucket Carry** - Pick up kettlebell(s) (simulating 5-gallon buckets) each weighing 35 pounds and carry 100 feet to the **Stairs**. The applicant may opt to carrying one kettlebell at a time in which case time will continue to record as they return to pick up and carry the second kettlebell to the STAIRS component. At the STAIRS component the applicant will place each kettlebell on a raised platform 32 inches in height (platform: W=32", L=32", H=32"). Once both kettlebells have been placed on the platform the applicant will begin to climb the **Stairs**. (Tests upper body strength, stamina and power. Related duty: pick up and carry and store gear, traps or buckets of confiscated items to truck).
 - (7) **Stairs**: Climb flights of stairs to a simulated height of three stories. At a self-paced cadence, the applicant will complete 70 steps (first foot up, second foot up, first foot down, second foot down = one step). Steps (up, up/down, down = one step) will be counted by a test administrator. (Stair box: W=32", L=18", H=8") Run 50 feet to **Dummy Drag**. (Tests muscular endurance/aerobic endurance. Related duty: run up/down stairs).
 - (8) **Dummy Drag** - Drag a dummy or weighted sled (150 pounds) a distance of 100 feet. Dummy is to be pulled by a strap attached to the dummy. Run 50 feet to **Crawl**. (Tests endurance/stamina, and overall body strength. Related duty: drag person/object).

- (9) **Crawl** - Crawl (low crawl) under three markers placed approximately 30 inches from the ground at equal distances apart and spread of a distance of 15 feet without knocking the markers from their upright position. If marker is knocked over the applicant must restart this event from its beginning. Run 100 feet to **Ditch**. (Tests agility and flexibility. Related duty: crawl under obstruction).
- (10) **Ditch** - Jump over and clear a marked area (**Ditch**) of 48 inches in length (simulated ditch/pit). Run 50 feet to **Balance Beam**. If applicant's foot touches either line marking beginning or end of ditch it is considered a failure to cross the ditch and the applicant will be expected to return to the start of this event and attempt one additional time only after which they may continue the course, if successful. (Tests balance and anaerobic power. Related duty: Jump/vault over ditch).
- (11) **Balance Beam** - Cross balance beam (16 feet in length, six inches wide and 6 inches off ground). If applicant falls off at any point before completing the applicant must restart this event until successful. Run 50 feet to **Scuffle**. (Tests balance, leg strength, agility. Related duty: Maintain balance while performing job).
- (12) **Scuffle** - A sled weighing 180 lbs. is pushed forward 20 feet and pulled/dragged/walked backward 20 feet to the starting point. This process is repeated three times. Run 100 feet to **Weapon Fire**. (Tests endurance/stamina and overall body strength. Related duty: scuffles with perpetrator).
- (13) **Weapon Fire** - Place handgun held only by one hand through the metal ring (**12 Inch Circumference**) without touching the side of the ring. "Dry fire" a training handgun six times with each hand while holding the weapon with one hand and arm fully extended. Remove from and re-insert through the ring when changing hands. If weapon touches ring this single event must be repeated from start (either right or left hand depending on which hand is holding the weapon when it touches. Upon completion of **Weapon Fire** run 100 feet to **Finish**. (Tests motor skills. Related duty: use of firearm or other hand-held equipment after pursuit).
- (14) **Finish** - The applicant will sit on ground facing the course and verbally state that the PAT course has been completed. (Tests memory under stress. Related duty: Recall of information).

D The Physical Fitness Award may be awarded to any member who participates in the Division's Physical Abilities Test (PAT) and receives a time of 6:00 minutes or less at the annual Division's Fitness Assessment in accordance with the Division's *Awards and Commendations Manual*.

E Use of Assigned Division Vehicles for Travel to Health and Fitness Facilities

- (1) Members may use an assigned Division vehicle for the purpose of traveling to and from a workout or exercise facility for physical fitness training within the limitations listed below:
 - (a) Use of the assigned vehicle is limited to exercise facilities such as health clubs, fitness centers, gymnasiums, tracks, exercise trails, etc.
 - (b) Use of the assigned vehicle must be either immediately prior to or immediately after the sworn member's assigned work shift.
 - (c) Members may also use their assigned vehicle to travel to an exercise facility during their assigned lunch hour.
 - (d) The assigned vehicle shall not be utilized on those days when the sworn member is on leave or on scheduled regular days off.
 - (e) Round trip mileage shall not exceed 10 miles.
 - (f) Immediately after an exercise session, the sworn member must proceed to his/her duty assignment, work area, or residence, whichever is applicable.
 - (g) Division vehicles are not to remain parked at an exercise facility for more than two hours.

- (h) Sworn members using Division vehicles to travel to and/or from an exercise facility shall advise their communications center of their location, and arrival and departure times. Travel time to or from, and actual time spent at an exercise facility shall not be counted as time worked.

F Stress Management Procedures

- (1) The Division is committed to a stress management program for its members. If a member detects stress-related behavior that is adversely affecting or may adversely affect his, her or another member's performance of duties, the Regional Commander or Section Leader shall immediately be notified so that appropriate action may be taken.
- (2) Supervisors should be conscious of symptoms related to internal or external stress of members. Radical behavior changes manifested by an individual in any of the following areas, for example, should be considered as an indicator of potentially serious problems:
 - (a) Productivity
 - (b) Personality
 - (c) Absenteeism
 - (d) Bizarre behavior
 - (e) Severe medical problems
 - (f) Alcoholism or drug use
- (3) Any member, upon noticing or becoming aware of unusual behavior patterns by any member that would indicate stress-related problems, shall immediately notify his or her immediate supervisor, Section Leader or Regional Commander. Regional Commanders and Section Leaders shall be responsible for documenting the unusual behavior patterns and making recommendations to the appropriate Deputy Director.
- (4) Supervisors should always consider referral of the member who exhibits any of the above stress-related symptoms, or any other symptom that may be related to stress. The Commission's Human Resources Office should be contacted for guidance.

G Mental Health

- (1) Sworn members shall receive initial and periodic educational training related to mental health awareness, prevention, mitigation, and treatment to include post-traumatic stress disorder as described in section 112.1815(6) F.S.
 - (a) Members seeking benefits of section 112.1815 F.S., shall comply with requirements of Chapter 440, Workers' Compensation, F.S.
- (2) Training shall either be provided and documented by the Division's training section and maintained in the sworn member's training record or provided and documented via PowerDMS.

H Fitness for Duty

- (1) When the Division Director or a Deputy Director has been notified by a Regional Commander or Section Leader that a member may be unable to perform their duties in a competent, professional, and courteous manner due to physical illness, emotional illness, physical condition, or injury, the member may be required to submit to a medical examination by a physician pursuant to Rule 60L-34.0061(2), Florida Administrative Code, to determine fitness for duty.

I Sunscreen Usage

- (1) The American Academy of Dermatology recommends that sunscreen be worn everyday if you will be outside and the sunscreen should be:
 - (a) Broad-spectrum protection (protects against UVA and UVB rays).

- (b) SPF 30 or higher.
 - (c) Water resistant.
 - (d) Used to generously coat all skin that will not be covered by clothing, approximately one ounce of sunscreen is needed to cover exposed areas of the body.
 - (e) Applied to dry skin fifteen minutes before going outdoors.
 - (f) Reapplied approximately every two hours, or after swimming, sweating, and according to the directions on the bottle.¹
- (2) A sunscreen that offers the above helps to protect your skin from sunburn, early skin aging and skin cancer. However, sunscreen alone cannot fully protect you. In addition to wearing sunscreen, dermatologists recommend taking the following steps to protect your skin:
- (a) Wear protective clothing such as a long-sleeved shirt, long pants, a wide-brimmed hat and sunglasses, when possible.
 - (b) Seek shade when appropriate, remembering that the sun's rays are strongest between 10 a.m. and 2 p.m.
 - (c) Use extra caution near water, snow, and sand as they reflect the damaging rays of the sun, which can increase your chance of sunburn.
 - (d) Get vitamin D safely through a healthy diet that includes vitamin supplements. Do not seek the sun.
- (3) Each regional Captain shall have a designee who purchases and makes available to their members a sunscreen with a minimum SPF factor of 30.
- (4) If a member prefers a sunscreen other than the issued type, the member may purchase a sunscreen of their choice with the appropriate p-card approval or purchase with personal funds and be reimbursed for the amount of the expenditure. The following guidelines shall to be followed for reimbursement:
- (a) Receive and attach the invoice for the purchased sun-screen to a completed "Reimbursement Voucher for Expenses Other Than Travel" (FWC C-676B).
 - (b) The "Reimbursement Voucher for Expenses Other Than Travel" must be reviewed and approved by an authorized supervisor prior to being submitted for payment.

4 FORMS

FORM NUMBER	FORM TITLE
FWC C676B	Reimbursement Voucher for Expenses Other Than Travel

¹ <https://www.aad.org/media/stats/prevention-and-care/sunscreen-faqs>



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

TITLE: BIAS-FREE POLICING

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	Applicability
43	May 16, 2017	October 31, 2011	All Sworn Members

References

S. 316.614, F.S.; GO 02, GO 16, and GO 17
CFA 2.06M

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to prohibit biased policing, to train all sworn members engaged in enforcement activities in the prohibition against biased policing, and to thoroughly investigate all complaints of biased policing.
- B** It is the policy of the FWC Division of Law Enforcement to ensure that all sworn members know that a police action which is biased violates the “equal protection” clause of the Constitution. It also alienates citizens, fosters distrust of police, and undermines legitimate law enforcement efforts.
- C** It is the policy of the FWC Division of Law Enforcement to ensure that as a general rule, unless a sworn member is attempting to apprehend a suspect in a reported crime, a sworn member shall not consider a person’s race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group, when taking law enforcement action.

D Definitions

- (1) **Bias** – A predisposition to act, or fail to act, in a certain way, because of another person’s race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group.
- (2) **Bias-based profiling** – Law enforcement action taken by a sworn member of the Division to stop, detain, interdict, or search an individual based on race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group.
- (3) **Reasonable suspicion** – Reasonable suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that a violation of the law has been committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on observations of a law enforcement officer combined with his or her training and experience, and/or reliable information received from credible outside sources.
- (4) **Complaint of inappropriate biased policing** – A complaint by a person who alleges that they were stopped, detained, arrested, had their personal property seized, or were asked to consent to a search, in whole or in part, because of their race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group.

2 RESPONSIBILITIES

A Division of Law Enforcement

- (1) The Division shall train all sworn members engaged in enforcement activities in the prohibition against biased policing.
- (2) The Division shall conduct a thorough investigation of all complaints of biased policing by its sworn members, and implement corrective measures when necessary.

B Sworn members shall not engage in the practice of bias-based policing. Members of the public are guaranteed equal protection under the law and the right to be free from unreasonable searches and seizures. Sworn members shall carry out their enforcement responsibilities in a manner that respects these rights and upholds the dignity of all people.

3 PROCEDURES

A Stops and Other Citizen Contacts

- (1) Members of the public shall only be stopped or detained upon reasonable suspicion that they have committed, are committing, or are about to commit, a violation of law or as outlined in General Order 17, *Searches, Raids, Inspections and Highway Checkpoints*, or Florida Statute. Traffic stops will be based solely in accordance with the laws of the State of Florida and Florida's Administrative Code, and General Order 02, *Warnings, Arrests, Traffic Enforcement and Interviews*.
- (2) Members of the public shall only be arrested if there is probable cause to believe that they have committed a criminal offense.
- (3) Personal property belonging to a member of the public shall only be seized if there is probable cause to believe that the property is evidence of a crime, contraband, or as outlined in General Order 16, *Collection, Preservation and Documentation of Evidence and Property*.
- (4) In the absence of a specific, credible report of criminal activity which contains a description of the suspect, members shall not use a person's race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group, or any combination of these characteristics, as a factor in determining reasonable suspicion to make a stop or detention, or in determining probable cause to make an arrest or to seize personal property.
- (5) In the absence of a specific, credible report of criminal activity which contains a description of the suspect, members shall not use a person's race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group, or any combination of these characteristics, as a factor in deciding to request a "consent to search."

B Collection of Racial and Ethnic Information for Seatbelt Citations in accordance with Section 316.614 Florida Statutes, *Florida Safety Belt Law*

- (1) Whenever a sworn member issues a uniform traffic citation for any seatbelt or child restraint device violation of S. 316.614, F.S, the member shall document the offender's race and ethnicity on the *Citations Issued for Violation of Section 316.614* Form (FWC/DLE-340) and process this form with the uniform traffic citation.
- (2) The violator's race will be marked in the appropriate blank on the citation form. The sworn member will use the information on the offender's driver's license to determine the violator's race. The sworn member will determine and record the violator's ethnicity using their professional judgment based on the information that is known at that time.
- (3) If the violator does not have a driver's license available, the sworn member shall use the racial information obtained through a driver's license check. If the violator does not have a driver's license and a records check does not produce any record, the racial information shall be

obtained along with and in the same manner as the ethnicity information.

C Training

- (1) In accordance with CJSTC guidelines, all sworn members shall be trained regarding the prohibition of inappropriate, bias-based policing. The topics should include field contacts, traffic stops, search issues, asset seizure and forfeiture, as well as interview techniques, cultural diversity, legal aspects, discrimination, and community support. This training is accomplished at least every four years through FDLE mandated in-service training.

D Complaints of Biased Policing

- (1) Any person may file a complaint with the Commission if they feel they have been stopped, detained, arrested, had their personal property seized, or been asked to consent to a search as a result of biased policing. No person shall be discouraged, intimidated, or coerced from filing such a complaint; nor shall any person be discriminated against because they have filed such a complaint.
- (2) Any sworn member who is contacted by a citizen wishing to file a complaint of biased policing shall notify their immediate supervisor of the complaint.
 - (a) The sworn supervisor, upon receiving a complaint of biased policing, shall attempt to obtain as much information as possible to include the complainant's name, address, and telephone number.
 - (b) The sworn supervisor who receives a complaint of biased policing shall forward the complaint to the Professional Standards Coordinator via the chain-of-command.
- (3) If an allegation of bias-based profiling is sustained, the Division will implement the appropriate corrective and/or disciplinary measures.

E Review

- (1) On an annual basis, the Professional Standards Coordinator or designee shall compile a summary and review of all complaints of biased policing, and traffic and vessel stop procedures, for the prior year.

F Community Education and Awareness

- (1) The Division's Deputy Chief or designee is the community liaison for biased policing issues. The Deputy Chief or designee shall, upon request, meet with groups affected by this policy and provide community education and updates on the Division's awareness efforts. Additionally, information regarding the Division of Law Enforcement's policy against biased policing is available on the Division's web site for public viewing.
- (2) Sworn members who appear in public shall attempt to educate citizens regarding the Division's prohibition against biased policing when prompted.
- (3) The Division maintains a community awareness and education site available to members of the public at <http://myfwc.com/about/inside-fwc/le/bias-free/>.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-340	Citations Issued for Violation of Section 316.614



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

RECRUITMENT

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
44	November 09, 2018	July 21, 2008	All Sworn Members

CFA 8.01M

1 POLICY

- A** It is the policy of the Division that recruitment efforts assist in attracting quality applicants of all racial, ethnic, and gender backgrounds and develop a work force reflective of the many communities served in the State of Florida.
- B** It is the policy of the Division to establish and maintain a recruitment and retention plan focused on prospective applicants who possess the required skills, knowledge, and abilities needed to perform the duties of a law enforcement officer.
- C** It is the policy of the Division that all members assigned to recruitment activities are trained in human resource matters and equal employment opportunity as it effects the management and operations of the Division.

2 RESPONSIBILITIES

A Regional Commanders

- (1) Support the Division's recruiting initiatives, strive to achieve recruitment goals as outlined in the recruitment and retention Plan, and provide support to regional recruiting efforts

B Recruitment Coordinator

- (1) Administers the statewide recruitment program.
- (2) Tracks measures as outlined in the Recruitment and Retention Plan.
- (3) Updates and prepares a report on the Recruitment and Retention Plan by July 1 of each year.
- (4) Analyzes recruitment data and makes recommendations as needed.
- (5) Assists Recruiters in achieving recruitment goals.
- (6) Coordinates the Division's recruitment training program.
- (7) Maintains the Division's Recruitment Manual and updates the manual as needed.
- (8) Provides necessary and continuing training to stay current with recruitment trends.
- (9) Maintains, analyzes, and makes adjustments to recruiting efforts in order to ensure the

recruitment efforts are effective and relevant.

C Regional Recruiters

- (1) Assist the Division in achieving recruitment goals by conducting proactive recruiting efforts in accordance with the recruitment and retention plan.
- (2) Strive to achieve recruitment goals as outlined in the recruitment and retention plan.
- (3) Maintain knowledge of state personnel rules and FWC hiring standards.
- (4) Build and maintain relationships with potential applicants.

D Members

- (1) All members shall support and participate in the Division’s recruitment efforts.

3 PROCEDURES

A Reporting Requirements

- (1) Regional Recruiters shall submit their Quarterly Recruiter Report (FWC/DLE-516) to their immediate supervisor as directed, but no later than the 9th day of each quarter.
- (2) The recruiter’s supervisor shall review the Quarterly Recruiter Report and ensure recruiters are meeting the standards outlined in their performance goals.
- (3) The recruiter’s supervisor shall submit Quarterly Recruiting Reports by the 10th day of every quarter to the Recruitment Coordinator.

B Ride-alongs for Recruitment Purposes

- (1) Ride-alongs shall be coordinated regionally by the Regional Recruiter or a designee of the Regional Commander.
- (2) Prior to any ride-along, a General Release Form (FWC/DLE-023) must be completed, submitted to the appropriate supervisor, and filed in the Regional Office.
- (3) Upon completion of the ride-along, an Applicant Ride Evaluation Form (FWC/DLE-517) shall be completed and submitted to the Regional Commander or designee within 5 days of the ride-along. The Regional Commander or designee shall forward the Applicant Ride Evaluation Form to the Division Training Section within 10 days. If applicable, the completed form will be placed in an applicant’s file.

C Recruitment Manual

- (1) Additional procedures related to recruitment activities can be found in the Division’s Recruitment Manual.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-023	General Release
FWC/DLE-516	Quarterly Recruiter Report
FWC/DLE-517	Applicant Ride Evaluation Form



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

SELECTION PROCESS FOR SWORN PERSONNEL

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
45	October 30, 2017	January 26, 2010	All Members

References

943.133 F.S.; 11B-27.00225 F.A.C.; GO 61
CFA Chapter 9.01, 9.05M, 10.15

1 POLICY

- A** It is the policy of the Division to maintain an efficient and effective work force by selecting capable, qualified applicants through a nondiscriminatory selection process. All elements of the selection process shall be administered, scored, evaluated and interpreted in a uniform manner.
- B** It is the policy of the Division to maintain a selection process that meets the following objectives:
- (1) To identify qualification and evaluation factors for employment of members, and to outline the procedures of the selection process.
 - (2) To comply with all applicable Criminal Justice Standards and Training Commission (CJSTC) requirements.
 - (3) To ensure all elements of the selection process are administered, scored, and interpreted in a uniform manner.
 - (4) To ensure that all components of the selection process have been documented as job related and nondiscriminatory.
 - (5) To ensure that all members who conduct background investigations receive training. Background investigations shall be conducted in accordance with Section 943.133, Florida Statutes; CJSTC guidelines, and General Order 61: *Employee Background Investigations*.

2 RESPONSIBILITIES

A The Division Director

- (1) Shall be responsible for issuing conditional or final offers of employment.

B The Division Training Section Leader or designee shall

- (1) Review the State of Florida Candidate Profile and FWC Supplemental Application and ensure that the applicant meets the minimum qualifications for the position of Law Enforcement Officer with the Division.

- (2) Maintain an automated system that documents each application throughout the selection process. This automated system shall identify those stages each applicant has successfully completed in the selection process. It shall also identify those applicants who have been disqualified from the selection process. Applicants who want to be reconsidered must reapply.
- (3) Ensure a file is created on each applicant and the completed application and supporting documents are forwarded to a trained and experienced sworn investigator for the completion of the background investigation.
- (4) Maintain a pool of candidates who have completed the application process.

3 PROCEDURES

A Minimum Qualifications

- (1) Applicants for a position as a sworn member in the Division of Law Enforcement must meet the following minimum standards:
 - (a) Be at least 19 years of age.
 - (b) Be a citizen of the United States.
 - (c) Have a high school diploma or GED and one of the following:
 1. 2 years military experience
 2. 2 years public contact experience (any job in which you interacted with the public).
 3. 1 year sworn law enforcement experience
 4. 30 semester/45 quarter hours at a regionally accredited college or university
 - (d) Have a valid Class E Florida driver's license with no more than four moving violations within the past three years
 - (e) Have not been convicted of any felony, any misdemeanor involving perjury or giving a false statement, or domestic violence
 - (f) Have not been convicted of driving a vehicle or operating a vessel under the influence of alcohol or a controlled substance within the past five years
 - (g) Have not refused to submit to a breath/blood/urine test within five years
 - (h) Have not been dishonorably discharged from any of the Armed Forces of the United States.
 - (i) Have good moral character

B Required Steps in the Selection Process

- (1) The State of Florida Candidate Profile and the FWC Supplemental Application shall be completed on-line through People First at <http://peoplefirst.myflorida.com>.
 - (a) All required documents and tests must be included with the applications.
 - (b) If the application is incomplete, the applicant shall be notified and informed of what information is needed. The application shall be considered inactive until the additional information is received.
 - (c) Applicants who do not meet the minimum qualifications as stated above, or fail to complete any portion of the required steps shall be notified electronically in writing and removed from the application process. Notifications shall be tracked in the Division authorized application database. If an applicant was not selected or was removed during the selection process, that applicant must reapply to be considered.

- (d) The Training Section Leader or designee shall log applicants who have met the minimum qualifications into the Division authorized application database.
- (2) Applicants meeting the minimum qualifications shall receive notification of the next scheduled physical fitness assessment.
- (3) Applicants who pass the physical fitness assessment are then invited to participate in an oral interview.
- (4) Based on the anticipated number to be hired, applicants who receive the highest scores from the Oral Interview Board, when combined with appropriate veteran's preference points and/or education preference points, begin the background investigation process.
- (a) Veteran's preference points are awarded via categories which are as follows:

 - 1. 15 points for Category a or b.

 - a. Category a - A veteran with a service-connected disability who is eligible for or receiving compensation, disability retirement, or pension under public laws administered by the United States Department of Veterans Affairs and the Department of Defense.
 - b. Category b – The spouse of a veteran who cannot qualify for employment because of a total and permanent service-connected disability, or the spouse of a veteran missing in action, captured, or forcibly detained or interned in line of duty by a foreign government or power.
 - 2. 10 Points for Category c, d, or e.

 - a. Category c – A wartime veteran as defined in section 1.01(14) Florida Statute, who has served on active duty for one day or more during a wartime period or who has served in a qualifying campaign or expedition. Active duty for training shall not qualify for eligibility for this category.
 - b. Category d – The unremarried widow or widower of a veteran who died of a service-connected disability.
 - c. Category e – The mother, father, legal guardian, or unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions, as verified by the United States Department of Defense.
 - 3. 5 points for category f or g.

 - a. Category f – A veteran as defined in section 1.01(14) Florida Statute, excluding active duty for training.
 - b. Category g – A current member of any reserve component of the United States Armed Forces or the Florida National Guard.
- (b) Preference points for education are as follows:

 - 1. 5 points for a Bachelor (or higher) degree from a regionally accredited college or university.
 - 2. 3 points for an Associate degree from a regionally accredited college or university. If the applicant has more than one Associate degree, the maximum points shall be three regardless of additional Associate degrees.
 - 3. The maximum preference points allowed for education is 5 regardless of additional degrees.

- (5) Applicants who successfully complete the background investigation may be given a conditional letter of offer for employment. Those who receive a conditional letter of offer for employment are required to complete:
 - (a) Psychological testing;
 - (b) An eye examination; and
 - (c) A medical examination, to include a seven-panel drug screen.

C Pre-Employment Written Testing

- (1) Non-sworn applicants are required to take the Florida Basic Abilities Test (BAT). Applicants who are currently certified as Florida Law Enforcement Officers are not required to take the BAT.

D Physical Assessment Test

- (1) The physical assessment test shall be administered by Division Training Section members or their designees.

E Oral Interview Board

- (1) Oral Interview Boards are coordinated and conducted by the Training Section Leader or designee.
- (2) Oral Interview Boards shall consist of a minimum of three sworn members.

F Background Investigations

- (1) Background investigations shall be conducted in accordance with General Order 61, *Employee Background Investigations* on applicants who successfully score the highest during the Oral Interview Board, when combined with appropriate veteran's preference points and/or education preference points.
- (2) If the applicant has been disqualified from employment based on the background investigation, he or she shall be notified electronically in writing and this notification will be tracked in the Division authorized application database.

G Vision Requirements for Sworn Members

- (1) Unaided vision shall not be less than 20/100 in each eye and shall be corrected to 20/20 in each eye.
- (2) A normal field of vision which must be at least 130 degrees.
- (3) Must have the ability to distinguish primary colors (must not be red/green deficient) and have binocular vision.
- (4) Must not have double vision, lack of depth perception or other chronic eye disorders that affect normal vision.

H Medical Requirements

- (1) All applicants for a sworn member position must pass a thorough medical examination by a licensed physician.

I Physical Fitness Requirements

- (1) All applicants must pass a job related and nondiscriminatory physical fitness assessment.
- (2) All applicants must be able to swim 150 yards continuously. This assessment shall be untimed.

J Emotional Stability and Psychological Fitness Requirements

- (1) Each applicant shall take a Division approved emotional stability and psychological fitness examination which is to be assessed by a Division-designated qualified professional.

K Applicant Records

- (1) All applicant records created during the selection process shall be retained in a secure manner by the Training Section in accordance with applicable state law and established records retention schedules.

L Probation

- (1) Applicants selected to attend the Division’s academy for either the full academy or the breakout academy will be designated as a “trainee”. Upon graduation from the Division’s academy, sworn members will begin a probation period of one (1) year.

4 FORMS

FORM NUMBER	FORM TITLE
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Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

CIVILIAN VOLUNTEERS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
46	July 21, 2008	October 1, 2003	All Members

References

Ch. 440, F.S., S. 768.28, F.S.; IMPP 2.2 and 6.9; GO 27

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to establish service opportunities for civilian volunteers in accordance with the Florida Fish and Wildlife Conservation Commission's Internal Management Policies and Procedures, applicable Florida Statutes and Florida Administrative Code.
- B** Civilian volunteers serving with the FWC Division of Law Enforcement may assist Division members with any day-to-day duties except for any duties and responsibilities reserved solely for certified law enforcement officers.
- C** Civilian volunteers with the FWC Division of Law Enforcement do not have any police powers and nothing in this General Order confers any such authority or grants police powers to civilian volunteers.
- D** It is the policy of the FWC Division of Law Enforcement that volunteer members are given training concerning their duties and responsibilities for any role to which they are assigned.

2 RESPONSIBILITIES

A Regional Commander

- (1) The Regional Commander or designee(s) shall administer and manage the Division Volunteer Program for their region.
- (2) The Regional Commander or designee(s) is responsible for identifying suitable activities and assignments for civilian volunteers in their region that support the Division's mission and provide appropriate service opportunities.
- (3) The Regional Commander or designee(s) is responsible for delineating volunteer members' duties and responsibilities for any capacity in which they are utilized and to document the duties and responsibilities in a volunteer job description.

B Regional Captains (Area Captains)

- (1) Regional Captains or their designee(s) shall supervise and coordinate civilian volunteers in their assigned areas.
- (2) Regional Captains or their designee(s) shall be responsible for scheduling on-duty activities and

keeping the regional chain-of-command informed.

- (3) Regional Captains or their designee(s) shall ensure that weekly activity summaries include civilian volunteer activities.
- (4) Regional Captains or their designee(s) shall ensure that civilian volunteers are given training concerning their duties and responsibilities for any role to which they are assigned and that each civilian volunteer has a completed and signed job description on file.
- (5) Regional Captains or their designee(s) are responsible for ensuring Division compliance with FWC IMPP 6.9, *Volunteers*.
- (6) Regional Captains or their designee(s) shall ensure that civilian volunteers comply with all applicable Division General Orders and the Commission's IMPPs.
- (7) Regional Captains or their designee(s) shall ensure that a current volunteer roster is maintained and that a current copy is available to the appropriate communications center.

C Civilian Volunteers

- (1) Civilian volunteers may assist Division members with any day-to-day duties except for any duties and responsibilities reserved solely for certified law enforcement officers.
- (2) Civilian volunteers shall comply with all applicable Division General Orders and the Commission's IMPPs, unless an exception is stated in this General Order.
- (3) Nothing herein shall be construed to authorize any member of the Division of Law Enforcement Civilian Volunteer Program to have any police powers.

3 PROCEDURES

A Civilian Volunteer Program Application Process and Selection Criteria

- (1) All persons interested in being a civilian volunteer must complete a State of Florida Employment Application and a Regular Service Volunteer (RSV) Application. The State of Florida Employment Application shall be marked with the word "VOLUNTEER" at the top of the application.
- (2) Any member of the Division of Law Enforcement is authorized to provide a State of Florida Employment Application and an RSV Volunteer Application upon request.
- (3) Division members may also refer persons interested in volunteering with the Florida Fish and Wildlife Conservation Commission to the Commission's Volunteer Program website at <http://myfwc.com/get-involved/volunteer/>.
- (4) All applicants must indicate the type of volunteer work (as defined by FWC IMPP 6.9, *Volunteers*) they are interested in on the State of Florida Employment Application.
- (5) The completed State of Florida Employment Application and RSV Volunteer Application shall be forwarded to the appropriate Regional Captain for review and processing.
 - (a) A background check will be conducted by the appropriate Regional Captain or designee in accordance with FWC IMPP 6.9, *Volunteers*, and as appropriate for the volunteer's duties and responsibilities within the Division of Law Enforcement.
 - (b) Upon completion of the background check and review of the application file, the Regional Captain shall forward the entire application package with a recommendation to the appropriate Regional Commander for final approval.
- (6) Any person wishing to become a volunteer with the Division of Law Enforcement must be at least 16 years old.

B Residence Requirements

- (1) Generally, a civilian volunteer shall reside within the region where they volunteer their services.
- (2) When a civilian volunteer changes places of residence from one region to another, they will officially transfer.
- (3) Civilian volunteers will provide their telephone number and address to the appropriate Regional Captain or designee who will ensure that a current roster is maintained.
- (4) Civilian volunteers will submit any telephone or address changes to the appropriate Regional Captain or designee.

C Civilian volunteers shall be covered under the provisions applicable to volunteer workers as defined in Florida's Workers' Compensation Law, Chapter 440, Florida Statutes. Coverage is for medical payments only and does not include disability, life insurance or temporary wage benefits.

D Additional Benefits

- (1) Travel expenses, meals, mileage, transportation, and/or per diem may be approved as provided for in the IMPP 6.9, *Volunteers* and IMPP 2.2, *Travel Procedures*.
- (2) Volunteers shall be covered by state liability protection in accordance with section 768.28, Florida Statutes.
- (3) Division of Law Enforcement civilian volunteers may ride with sworn members on a case by case basis with supervisory approval.

E Resignation and Release of Civilian Volunteers

- (1) Civilian volunteers may resign at any time.
- (2) The resignation should be in writing and forwarded to the appropriate Regional Captain via the chain-of-command.
- (3) Resignation of a civilian volunteer in good standing after a minimum of two years of good service shall be acknowledged by a Certificate of Appreciation signed by the appropriate Regional Commander.
- (4) Civilian volunteers may be released at the discretion of the appropriate Regional Captain.

F Attire

- (1) Attire should be appropriate for the civilian volunteer's assignment.
- (2) Shirts with the FWC logo imprinted over the left shirt pocket may be purchased by the civilian volunteer. The shirts should have the word "Volunteer" under the FWC logo.
- (3) Civilian volunteers shall not wear attire that resembles a Division-issued uniform.

G Conduct and Discipline

- (1) All civilian volunteers shall conduct themselves on-duty and off-duty in a manner that will not subject them to arrest or any other conduct unbecoming a Commission representative.
- (2) Civilian volunteers shall review and abide by applicable Division General Orders, FWC IMPPs, and other policy and guidance documents on the FWC's websites.
- (3) A formal complaint against a civilian volunteer will be investigated in the same manner as a complaint against a full-time member and in accordance with General Order 27, *Internal Investigations*.

H Supervision and Performance

- (1) Civilian volunteers must be under the supervision of a full-time Division member when performing volunteer duties.
- (2) Civilian volunteers shall assist Division full-time members in the performance of their assigned duties.

4 FORMS

FORM NUMBER	FORM TITLE
--	FWC Regular Service Volunteer Application
	This form can be requested from the FWC Office of Human Resources



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

CONTINUITY OF OPERATIONS PLAN (COOP)

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
47	May 9, 2019	April 15, 2015	All Members

References

S. 252.365, F.S.; IMPP 1.18

1 POLICY

- A** It is the policy of the Division to establish a plan for disaster prevention, response, and recovery as outlined in section 252.365, Florida Statutes and FWC's Internal Management Policies and Procedures Section 1.18.
- B** It is the policy of the Division to safeguard all members, protect critical Division programs, systems and property, and to recover from any disaster as efficiently as possible.
- C** It is the policy of the Division to ensure that a viable Continuity of Operations Plan exists to continue essential Division functions across a wide range of potential emergencies, specifically when the primary office (GHQ) is either threatened or inaccessible. The objectives of this plan should include:
 - (1) Ensure the continuous performance of the Division's essential functions during an emergency;
 - (2) Ensure the protection of essential facilities, equipment, records, and other assets;
 - (3) Reduce or mitigate disruptions to operations;
 - (4) Reduce loss of life, minimize damage and losses;
 - (5) Provide for a time-phased implementation of partial or full execution of the Continuity of Operations Plan to mitigate the effects of the emergency and shorten the crisis response time;
 - (6) Identify and designate principles and support staff to be relocated;
 - (7) Facilitate decision-making for execution of the Continuity of Operations Plan and the subsequent conduct of operations; and
 - (8) Achieve a timely and orderly recovery from the emergency and resumption of full service to all Division customers.

2 RESPONSIBILITIES

- A** The Director of the Division of Law Enforcement shall be designated as the Florida Fish and Wildlife Conservation Commission's Emergency Coordination Officer (ECO), with the Division's Operational Support Section Leader acting as the alternate.

- (1) The ECO or designee shall be responsible for overall coordination with the Florida Division of Emergency Management on emergency preparedness issues, preparing and maintaining emergency preparedness and post disaster response and recovery plans for the Commission, maintaining rosters of personnel to assist in disaster operations, and coordinating appropriate training for agency personnel.
 - (2) The Division's Operational Support Section Leader shall ensure that every Commission facility has a COOP that is coordinated with the applicable local emergency management agency and approved by the Florida Division of Emergency Management.
- B** The Division's Operational Support Section Leader or designee(s) shall ensure that each Division facility has an Emergency Preparedness Plan/COOP that is coordinated with the appropriate Commission Regional Director and the local emergency management agencies.
- C** The Operational Support Section Leader or designee shall ensure that a copy of all Division Emergency Preparedness Plans/COOP are reviewed and updated on or before December 31st of each year.
- D** Each Regional Commander, in conjunction with the appropriate Commission Regional Director, shall ensure that each of their law enforcement offices (buildings) has an Emergency Preparedness Plan/COOP that is coordinated with the applicable local emergency management agencies.
- E** The Division's Operational Support Section Leader or designee shall maintain the COOP for the Bryant building in Tallahassee (GHQ) and shall be the custodian of all the Commission's Continuity of Operations plans state-wide.
- F** The Fleet and Technical Services Section Leader shall ensure that each Division Maintenance Facility has a Division Emergency Preparedness Plan/COOP.
- G** The Training Section Leader shall ensure that the Division's Training Center has a Division Emergency Preparedness Plan/COOP.

3 PROCEDURES

A Continuity of Operations Plan (COOP)

- (1) A COOP is an effort to ensure the continued performance of minimum essential functions during a wide range of potential emergencies. Each COOP must be maintained at a high level of readiness, be capable of implementation both with and without warning, be operational no later than 12 hours after activation, maintain sustained operations for up to 30 days, and take maximum advantage of existing Division or Commission infrastructure.
- (2) Each office (building) shall have a COOP that includes the following procedures at a minimum:
 - (a) Identify mission essential/critical functions, programs, and employees within each facility annually.
 - (b) Establish procedures documenting how members within an office or other entity will be notified that a disaster has occurred at their facility and what action, if any, they are required to take. In addition, the procedure shall provide accountability of all members and visitors present in a facility before, at the time of, and after a disaster.
 - (c) Establish procedures that specify delegations of authority and clear lines of succession (three deep minimum) for each office or entity including those essential members for each mission essential function. Position titles and assignment area shall be provided with no individual names being listed. Typically, essential members constitute only 12% to 25% of the workforce, excluding sworn personnel.
 - (d) Establish procedures for identifying alternate facilities and related infrastructure required to restore critical functions and programs, including communications within their areas.
 - (e) Establish procedures identifying and protecting vital records and databases.

B Training and Exercises

- (1) Each office (building) shall ensure the COOP is periodically tested and members are trained in implementing the COOP. A periodic mock disaster exercise for all members, within their area of responsibility, shall also be scheduled. A written report documenting the testing, training, and mock disaster exercise including recommendations for improvement, where necessary, shall be forwarded to the Operational Support Section Leader within 30 business days of completing the test, training, and mock exercise.

4 FORMS

FORM NUMBER	FORM TITLE
	Continuity of Operations Plan Annex Template



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

MUTUAL AID, RESPONSE TO UNUSUAL OCCURRENCES, AND SPECIAL EVENTS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
48	May 7, 2018	March 28, 2013	All Members

References

Ch. 23, Pt. I, F.S.; GOs 2, 5, 47 and 54;
CFA Standards 14.01M, 17.01M, 17.03M, 17.06M, 17.07M, 17.09

1 POLICY

A Florida Mutual Aid Plan and Continuity of Operations

- (1) By statutory authority (Chapter 23, Part I, Florida Statutes), the Florida Department of Law Enforcement (FDLE) is the agency responsible for the coordination of the state's law enforcement resources. It is recognized that the primary responsibility for dealing with an emergency or intensive situation rests with local agencies and that state assistance must be in support of, and closely coordinated with, local officials. When a state of emergency is declared by the Governor, FDLE is responsible for the command, control and coordination of all state law enforcement personnel and equipment to support local law enforcement agencies.
- (2) The Florida Mutual Aid Plan is the official procedure in response to emergencies, disasters, civil disturbances, and unusual occurrences.
- (3) General Order 47, Continuity of Operations Plan (COOP) shall be adhered to if activated.

B The Division is an active participant in Florida's Mutual Aid Plan and the Statewide Emergency Operations Center and is continuously available via a variety of means, and often called upon in time of local and statewide emergencies. All sworn members, including supervisors, mid-level and upper management shall be available for response to emergencies twenty-four hours a day, seven days a week, thus providing statewide continuous response.

- (1) The Division Director or designee has the authority to suspend policies and procedures contained in the Division's General Orders and other policy documents as needed to meet operational requirements.
- (2) Health and safety during deployments and response to unusual occurrences is a Division priority and integral part of mission objectives.

C It is the policy of the Division to establish procedures for special events and dignitary protection details.

D It is the policy of the Division to provide specific direction and guidance to its members in the event of a hostage or barricaded person situation at a Division facility and for handling bomb-related incidents.

E Definitions

- (1) **Unusual Occurrences** – Situations generally of an emergency nature, that result from natural and man-made disasters but may also include domestic security incidents, civil disturbances, and civil defense emergencies.
- (2) **Special Events** – An activity that results in the need for control of vessel and/or vehicle traffic, crowds, or crime. Special events are normally time specific, short duration events, but may be extended over a longer period of time.
- (3) **Florida Mutual Aid Plan** – An agreement between the state of Florida and local governments to provide for the coordination of regional communications and the use of state law enforcement and Florida National Guard personnel and equipment because of natural or man-made disasters or emergencies whenever a local government requires law enforcement assistance from the state or any other jurisdiction.

2 RESPONSIBILITIES

A It is the responsibility of the Division to:

- (1) Ensure that sworn members are adequately equipped and trained to respond to unusual occurrences or special events.
- (2) Maintain response capability in the event of a mutual aid request.

3 PROCEDURES

A Dignitary Protection

- (1) The Division provides protective services for members of Florida Fish and Wildlife Conservation Commission at the Commission's meetings. Dignitary protection procedures for Commission meetings can be found in the Special Operations Group (SOG) Standard Operating Procedures Manual.
- (2) Upon request, Division members may assist other agencies in the protection of dignitaries, with the approval and assignment of the appropriate Regional Commander. Such activities are routinely requested by authority of the Florida Mutual Aid Plan. The agency with primary protective responsibility (i.e., FDLE, Secret Service, FBI, etc.) shall provide the supervisor or coordinator for the protective detail. The appropriate Regional Commander shall designate a member to serve as the point-of-contact. Division members assigned to assist with dignitary protection shall report to the specified individual or agency, and shall follow all guidelines and reporting requirements established by the primary protective agency.
- (3) The agency with primary protective authority shall have the responsibility for the following:
 - (a) Planning and coordinating equipment requirements, which include consideration of vehicles, body armor for dignitaries and security members, and weapons for members;
 - (b) Planning and reconnoitering travel routes and alternates;
 - (c) Advance inspection of sites and facilities;
 - (d) Arranging for the gathering of intelligence information;
 - (e) Coordination of operations within the agency and with outside agencies;
 - (f) Identification of emergency first aid, ambulance, and medical facilities;
 - (g) Communications; and
 - (h) Identification by special designation (e.g., lapel pins).

B Special Events

- (1) The Division is periodically responsible for managing the law enforcement aspects of certain special events such as the "Gasparilla Pirate Festival" in Tampa, the Columbus Day Event in Miami, the Spiny Lobster Sport (Mini) Season in the Florida Keys, or other boating-oriented events.
- (2) The Regional Commander shall designate a sworn supervisor to act as the coordinator responsible for coverage of the event. The event coordinator shall be responsible for developing an operations plan that addresses the following:
 - (a) Estimate of vehicle and/or vessel traffic, crowd control, and crime problems expected for the event;
 - (b) Logistical requirements; and
 - (c) Coordination within the Division and externally with other agencies.
- (3) The event coordinator shall prepare an after-action report describing agency activities and any special situations that required agency response during the event. After-action reports shall be submitted to the Regional Commander for review.

C Hostage and Barricaded Person Situations

- (1) The Division does not have hostage negotiators. In the event sworn members are the first law enforcement presence on a scene of a hostage or barricaded person situation requiring such response, they are directed to perform the following:
 - (a) Immediately secure the scene and request backup from the appropriate local jurisdiction and other emergency services;
 - (b) Notify the appropriate chain of command, ensuring that the Division Director is made aware of the situation as soon as possible;
 - (c) Establish a line of communications with responding agencies and personnel;
 - (d) Notify the fire department or emergency medical services as needed;
 - (e) Establish the inner and outer perimeters with the responding backup units;
 - (f) Facilitate the evacuation of bystanders and injured persons;
 - (g) Provide continued assistance to the responding agency until no longer needed, and;
 - (h) Prepare any required reports (i.e. Incident Summary Report, Use of Force Report, etc.).
- (2) The agency having jurisdiction over the hostage and barricaded person situations shall be responsible for the following:
 - (a) Requests for surveillance equipment;
 - (b) Arrangements for providing a liaison for arriving media;
 - (c) Identification of person(s) authorized to permit use of force, and;
 - (d) Designating pursuit and/or surveillance vehicles and control of travel routes.

D Bomb-Related Incidents

- (1) Members of the Division are neither equipped nor trained for bomb disposal, and the Division is not a first responder in such a situation. However, there may be times when a member receives a bomb or other threat.
- (2) Upon receiving a call of a bomb threat or other terrorist activity, the role of the person receiving the contact is to attempt to gather all information possible to include, but not limited to:

- (a) What, exactly, was said;
 - (b) Location of device or threat;
 - (c) Time and date the device is to detonate or an act of terrorism to take place;
 - (d) Type of device or terror act;
 - (e) Description of caller's voice and speech characteristics;
 - (f) Any background noise, and;
 - (g) If possible, the member receiving the call shall use the Bomb Threat Card (FWC/DLE-554) to document and gather all relevant information.
- (3) **Notifications:** Upon receiving the threat, the appropriate local agency, including the fire department, shall be notified of the threat for response. The member shall then notify the appropriate Regional Commander through the chain of command. The Regional Commander shall ensure the Division Director is made aware of the situation as soon as possible. Refer to the Incident Notification Protocol (FWC/DLE-380) as needed.
- (4) **Response:** If the threat is to a non-FWC building, members shall not begin responding without the approval of their supervisor. Such response would be exercised through the Florida Mutual Aid Plan. If the threat is to an FWC building, the supervisor shall assign members for response. For FWC buildings, the following actions shall take place as directed by the sworn member in charge of the scene:
- (a) If warranted, the building shall be evacuated through the appropriate doors, and in accordance with the building evacuation plan, if available, but at a minimum of 300 feet from the targeted facility or area;
 - (b) If warranted, the officer in charge shall establish a security perimeter of at least 300 feet from the targeted facility or area;
 - (c) Initiate the COOP Plan as needed;
 - (d) Notify the local law enforcement agency having jurisdiction;
 - (e) Radios or cellular phones shall not be used within 300 feet of the established perimeter. Members must establish other lines of communications during periods of radio silence by utilizing hand signals, or communicate verbally in person, and should make periodic contact with the Regional Communications Center via landline, and;
 - (f) The responding local law enforcement agency shall be responsible for the following, if needed:
 1. Organizing search teams;
 2. Relaying procedures under which a building search shall be conducted;
 3. Requesting specialized equipment as needed;
 4. Notifying a bomb disposal unit if a suspected device is located;
 5. Coordinating with the fire department;
 6. Coordinating with investigators or evidence specialists responsible for apprehending the bomb or other threat maker, and/or obtaining physical evidence;
 7. Communication procedures during periods of radio silence; and
 8. Additional post-explosion procedures.
- (5) **Post-Explosion:** If an explosion occurs prior to or after the arrival of fire or additional law enforcement personnel, members on the scene shall notify the communications center of the magnitude of the explosion. This should include, but not be limited to:

- (a) The number of injured and/or dead;
- (b) If anyone is trapped inside;
- (c) Additional responders needed and their placement;
- (d) Number of rescue and fire units needed;
- (e) Size of fire, if any; and
- (f) Best route for emergency vehicles.

E Emergency Operations Center Response Procedures / Staffing

- (1) When the State Emergency Operations Center in Tallahassee is fully activated, it shall be staffed by at least one sworn member.
- (2) FWC non-sworn members may staff the local emergency operations center, if applicable.
- (3) If warranted, RECON teams shall be deployed in accordance with the Division's Deployment Manual.

F Regional Command Posts

- (1) When minor emergency incidents and situations require the use of a command post, the appropriate Area Supervisor shall designate a location that provides shelter, telephone access, adequate parking, restroom facilities, and outside lighting.
- (2) The appropriate Area Supervisor shall ensure that the command post is located at or beyond the outer limits of the affected area.
- (3) The appropriate Area Supervisor shall ensure a sworn supervisor is dispatched to the command post and that communication between the command post, the Division's communication centers, and, if possible, the local Emergency Operations Center is maintained.
- (4) The Division's Mobile Command Post may be used as a command post when necessary or requested.
- (5) When a large scale emergency situation requires command response by the Division, it shall be the responsibility of the Regional Commander or designee to designate adequate facilities for the command post operations.
- (6) The command post is the primary communications center and location used by the Special Operations Group Leader and other assigned personnel to direct and coordinate responses to emergencies and disasters. The local Emergency Operations Center may be used.
- (7) The following factors should be considered when determining the location for the command post:
 - (a) Geography
 - 1. The command post should be in close proximity to the staging area, other agencies involved, and the site of the emergency or disaster.
 - 2. The command post should be quickly accessible to assigned personnel with only minimum delays due to traffic congestion, crowds, or the presence of media personnel and equipment.
 - 3. The command post should be located upwind from areas where tear gas is deployed or where other hazardous airborne vapors may be present.
 - (b) Security
 - 1. Restrict access to the command post and prohibit entry by the general public, the media, and officers who have no need to be there.

2. The immediate area surrounding the command post may need additional security, such as barbed wire for civil disturbances.
 3. Assign personnel to guard the command post area against hostile actions, unauthorized access, or damage, if necessary.
 4. Adequate exterior lighting may be needed in the immediate area surrounding the command post to deter vandalism and other hostile actions during civil disturbances.
- (c) Physical Features of the Command Post
1. The command post must have adequate space for personnel, equipment and supplies.
 2. Sufficient parking for vehicles, vessels and trailers, if applicable.
 3. Adequate restrooms must be located in close proximity.
 4. Adequate interior lighting.
 5. The facility must have adequate heating and air conditioning.
 6. Emergency generators shall be available to maintain continuous operations of the command post. The generators shall be equipped with an uninterrupted power supply to operate radio and computer equipment.
 7. A sufficient unobstructed area should be present near the facility for helicopter use.
 8. Arrangements for traffic control should be coordinated via the Incident Command System utilizing available local resources.
- (d) Supplies and Equipment – Are Are necessary and must be available, including but not limited to:
1. Personal computers and printers,
 2. Telephone and fax lines, and
 3. Local maps and charts.

G Supervisory Authority / Chain-of-Command / Incident Command

- (1) The organizational structure of the Division provides the framework for communications in emergency situations. If an emergency situation is encountered, the following procedures shall apply:
 - (a) It is the responsibility of the highest ranking sworn member present to take charge of the situation and institute the chain-of-command notification process. If a supervisor is not present, it shall be the responsibility of the most senior sworn member to initiate the notification process. In order to achieve better coordination of internal and external resources, the Incident Command System (ICS) shall be utilized when warranted.
 - (b) Each level in the chain-of-command shall be responsible for the notification of the next higher level, if appropriate. Questions regarding whether or not to notify the next level in the chain-of-command shall be resolved in favor of notification. If the next higher level cannot be contacted, then it shall be the responsibility of the person making the notification to attempt to contact successive levels in the chain of command, until notification is made.
 - (c) In the event of a disaster or emergency, such that a state of emergency is declared by the Governor, the chain-of-command process shall be implemented pursuant to the provisions of the Florida Mutual Aid Plan.
 - (d) Established written procedures in the Division's Deployment Manual, Florida's Mutual Aid Plan and other applicable General Orders shall be utilized.

- (2) In order to operate efficiently in an emergency and to better coordinate resources both internally and externally, the Division shall utilize the Incident Command System to manage applicable events.
 - (a) Dependent upon the nature of the emergency situation, the highest ranking sworn member present shall begin to organize response activities by engaging the Incident Command System.
 - (b) Agency members shall be provided with annual training related to the Incident Command System and operations management.

H Arrest, Transportation, Medical Treatment, Processing, and Confinement

- (1) General Order 2, *Warnings, Arrests, Traffic Enforcement and Interviews*, and General Order 5, *Use of Force, Response to Resistance, and Transporting Prisoners*, shall be adhered to as it applies to the Division's traffic control, arrest procedures, prisoner transportation and medical treatment during unusual occurrences. Sworn members shall turn over all prisoners to the Sheriff's Office having jurisdiction for processing and confinement.

I Casualty Information

- (1) During a major disaster where there are fatalities of mass proportion, it is imperative that all persons are accounted for.
- (2) Only after all rescue and emergency medical services have been completed, shall processing of deceased persons begin.
- (3) The Area Supervisor or designee shall be responsible for assuring that the medical examiner's office is notified of all mass fatality incidents.
- (4) The Area Supervisor shall ensure all reasonable assistance is provided to municipal and county agencies in processing disaster scenes.
- (5) The Florida Department of Law Enforcement (FDLE) is the only agency authorized to release official fatality numbers.

J Community Education, Information, and Rumor Control

- (1) In the event a command post or the State Emergency Operations Center (EOC) is activated in Tallahassee, media releases and community relations activities shall be coordinated with the Commission's Office of Community Relations and/or the State EOC Media Director, whichever is applicable.
- (2) General 54, *Public Information* shall be consulted for all other public information needs related to unusual occurrences.

K Military Support

- (1) Should the Division require military support, formal requests shall be made utilizing Florida's Mutual Aid Plan and/or Emergency Support Function 16, State Watch Office.

L Legal Authority, Court Information, and Prosecutorial Liaison

- (1) The Florida Mutual Aid Plan is the guiding document pertaining to legal authority, judicial jurisdiction and prosecution of criminal acts related to declared emergencies/unusual occurrence situations.
- (2) Court information shall vary dependent upon the location of the event and may involve multiple jurisdictions. Legal provisions provided under the Florida Mutual Aid Plan should be followed to ensure consistency.

M Facility Security

- (1) Regional Commanders shall be responsible for ensuring that adequate security shall be provided for Division offices during an emergency or a disaster.

- (2) Sworn members shall be posted at appropriate locations to provide security as required by the configuration of the structure.

N De-Escalation Procedures

- (1) The designated Incident Commander shall ultimately be responsible for phase-down operations. Concerns may include, but are not limited to:
- (a) Phasing out periphery officers first and canceling standby alerts, with orderly withdrawal of committed members in unnoticeable increments;
 - (b) Processing released manpower at a central location to include the completion of required paper work, decontamination and member health and wellness check, and;
 - (c) Debriefing to include positive and negative aspects of the Division's involvement.


O After Action Reports

- (1) An Emergency Operations Summary Report using the Incident Summary Report Narrative form shall be completed and submitted via the chain of command to the appropriate Deputy Director.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report Narrative
FWC/DLE-380	Incident Notification Protocol
FWC/DLE-554	Bomb Threat Card

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement

	TITLE	GENERAL ORDER 49
	<p align="center">COMMUNITY-ORIENTED POLICING PHILOSOPHY AND STRATEGIC PLANNING</p>	EFFECTIVE DATE July 21, 2008
		APPLICABILITY ALL MEMBERS
<p>REFERENCES GO 02 and GO 52</p>		

1 POLICY

- A** It is the mission of the FWC Division of Law Enforcement to: **Protect Florida’s natural resources and people through proactive and responsive law enforcement services.**
- B** The FWC Division of Law Enforcement’s motto is: **Patrol, Protect, Preserve.**
- C** The FWC Division of Law Enforcement has adopted a community-oriented policing philosophy for its mission and pledges to:
 - (1) Commit to the community-oriented policing philosophy as the focal point for reaching specific constituent groups and user groups in need of information and education.
 - (2) Incorporate a two-way communication path between constituents and the Division to protect and conserve Florida’s natural resources.
 - (3) Develop and implement proactive, preventative enforcement programs that enable the Division to avoid potential problems and rapidly address emerging issues.
 - (4) Expand our knowledge and understanding of who the Division’s stakeholders are and how to provide better service.
 - (5) Create solutions through balanced enforcement, management practicality, stakeholder input, and communication of the Division’s activities.
- D** It is the policy of the FWC Division of Law Enforcement to ensure that its members are fully acquainted with the mission and participate in the community oriented policing philosophy of the Division.
- E** It is the policy of the FWC Division of Law Enforcement to prepare a strategic plan to guide the Division’s activities. This strategic plan includes:
 - (1) The Division’s mission statement and explanation of its core missions.
 - (2) The Division’s goals and strategies (objectives).
 - (3) The Division’s leadership expectations.
 - (4) The Division’s approach to measuring achievement of goals based on individual member work plans.

2 RESPONSIBILITIES

- A** All members are tasked with helping to improve community relations by forming partnerships and alliances with stakeholders, including, but not limited to, resource user groups, neighborhood residents, businesses and youth.

- B** All sworn members shall regularly visit regulated establishments and other places frequented by Commission stakeholders (including, but not limited to, bait and tackle shops, marinas, taxidermists, etc.) within their assigned patrol areas to discuss the needs of constituents and answer questions. Opening the lines of communication early is the key to developing the type of relationships on which the community policing is based.
- C** All sworn members shall identify trends and problems relating to the Division's mission in their communities and take the appropriate steps if necessary.
- D** All sworn members should participate or assist with local community special events, given proper notification and with supervisory approval.
- E** All sworn members should use discretion, common sense, and impartiality in determining the best means of documenting a violation. For additional information see General Order 2, *Warnings, Arrests, Traffic Enforcement and Interviews*.
- F** The Division's Chief of Staff is responsible for maintaining the Division's strategic plan, including periodic reviews and revisions as necessary.

3 PROCEDURES

A Community-Oriented Policing

- (1) Members shall inform supervisors and other members about concerns or potential problems that have a bearing on FWC mission-specific law enforcement activities.
- (2) The supervisor, when appropriate, shall use this information along with any of the following possible data sources to develop and implement community involvement of crime prevention initiatives:
 - (a) Crime analysis,
 - (b) Intelligence,
 - (c) Empirical analysis of local crime data (crime type and geographical areas),
 - (d) In-house statistical data,
 - (e) Citizen surveys, and
 - (f) Other agency reports.
- (3) The appropriate supervisor shall ensure that an incident number is assigned and that recommended actions or resolutions are documented and disseminated.
- (4) Community involvement and/or crime prevention initiatives shall include specific objectives, a specific target area and population, time lines, and procedures for measuring their success.
- (5) Supervisors shall coordinate all crime prevention and community involvement initiatives to ensure that officers are provided adequate supervision, equipment, training, technical assistance and supplies to perform programs and tasks.
- (6) Crime prevention and community involvement programs or activities may include, but are not limited to, the following:
 - (a) Meeting with civic and community organizations, regulated entities, and associations, to include but not limited to minority groups, churches, schools, hunting groups, wholesale/retail seafood dealers, bait houses, tournaments, military branches, stakeholders and user groups.
 - (b) Targeted programs addressing community perceptions,
 - (c) Encouraging and assisting in the development of crime prevention and community groups in areas that are high in crime rates,

- (d) Providing information on crime prevention, recruitment, boating/hunting safety, accident prevention, new boating/resource laws and other issues, if so requested.
- (7) Citizen concerns or potential problems as well as its resolution should be documented on an Incident Summary Report Narrative (FWC/DLE-045A).
- (8) Supervisors shall keep the appropriate Captain updated with the following information:
 - (a) A description of information as well as other identified concerns,
 - (b) A description of community and/or crime prevention initiatives planned or implemented to address these identified concerns or issues,
 - (c) Progress made toward addressing these concerns or issues, and
 - (d) Discussion of whether these actions should be continued or amended and/or whether different plans should be developed.
- (9) Any community-oriented policing success stories and other noteworthy activities shall be documented in the Weekly Report.
- (10) Work plans targeting enforcement issues should have a community-oriented policing component included. An example may be a suggestion from the community on how to better improve our services during a special event or a process to educate constituents to gain voluntary compliance.


B Strategic Plan

- (1) The Division's community-oriented policing philosophy is captured in the Division's strategic plan and many of the Division's goals and strategies are set with that philosophy in mind.
- (2) The Division's strategic plan provides the foundation for individual member work plans and performance evaluations. For additional information see General Order 52, *Performance Evaluations*.
- (3) The Division's strategic plan shall be reviewed periodically or when directed by the Division Director and revised as needed to document the Division's strategic direction, including its mission, goals and objectives.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-045A	Incident Summary Report Narrative

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement

	TITLE	GENERAL ORDER
	SEALED AND EXPUNGED RECORDS	50
	APPLICABILITY	EFFECTIVE DATE
ALL MEMBERS	July 21, 2008	RESCINDS/AMENDS
		N/A
REFERENCES S.943.045 (13) (14), and 943.059 F.S.; IMPP 1.7		

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to comply with all court orders to seal or expunge records as required by Florida Statutes.
- B** It is further the policy of the FWC Division of Law Enforcement to establish uniform procedures regarding the sealing or expunction of records to ensure compliance with court orders and Florida Statutes.
- C Definitions**
 - (1) S. 943.045 (13), F.S. states: "Expunction of a criminal history record" means the court-ordered physical destruction or obliteration of a record or portion of a record by any criminal justice agency having custody thereof, or as prescribed by the court issuing the order, except that criminal history records in the custody of the Florida Department of Law Enforcement (FDLE) must be retained in all cases for purposes of evaluating subsequent requests by the subject of the record for sealing or expunction, or for purposes of recreating the record in the event an order to expunge is vacated by a court of competent jurisdiction.
 - (2) S. 943.045 (14), F.S. states: "Sealing of a criminal history record" means the preservation of a record under such circumstances that it is secure and inaccessible to any person not having a legal right of access to the record or the information contained and preserved therein.

2 RESPONSIBILITIES

A Members

- (1) All members are required to comply with the policies and procedures provided in this General Order.

B Field Services Section

- (1) The Field Services Section is responsible for ensuring that all court orders to seal or expunge criminal history records are executed.
- (2) The Field Services Section is responsible for maintaining a log of all court orders to seal or expunge criminal history records and for documenting compliance with said court orders.
- (3) The Field Services Section is responsible for coordinating the identification, sealing or expunction of all electronic data files of the criminal history record to be sealed or expunged.
- (4) The Field Services Section is responsible for coordinating the identification, sealing or expunction of physical files of the criminal history record to be sealed or expunged.

3 PROCEDURES

A Process

- (1) Upon receipt of a court order to seal or expunge any record in the possession of the Division, the receiving member shall forward the original order to the Field Services Section.
 - (a) A copy of the order shall be forwarded through the chain of command to the appropriate Deputy Director.
 - (b) A copy of the order shall also be forwarded to the Commission's Agency Clerk as identified in FWC IMPP 1.7.1. *Agency Clerk*.
- (2) All orders to seal or expunge and all related written or electronic communication shall be maintained by the Field Services Section.
- (3) Upon receipt and review, the Field Services Section shall:
 - (a) Send an e-mail in search of information relating to the case to be sealed or expunged to the appropriate Division sections or units (could also be division-wide);
 - (b) Search or request the search of ArrestNet, the Computer-Aided Dispatch (CAD) databases, the Statewide Investigative Case Management System, and any other Division systems;
 - (c) Search or request the search of all paper files and evidence, including files (notes, copies of citations, etc.) maintained by the arresting officer and other involved members;
 - (d) Coordinate the search of Commission and Division web sites for press releases or other relevant information; and
 - (e) Coordinate the search for relevant information of paper and electronic versions of any Commission or Division publications. This may include copies of incident reports sent to other Divisions or Offices of the Commission for statistical reporting purposes (e.g. hunting accidents, boating accidents, etc.). In these situations, it is only necessary to ensure that the criminal charges noted on the report form are redacted and that only the portions of the accident report directly related to the arrest or prosecution of the defendant are sealed or expunged.
- (4) Once all relevant information is identified, the Field Services Section shall ensure that all physical and electronic data files are properly sealed or expunged.
 - (a) The Field Services Section shall provide a detailed list of electronic documents and/or fields of information to be sealed or expunged to the appropriate system administrators for removal from the respective electronic data systems.
 - (b) The Field Services Section shall provide a detailed list of physical files to be sealed or expunged to the appropriate record holders/ managers.
 - (c) The appropriate system administrators or record holder/ administrator shall redact or remove all information identified by the Field Services Section.
 - (d) Upon completion, the appropriate system administrators or record holder/ administrator shall notify the Field Services Section via e-mail.
- (5) All records shall be sealed or expunged within 30 days of dissemination of the court order by the Field Services Section.

B Order to Seal Records

- (1) All written case information and evidence should be sealed in an envelope, box or other appropriate container.
- (2) All electronic data files shall be printed and maintained in the written case file. The electronic

version can then be deleted. If the electronic data files cannot be printed and maintained in a written case file, the files may be copied to an appropriate archival quality data carrier.

- (3) All sealed envelopes, boxes or other containers shall be prominently marked with the following:

*“Case number _____ relating to defendant _____
_____ contains sealed material pursuant to Florida Statute and
Florida Rules of Criminal Procedure. Dissemination to unauthorized entities is a violation of
Florida Law and Division Policy.”*

- (4) All electronic documents in the Division’s electronic data systems relating to the case to be sealed shall contain the following heading prominently displayed:

*“Case number _____ relating to defendant _____
_____ contains sealed material pursuant to Florida Statute and
Florida Rules of Criminal Procedure. Dissemination to unauthorized entities is a violation of
Florida Law and Division Policy.”*

C Order to Expunge Records

- (1) In some cases, expunction involves the destruction of documents while in other cases all personally identifying information of the defendant would be redacted. That determination must be made after considering the number of defendants involved in the case.

- (2) Single Defendant Case

- (a) All electronic data files related to the case shall be removed from the Division’s electronic data systems.
- (b) All paper documents and evidence shall be destroyed.
- (c) No electronic or written copies shall be maintained.
- (d) Once expunction is complete, a single document shall be created and maintained in lieu of the case file. This document shall only state:


“Case number _____ was expunged pursuant to Section 943.059, Florida Statutes.”

- (3) In situations involving a court order to expunge a file that has multiple defendants, the Division is not required to destroy all of the documents and computer files relating to the case. Rather, the Division must analyze each of those documents and electronic data files to determine which documents or files contain personally identifying information of the defendant named in the order. In documents or files where multiple defendants are named, the identifying information relating to the subject named in the order shall be redacted. The Division shall then apply the standard applicable in a single defendant case to those remaining documents and computer files that pertain only to the defendant named in the order.

4 FORMS

FORM NUMBER	FORM TITLE
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Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement

	TITLE	GENERAL ORDER
	PERSONAL PROTECTION EQUIPMENT	51
	APPLICABILITY	EFFECTIVE DATE
ALL SWORN MEMBERS	July 21, 2008	RESCINDS/AMENDS
		December 20, 2004
REFERENCES 29 CFR 1910.120 and 29 CFR 1910.134		

1 POLICY

- A** It is the policy of the Division of Law Enforcement to provide a respiratory protection program for members whose assignments do not normally include contact with hazardous materials, response to the release of hazardous materials and for escaping from such an event. This general order sets the minimum standards to comply with 29 C.F.R. § 1910.120 (Hazardous Waste Operations and Emergency Response), as it pertains to the use of Level C Personal Protective Equipment which includes an Air Purifying Respirator (APR).
- B** The Division will provide training and Level C protection equipment to those members whose primary job duties are patrol and emergency response and thus may be required to respond to scenes where harmful chemical and biological environments may exist.
- (1) The PPE will, at a minimum, consist of an Air Purified Respirator (APR) with a Biological and Chemical filter, chemical protective suit, gloves, boots, and sealing tape.
 - (2) APRs do not supply oxygen and must not be used in oxygen deficient atmospheres or in environments where substances immediately dangerous to life and health may be encountered.
 - (3) The Division Director or designee will identify those non-sworn members to be issued Level C Personal Protective Equipment (PPE).
- C** All respiratory protective equipment utilized by the agency shall be approved by the National Institute for Occupational Safety and Health (NIOSH) for the environment in which it is going to be used.
- D EPA Levels of Protection for Chemical and Biological Agents:**
- (1) **LEVEL A** – Protection that should be worn when the highest level of respiratory, skin, eye and mucous membrane protection is needed: Positive pressure (pressure demand), self-contained breathing apparatus (NIOSH approved) or positive-pressure supplied air respirator with escape SCBA; fully encapsulating chemical protective suit; gloves - inner, chemical resistant; gloves - outer, chemical resistant; and boots - chemical resistant, steel toe and shank (depending on suit boot construction, worn over or under suit boot.)
 - (2) **LEVEL B** – Protection that should be selected when the highest level of respiratory protection is needed, but a lesser level of skin and eye protection. Level B protection is the minimum level recommended on initial site entries until the hazards have been further identified and defined by monitoring, sampling, and other reliable methods of analysis, and equipment corresponding with those findings used.
 - (3) **LEVEL C** – Protection that should be selected when the type of airborne substance is known, concentration measured, criteria for using air-purifying respirators met, and skin and eye exposure is unlikely. Periodic monitoring of the air should be performed.

2 RESPONSIBILITIES

A Advanced Training Director

- (1) The Advanced Training Director shall oversee the personal protection program and evaluate the effectiveness of this program annually. The Advanced Training Director shall be knowledgeable about the requirements of 29 C.F.R. § 1910.120, elements of the personal protection policy and will be responsible for assuring implementation of this policy. The Advanced Training Director is responsible for ensuring that all members designated to use respirators are included and that the policy is implemented in a consistent manner throughout the Division.
- (2) The Advanced Training Director is responsible for providing training to all members provided with PPE on the proper use and limitations of the issued items. Documentation of all training must be maintained in the Training Section. No member should attempt to use any PPE equipment without having successfully completed training on the specific PPE equipment issued and the conditions for which it is designed.
- (3) The Advanced Training Director is responsible to maintain and update as needed all forms and questionnaires used by the Division of Law Enforcement to administer the PPE program. This includes, but may not be limited to:
 - (a) OSHA Respirator Medical Evaluation Questionnaire
 - (b) Fit Test Checklists
 - (c) Fit Test Records
 - (d) Level C Skills Checklist
 - (e) Respirator Fit Test Record

B Regional Training Lieutenant (RTL)

- (1) Every member shall complete a medical questionnaire in accordance with 29 CFR § 1910.134 (e)(2) if they are to be issued a PPE suit. The RTL shall make provisions with a physician or other licensed health care provider (County Health Department) to review the questionnaire for pre-existing medical conditions that may warrant either additional medical testing or limitations to the member's use of PPE. Members being cleared at this stage may proceed with training and fit testing.
- (2) The RTL shall ensure that a follow-up medical examination is provided (at the agency's expense) for an employee whose initial examination demonstrates the need for a follow-up examination per 29 CFR § 1910.134 (e)(3)(i).
- (3) If a member not medically cleared to wear a PPE suit and be fit tested after the follow-up evaluation, and desires to be issued a suit for emergency purposes, the member must sign a liability waiver and attend the training.
 - (a) Those members not medically cleared and not signing the waiver shall attend the training, however they will not be fit tested and or issued a suit.
- (4) Members collecting any required medical information pursuant to this general order will take appropriate measures to ensure confidentiality of the medical records. Medical records may not be disclosed or reported without the member's express written consent, except as required by law. Medical records will be marked as "**Confidential PPE Medical Screening**" and will be stored in the member's personnel file in accordance with the current retention schedule and the Health Insurance and Portability Act (HIPAA) requirements.

3 PROCEDURES

- A All members issued Level C PPE will complete an FDLE-approved training curriculum that includes awareness instruction in Weapons of Mass Destruction, PPE basic competencies to include proper maintenance and storage of issued equipment and an initial fit test which requires approval for testing by a licensed health care provider.

Level C PPE is NOT intended for entry into hazardous environments; it is intended to provide minimal protection for first responders assigned to the cold zone at the perimeter of a scene.

- (1) The agency shall ensure that members using a tight-fitting face piece respirator pass an appropriate qualitative fit test prior to initial use of the respirator and whenever a different respirator face piece (size, style, model, or make) is used. The OSHA accepted qualitative fit test will be conducted per protocols and procedures contained in 29 C.F.R. § 1910.134, Appendix A.
- (2) Training and fit tests shall be provided at the time of initial assignment and at least every four years thereafter. Additional fit tests shall be provided whenever the member, health care professional, supervisor, or training representatives make visual observations of conditions which include, but are not limited to, facial scarring, dental changes, cosmetic surgery, change in eye wear, or an obvious change in body weight. The exception to this policy will be; a qualitative fit test will be required annually for Special Operations Group (SOG) members or others assigned to respond directly to a hazardous materials incident for perimeter security. Results of all tests will be indicated in the member's training file.
- (3) If a member wears corrective lenses the employer shall ensure the wearing of the lens does not interfere with the seal of the face piece by providing mask inserts to accommodate a proper fit.
- (4) The fit test shall be administered by an instructor who has completed fit test training. All personnel qualified to conduct fit-testing must remain current on their training.
- (5) All PPE issued to members shall be stored inside the cab of the vehicle and immediately available for use. A PPE instructor must inspect the PPE for operational readiness annually. The inspecting instructor will document the expiration date of the APR canister and records will be maintained by the Division Training Section.
- (6) Members shall complete annual refresher training of sufficient content and duration to maintain their competencies. Records listing the course date and location, and an attendance roster listing proficiencies will be maintained for a minimum of 3 years by the Division Training Section.
- (7) In the event a member is on scene prior to an established Incident Command Team with an identified On-Scene Safety Officer, the member will notify the local supervisor who will respond to the scene and act as the On-Scene Safety Officer until relieved by an appropriate safety official (Hazmat/Fire Safety or Incident Commander Appointee).

Anyone who responds to these incidents will come under the command of the Incident Command Team.

- (8) In the event of an incident, the On-Scene Safety Officer appointed by the Incident Command Team will establish the position of the Perimeter Security Team to minimize accidental exposure.
- (9) Prior to a member entering a potentially hazardous environment, the member should make contact with the On-Scene Safety Officer for a briefing regarding the known conditions and potential hazards that may be present.
- (10) Officers responding to biological/chemical scenes requiring use of PPE will complete an Incident Summary Report Narrative (FWC/DLE-045A) and will report any biological/chemical related medical problems or PPE deficiencies. The Regional Commander will review all

summary reports associated with PPE use to determine any possible follow-up requirements. Members that responded to the scene will properly dispose of equipment such as boots, suits and gloves and will promptly request issuance of replacement equipment.

B PPE Training and Equipment Review Board

- (1) A review board consisting of the Division's Training Section Leader, the Advanced Training Director and at least 2 Training Lieutenants will convene annually to review training and equipment specifications relating to the use of PPE. The review board may make recommendations concerning policy, training and equipment changes to the Deputy Directors for Operations.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-045A	Incident Summary Report Narrative
Other forms related to the PPE program are maintained by the Advanced Training Director and will be made available upon request.	



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

TITLE: PERFORMANCE EVALUATIONS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	Applicability
52	May 16, 2017	March 28, 2013	ALL MEMBERS

References:

S. 110.224 and 110.605(1)(b) F.S.; 60L-35 F.A.C.; FWC IMPP 6.4; CFA 9.03, CFA 12.01, CFA 12.02, CFA 12.03, CFA 12.04 and CFA 12.05

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to maintain a performance evaluation system in accordance with Chapter 60L-35, Florida Administrative Code, and in accordance with FWC Internal Management Policy and Procedure (IMPP) 6.4, *Performance Evaluation System*. This performance evaluation system shall be the People First (PF) online “Performance & Talent Management” system.
- B** It is the policy of the FWC Division of Law Enforcement that each member’s annual performance evaluation shall be utilized to direct member performance toward the accomplishment of the Division’s core missions. Supervisors must utilize evaluations to inform members of their performance strengths and to identify areas of improvement.

C Definitions

- (1) Administratively Closed Evaluation** – A programmed automatic closure of an evaluation that can no longer be accessed in the PF online evaluation system if the evaluation was not completed by the assigned rater by the designated due date. There are two (2) types of ratings given for administratively closed evaluations:
 - (a)** Administratively closed evaluations for permanent or probationary members in which the assigned rater fails to complete an evaluation within the allowed 60-day rating period receive a rating of “Satisfactory” (or 3.0) by default.
 - (b)** Administratively closed evaluations for permanent or probationary members may occur when a specific personnel action (promotion, demotion or reassignment) takes place and the designated rater does not complete a close out evaluation prior to the date of the personnel action, resulting in no score.
- (2) Completed Evaluation** – An evaluation is deemed “complete” when performance has been discussed with the member and the member has acknowledged or refused to acknowledge the evaluation. The evaluation shall then be included in the employee’s personnel file and a copy shall be made available to the employee.
- (3) Corrective Action Plan** - Documented steps to improve member performance that the rater outlines. This plan documents the specific steps that the member shall take prior to the end of the evaluation period or probationary evaluation period in order to correct performance deficiencies that could result in an expectation rating of “Below” or “Unacceptable”, or that the member shall take no later than 90 days following a completed performance evaluation to

address each expectation rating of “Below” or “Unacceptable” received.

- (4) **Employee Performance Evaluation System** – The PF online evaluation system which maintains member expectations, evaluations and ratings.
- (5) **Evaluation or Review Period** – The beginning and ending dates specified in the People First performance evaluation system. The agency’s designated annual evaluation period is July 1 through June 30.
- (6) **Performance Expectation** – A statement that describes satisfactory performance of an essential duty or responsibility as listed in the position description or satisfactory demonstration of an attribute or value that the agency deems necessary for the accomplishment of its core missions. For purposes of this policy, a duty or responsibility is essential if it must be successfully performed in order to fulfill the requirements of the position.
- (7) **Performance Evaluation** – An assessment completed in the People First system of the member’s performance of assigned duties and responsibilities as reflected in the member’s performance expectations.
- (8) **Permanent Status** – The status attained by a Career Service employee who successfully completes a 12-month probationary period.
- (9) **Personnel Action** – An employee action that requires an evaluation to be opened. The applicable personnel actions are original appointments, promotions, demotions and reassignments.
- (10) **Probationary Status** – The status given to a member upon appointment to an established Career Service position. The probationary period is 12 months. Agency policy does not allow extension of probationary periods.
- (11) **Rater** – The member’s current immediate supervisor or a designated managerial employee with knowledge of the member’s duties, responsibilities and job performance within the designated evaluation period.
- (12) **Rubric** – The specific explanation that describes how each rating (1 through 5) will be earned for a performance expectation.
- (13) **Second-level Reviewer** – The rater’s immediate supervisor. If unavailable, the next-level supervisor or other designated managerial employee will be the reviewer.
- (14) **SMART Expectations** – A series of statements on the performance evaluation that describes satisfactory performance of an essential duty or responsibility. A duty or responsibility is essential if it must be successfully performed in order to fulfill the requirements of the position. These statements are to be specific, measurable, achievable, relevant and time-bound (SMART).

2 RESPONSIBILITIES

- A** Raters and reviewers will be held accountable for conducting performance evaluations in accordance with the provisions of this General Order, any applicable State Rules and/or Statutes, any FWC policy or procedure governing a member evaluation system. Supervisors are required to complete at least one performance evaluation in each 12-month period for supervised FTE members.
- B** Annual performance evaluations and performance planning sessions shall be conducted no later than 60 (sixty) calendar days after the agency designated evaluation date of June 30, except as outlined in section 3 (Procedures), subsection E, *Performance evaluations of members on probation*.
- C** The Division of Law Enforcement is responsible for ensuring that all members hired or promoted into supervisory positions receive supervisory orientation, including supervisory responsibilities and training on the evaluation of subordinates using the Division’s performance expectations and the PF online “Performance and Talent Management” system.

3 PROCEDURES

A The Division's use and objectives of the Performance Evaluation System are to:

- (1) Develop SMART performance expectations, including key division responsibilities, with an assessment of results at the end of the review period;
- (2) Inform each member, at the beginning of a rating period, of the performance expectations for the position occupied, level of performance expected, and rubric criteria used for ratings on the performance evaluation. The rater shall conduct a performance planning session with the member within the first 60 days of the evaluation period or personnel action and provide an opportunity for member feedback regarding expectations for the rating period. Raters and members shall acknowledge the opening of the evaluation in the People First system. Raters should make note of members who refuse to acknowledge the opening of their evaluation.
- (3) Inform members of their strengths and to identify where improvements are needed to include identification of training needs;
- (4) Be used as a basis for improving the performance of the division's workforce;
- (5) Provide documentation in support of recommendations for salary increases, promotions, demotions, reassignments, or dismissals; and
- (6) Assist in determining the order of layoff and/or reemployment.

B At least one performance evaluation will be completed in each 12-month period for FTE members and at a minimum provide that:

- (1) A member's performance evaluation will be based only on the performance during the actual designated rating period.
- (2) Only the criteria specific to the position description occupied by the member during the designated rating period and discussed with the member at the beginning of the designated rating period will be used to evaluate the member.
- (3) All members will be rated by their immediate supervisor.
- (4) The immediate supervisor and second-level reviewer will acknowledge and date the performance evaluation within the PF online evaluation system.
- (5) The member's performance shall be rated on a rubric rating scale for each performance expectation according to the following scale:

(a) Rating Scale

Rating	Numerical Scale	Definition and Examples
Exceptional	5	Employee consistently exceeds the performance expectation of the position. Examples include, but are not limited to: The employee requires little or no supervision from management in accomplishing his/her tasks and seeks opportunities to enhance the organization. The employee possesses highly advanced job knowledge. The employee is relied upon to solve complex problems and applies creativity and innovative approaches in formulating solutions.
Above Expectations	4	Employee consistently meets and often exceeds the performance expectation of the position. Examples

		include, but are not limited to: The employee requires minimal supervision from management in accomplishing his/her tasks. The employee possesses a thorough knowledge of the job, and often solves or assists in solving complex problems.
Meets Expectations	3	Employee consistently meets and may occasionally exceed the performance expectation of the position. Examples include, but are not limited to: The employee requires moderate supervision from management in accomplishing his/her tasks. The employee possesses sufficient knowledge and/or initiative to execute his/her duties and responsibilities.
Below Expectations	2	Employee exhibits inconsistent job performance, but has the capacity to improve to meet the performance expectation of the position. Examples include, but are not limited to: At times the employee requires close supervision where he/she should be operating on his/her own. The employee sometimes lacks the initiative, and/or job knowledge to execute his/her duties and responsibilities.
Unacceptable	1	Employee consistently fails to meet the designated performance expectation. Examples include, but are not limited to: The employee requires close supervision and his/her work requires continual correction. The employee's job knowledge is insufficient to meet daily requirements.
N	None Given	No longer applicable or unable to determine

- (b) Members may be rated on the completion of their performance expectations in the strategic goal areas of Resource Protection, Boating and Waterways, Public Safety, Outreach, Member Conduct and Professional Excellence, or other specialized job duties/functions that fall outside of these areas. Members will receive a numerical rating for each of his/her performance expectations based on the rubric rating scale assigned to each expectation. These ratings will be automatically calculated and averaged by the PF online evaluation system to determine the member's overall rating score. The rater shall document explanatory comments in the designated fields on the performance evaluation for **all** ratings of 1, 2, 3, 4, 5, or N on each performance expectation. Summary explanatory comments should include specific information as to the outcome of each performance expectation. Comments covering multiple ratings are not permitted.
- (c) Templates for the most common employment positions found within the Division of Law Enforcement, as well as Performance Plan Supplements, can be located in the Division's Online Forms Library (forms FWC/DLE-420, FWC/DLE-421A, FWC/DLE-421B, FWC/DLE-422, and FWC/DLE-423),
1. Supervisors may add additional performance expectations to the templates to accommodate regional, area or assignment-specific needs, or other job specific duties/functions.
- (d) The overall rating of a member's performance is automatically calculated by determining the rating average as entered into PF for each expectation. Expectations assessed as "N"

will not be calculated as an expectation scored. Overall ratings fall into one of five categories given in the following table:

Overall Rating Scale:	
Numeric Range	Overall Rating
4.50 – 5.00	Outstanding
3.50 – 4.49	Commendable
3.00 – 3.49	Satisfactory
2.50 – 2.99	Needs Improvement
2.49 and below	Unsatisfactory
N	Not calculated in rating

- (6) The PF online evaluation system automatically enters the designated evaluation dates and calculates the final rating score.
- (7) Completed performance evaluations are electronically stored in the PF online evaluation system. Any required progress reports for probationary members shall be attached to the employee’s evaluation in PF. These documents are distributed to the member electronically. (See section 3 (Procedures), sub-section F (1), *Performance evaluations of members on probation*.)

C Review of completed performance evaluations include at a minimum:

- (1) The second-level reviewer shall acknowledge and date the performance evaluation prior to the rater discussing it with the member. The second-level reviewer may make comments regarding the member’s job performance.
- (2) The rater shall meet with the member to discuss the member’s job performance during the designated evaluation period.
- (3) The member may include a written response to the performance evaluation within the PF evaluation form and/or in writing; however, written comments shall be received by the FWC Office of Human Resources within 60 days of the evaluation completion date.
- (4) The member will have the opportunity to acknowledge the completed performance evaluation to indicate the member has read and understands the document.
- (5) The rated member will be able to print a copy of their completed performance evaluation and any attachments directly from the PF online evaluation system. The rated member will be able to print a copy of their completed performance evaluation and any attachments directly from the PF online evaluation system.

D Contesting the performance evaluation

- (1) Any member who does not agree with their performance evaluation may indicate their disagreement by including their comments within the PF evaluation form prior to acknowledging the document and/or may provide written comments to the FWC Office of Human Resources within 60 days of the evaluation completion date
- (2) Career Service Employees may grieve the performance evaluation using the Career Service Employees Grievance Process.

E Performance evaluations of members on probation

- (1) Career Service employees new to the agency, current agency members who have been promoted, reassigned or demoted with probationary status, and agency OPS members who are appointed to an FTE position will serve a 12-month probationary period. During the probationary period, members shall be informed of their progress.
- (2) Evaluations shall be completed within the 60-day period prior to the end of the 12-month probationary period. Evaluations not completed within this timeframe will be administratively closed on the 61st day following the end of the evaluation period and the employee will receive an overall rating of 3.0/Satisfactory by default.
- (3) If the probationary end date is within the 60 days prior to or after July 1, the closing probationary evaluation will also be considered as the annual evaluation. If end date is outside of the 60 days prior to or after July 1 period, an evaluation shall be opened for the remainder of the annual evaluation period ending June 30.
- (4) The probationary period for newly hired law enforcement officers begins the day after graduating from the FWC Training academy. Supervisors shall establish performance expectations in the PF online evaluation system upon member's arrival to their assigned region.
 - (a) Performance expectations are reviewed between new member and member's supervisor.
 - (b) The probationary performance expectations shall include successful completion of the field training program as the first performance expectation.
 - (c) If the member successfully completes the field training program, the supervisor shall select a rating of "N (None Given) and include comments "Successfully completed FTO – release to solo patrol on XX/XX/XXXX."
 - (d) Upon successful completion of the field training program, the supervisor shall meet with the member and set the performance expectations for the remainder of the evaluation period.

F Employee Reassignment, Change in Duties or Separation

- (1) Current FWC FTE members who receive an original appointment, promotion, demotion or reassignment and employees who remain in their current position but have a significant change in duties not requiring reclassification (requires an updated position description be submitted to the Office of Human Resources) should have their current evaluation closed out. Evaluations do not need to be closed because of a change in supervision or a lateral appointment if there are no significant changes in the member's duties.
- (2) If practicable, a close-out review should be completed prior to a member's separation from the agency. The evaluation will not be available to close-out after the effective date of the separation when the personnel action has been processed.

G Poor Performance/Failure to Meet Expectations

- (1) The rater is responsible for the continual assessment of their members' performance, documenting performance and taking appropriate action if a member fails to satisfactorily meet performance expectations. Failure to meet an expectation may be indicated if the member is earning a 1 or 2 for one or more of their performance expectations. Appropriate action may include the following:
 - (a) Meeting with the member to discuss the current performance evaluation noting the areas in which the member is failing to meet expectations. Ratings below "Meets Expectations" require the rater to provide written comments to the member identifying the specific expectation where the performance is deficient and document specific activities or corrective action for improvement in that area.
 - (b) Meeting with the member frequently to discuss improvements the member has made and areas in which the member's performance remains deficient. These meetings shall be

documented in writing and a copy provided to the member and attached to the PF evaluation.

- (c) Determining if the member should attend training to improve their performance in areas of deficiency.
 - (d) Consulting with the appropriate chain-of-command, the Division's Personnel staff and/or the Director of Human Resources to determine if discipline should be administered.
 - (e) Probationary members not meeting expectations may be removed from the position at any time during the 12-month probationary period and will not be allowed to achieve permanent status. This action shall be coordinated through the appropriate chain-of-command and the FWC, Director of Human Resources prior to the end of the member's probationary period.
- (2) Permanent members will be given written notice of substandard performance prior to the end of the rating period.

H All performance expectations, evaluations, and any attachments to include discussions regarding performance, will be maintained in the PF online evaluation system.

4 FORMS

FORM NUMBER	FORM TITLE
N/A	Setting Up Smart Expectations Training PowerPoint
FWC/DLE-420	SMART Expectations Member Rating Rubric Officers, Investigators, and Pilots
FWC/DLE-421A	SMART Expectations Performance Plan Template Part A
FWC/DLE-421B	SMART Expectations Performance Plan Part B Supplement and Summary
FWC/DLE-422	SMART Expectations Member Rating Rubric Field Lieutenants
FWC/DLE-423	SMART Expectations Member Rating Rubric Captains
Note:	Templates for Member Performance Expectations exist for many of the Division's positions and can be found on the Division's Forms site.

No forms are referenced or used with the PF online evaluation system.



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

DIVISION COMPUTER EQUIPMENT AND USE

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	Applicability
53	January 11, 2017	November 17, 2010	All Members

References

FWC IMPP 3.2, 3.3, 3.4, 3.7 AND 3.8
CFA 32.01

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to increase the efficiency and effectiveness of its members through the deployment and use of available technology, including, but not limited to, desktop computers, laptop computers, tablets and associated technology.
- B** It is the policy of the FWC Division of Law Enforcement to establish guidelines and regulations ensuring the safe use of laptops, tablets, and/or any other Division computer equipment by its members.
- C** It is the policy of the FWC Division of Law Enforcement that all members utilizing the MCT and FCIC/NCIC services shall attend Division-approved laptop computer training and successfully complete the CJIS Certification Class prior to assignment and issuance of an MCT.
- D Definitions**
 - (1) **Mobile Computer Terminal (MCT)** - Any computer including, but not limited to, desktops, laptops, and tablets that provides for dispatching, car-to-car communications, criminal justice database inquiries and completion of required Division reports and forms.
 - (2) **AVL** – Functionality of MCT that shows the location of all MCTs that are logged on with a valid latitude/longitude.
 - (3) **CAD** – Computer Aided Dispatch Software provided by CTS America.
 - (4) **Self-Dispatch** - Functionality of the MCT that allows the user to perform functions similar to Duty Officers in the CAD System.

2 RESPONSIBILITIES

- A** All members are responsible for being familiar with and adhering to all FWC Internal Management Policies and Procedures (IMPP) as they relate to the use of agency-issued and managed computer equipment, including, but not limited to IMPP 3.2 *Remote Access Policy*, IMPP 3.3 *Password Policy*, IMPP 3.4 *Wireless Communication Policy*, IMPP 3.7 *Information Technology Resource Usage Policy*, and IMPP 3.8 *Computer Security Incident Response and Reporting*.
- B** All members are responsible to use every precaution to safeguard equipment against damage.
- C** All members are responsible to use every precaution to safeguard equipment when the equipment is not in their immediate possession.

3 PROCEDURES

A Assignment, Security, and Storage of Equipment

- (1) Assignment of Equipment
 - (a) Computers shall be issued in accordance with the Commission's established property control procedures.
 - (b) Computer installation in vehicles shall be done in a manner that does not interfere with any occupant restraint devices or occupant safety features (air bags and seatbelts).
 - (c) Members are responsible for the care and security of each piece of equipment assigned to them or to their assigned vehicle/vessel.
- (2) End-of-Shift Removal and Storage of Equipment
 - (a) Following their shift, if the member's vehicle will be secured in a locked garage, all computer equipment may remain in the vehicle.
 - (b) If a member's vehicle will not be secured in a locked garage, the computer shall be removed from the vehicle and stored in the member's residence or office.
 - (c) Computer equipment shall not be left in Commission vessels, ATVs, Buggies or other off-road equipment. The computer may be left on Off-Shore Patrol Vessels as long as the equipment is secured in the wheel house or cabin area.
 - (d) Due to the sensitivity of the equipment to temperature extremes, computer equipment is not to be stored in the trunk of a vehicle, except to be secured in a trunk for short periods of time to ensure security of the equipment. In these instances, the member shall power down the unit prior to placing it in the trunk and remove it as soon as feasible to avoid equipment damage.
- (3) When members assigned to the patrol function are on-duty, the computer shall be securely mounted and locked in the available docking device with the docking key removed. Other members shall have the computer securely mounted and locked in the docking device, unless doing so may not be in the best interest of the member's current assignment (i.e. undercover work, etc.).
 - (a) If there is not an available docking device the member shall take any necessary steps to ensure the computer is protected from damage while driving (e.g. sliding off of seat).
- (4) Unattended Vehicles
 - (a) Vehicles shall be locked when left unattended.
 - (b) Members shall, if necessary, remove the computer from the vehicle.
 - (c) The computer shall not be stored in any location that exposes the computer to extreme heat or cold.
 - (d) Members are required to lock the computer screen if they leave the computer unattended for any period of time.
 - (e) Employees shall log off and power off the computer if it is to be left unattended, for an extended amount of time.
- (5) Unattended Vessels
 - (a) Computers shall not be left unattended in vessels for extended periods of time. The laptop may briefly be left unattended if locked in the docking device.
 - (b) Members are required to lock the computer screen if they leave the computer unattended for any period of time.
 - (c) If it becomes necessary to leave a computer on an unattended vessel, the member shall

securely lock the computer in an appropriate storage area.

(6) Unattended Off-Road Equipment

- (a)** Computers shall not routinely be left unattended in off-road equipment.
- (b)** Members are required to lock the computer screen if they leave the computer unattended for any period of time.
- (c)** If it becomes necessary to leave a computer in off-road equipment, the member shall take any appropriate steps to secure the computer against loss.

(7) Stolen computer

- (a)** The local law enforcement agency having jurisdiction shall be immediately notified when a computer is stolen.
- (b)** The member's immediate supervisor shall also be notified and appropriate chain of command shall be notified so that the Commission's Office of Information Technology (OIT) staff can take necessary precautions to ensure that the FWC Network cannot be accessed by or through the stolen computer.
- (c)** Members shall be held responsible for any stolen or missing item if the vehicle is left unlocked when unattended or when member failed to store the equipment securely on a vessel or off-road equipment.
- (d)** Stolen equipment requires the completion of an Incident Summary Report by sworn members, or the completion of a statement using the Division's memorandum format (FWC/DLE-521) by non-sworn members detailing the particulars of the loss.
- (e)** In addition to the Incident Summary Report or Division Memorandum the member must complete the Computer Security Incident Report on the OIT Share Point Site for all stolen or missing computers.

B Restrictions regarding FCIC/NCIC Access

(1) Members shall:

- (a)** Restrict dissemination of information received through FCIC to authorized criminal justice persons only.
- (b)** Perform transactions for criminal justice purposes only.

(2) Members shall not:

- (a)** Access criminal history files except as provided for by law and rule.
- (b)** Access database records for any reason other than legitimate law enforcement purposes.
- (c)** Permit use of the computer by any individual who is not certified for FCIC access.

C Authorized/ Unauthorized Use

- (1)** Use of the computer is restricted to official Commission and Division business. Computer files, including e-mail messaging and FCIC/NCIC inquiries are subject to review.
- (2)** Use of the computer by anyone other than authorized Division employees requires authorization from the Director, Office of Information Technology.
- (3)** Members are responsible for ensuring the security of the computer against unauthorized use.
 - (a)** Members are required to lock the computer if they leave the computer unattended for any period of time. If the member stays within eyesight of the computer, they are not required to lock the computer. Examples for those situations are standing in hallway outside of office, traffic stops, user checks close to the vehicle, etc.
 - (b)** If it is believed that unauthorized access has occurred, the member shall immediately notify

a supervisor.

- (4) Inappropriate or unauthorized use of the computer may subject the employee to disciplinary action.
- (5) Members shall not use any other member's login name and/or password to log onto a computer.

D Software Restrictions

- (1) Members shall abide by any and all FWC Policies regarding agency computers and software in regards to their assigned computer.
- (2) If a member wants additional software loaded onto the computer, they must submit a written request through the chain of command to the Fleet and Technical Services Section. If the Fleet and Technical Services Section determines that the requested software is appropriate, they shall forward the request to the Director, Office of Information Technology. Only software that is business related shall be approved. Screen savers, wallpapers, games and other non-business-related software are not to be loaded onto computers (this does not include software that is loaded onto the laptop by the Office of Information Technology).
- (3) Any unauthorized software found on FWC computers during maintenance work, upgrades or inspections shall be removed and the member may be subject to disciplinary action.
- (4) Members shall not disable or shut off any software that is loaded on the computer, including, but not limited to, anti-virus programs, AVL, SMARTMCT, etc.

E Computer Operations While on Patrol

- (1) The computer shall be turned on and logged on to MCT at all times that a sworn member is operating their vehicle.
 - (a) If a member is en-route between their residence and their regularly assigned duty station other than a patrol assignment, the member may leave their computer safely stored at the facility to which they are regularly assigned. This includes, but is not limited to, assignments at Regional Offices, Field Offices, the Academy, Aviation Hangars, and GHQ.
 1. While in travel status, members holding the position of Major or above shall not be required to turn the laptop on as described in E (1).
 - (b) If a member is on an investigative assignment or a special assignment, e.g. Resource Protection Service, joint details with other agencies, etc., where it is not practical to have the laptop visible in the vehicle or vessel, the member is not required to turn the computer on as described in E (1). However, the computer should be carried in the vehicle even if not intended to be used by the member during the assignment.
 - (c) Members should have written (email is sufficient) approval from at least a Captain within their chain of command for the situations described in E (1) (a) or (b).
- (2) Members shall take care when operating a computer while driving. Simple inquiries and viewing the nature of an in-coming message may be performed while driving. Message response and complex or multiple inquiries are not to be conducted while driving.
- (3) Foods and beverages are not to be placed on the computer. Care is to be taken to ensure no food, beverage, or other substances are dropped or spilled on any part of the computer.
- (4) Only members with current FCIC/NCIC certification are permitted to initiate inquiries into criminal justice databases.

F Self-Dispatch

- (1) The FWC Division of Law Enforcement shall leverage existing technology in the MCT to use the self-dispatch functionality.
- (2) Self-dispatch shall not replace the use of the radio for the transmission of urgent or emergency

traffic as defined in General Order 26.

- (3) The main goal of self-dispatch is to move routine radio traffic off the radio system so that emergency traffic will not be impeded.
- (4) Status checks (10-13) shall be conducted using the radio.
- (5) The current instructions for self-dispatch use will be maintained on the Mobile Computer Share Point Site located at: <http://portal2.fwc.state.fl.us/sites/le/computer/SitePages/Home.aspx>
- (6) Member Responsibilities
 - (a) Sworn members are responsible for ensuring that their MCTs and AVLs are working properly while using self-dispatch. If the MCT or AVL stops working, they must switch to using the radio for all communications with dispatch.
 - (b) Sworn members shall use self-dispatch whenever possible to replace routine radio traffic.
 - (c) Sworn members shall confirm that any commands they enter are accepted by the system as indicated by the pop-up above the "CAD STATUS", in the lower right hand corner of the screen.
 - (d) Sworn members shall ensure that all required information they enter is correct.
 - (e) Sworn members shall advise dispatch via radio as their zones change during their shifts.
 - (f) Duty Officers shall monitor the Unit Status screen, Active Calls screen, and map to be aware of changes in officer status and created calls.
 - (g) Duty Officers shall ensure all incidents are validated whenever possible.
 - (h) Field Supervisors shall monitor radio traffic and CAD to ensure that sworn members are using self-dispatch appropriately.
 - (i) Duty Officer Supervisors shall conduct periodic reviews to ensure that information is being entered correctly and consistently.
- (7) Self-Dispatch procedures
 - (a) The following types of calls shall continue to be performed over the radio:
 1. Any emergency situation or when the sworn member feels the radio is the most efficient means of communication.
 2. When a sworn member changes zones, he or she shall notify dispatch by radio.
 3. When a sworn member logs on duty for his or her assigned shift.
 4. When two or more sworn members are working together (10-12), they shall notify dispatch by radio at the beginning and end of their 10-12 times.
 - (b) When a member is working extra-duty employment at the beginning or end of his or her shift, he or she must log off-duty and back on duty between shifts. Self-dispatch may be used during extra-duty employment.
 - (c) The following commands are available for use with self-dispatch:
 1. Setting Unit Busy
 2. Setting Unit Available
 3. Setting Unit Enroute to an incident
 4. Setting Unit On-Scene at an incident
 5. Releasing Unit from an incident
 6. Creating a new incident
 7. Adding Notes/Persons/Vehicles/Vessels/Property to an incident
 8. Logging Off-Duty

9. Mode of Transportation

10. Secondary Activities

(8) Training

(a) Members designated as power users by the Fleet and Technical Services Section are available to conduct any training that is necessary.

G Procedures for Purchase and Use of Information Technology (IT) Equipment

- (1) In order to create and maintain efficiency and standardization, all computer hardware and software shall be approved by the Fleet and Technical Services Section in coordination with the Commission's Office of Information Technology (OIT) prior to purchase.
- (2) New and replacement computers for Division members shall be approved and purchased by the Fleet and Technical Services Section. Any IT equipment needs shall be communicated directly to the Fleet and Technical Services Section.
- (3) Each member shall have only one personal computer. Fleet and Technical Services Section approval is required prior to issuance of a second computer.
- (4) Cellular air card service shall be administered by the Fleet and Technical Services Section.
- (5) Internal cellular air cards are assigned to the computer and should not be removed except by trained staff. External cellular air cards or mifi devices are assigned to individual members. If a member with an external cellular air card or mifi device transfers to another position that requires the cellular air card, the member will keep the air card. If a member leaves the Division or transfers to a position that does not require the use of an air card, the supervisor shall send the device to Fleet and Technical Services to be disconnected.
- (6) If a member transfers within the same region or section, and the position the member is transferring to uses the same type of computer assigned as the one currently held by the member, the member's assigned laptop may transfer with the member. If the position the member transfers into has a different type of computer assigned to it, the member shall leave their assigned laptop. Computers assigned to a vacant position shall be returned to the Fleet and Technical Services Section for reassignment.
- (7) If a member transfers to a different region or section, and the position the member is transferring to uses the same type of computer assigned as the one currently held by the member, the member's assigned laptop may transfer with the member. If the region the member is transferring to does not have assigned computers, or has assigned computers of a different type, the member's assigned computer shall be returned to the Fleet and Technical Services Section for reassignment.
- (8) Computer vehicle mounts shall be approved and purchased by the Fleet and Technical Services Section. Computer vehicle mounts shall be removed from surplussed vehicles, and refurbished and reinstalled into new vehicles whenever possible.
- (9) Mobile printers and other peripheral devices, including but not limited to cellular air card adapters, GPS antennae, and Driver License Scanners shall be supplied by the Region.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report
FWC/DLE-521	Division of Law Enforcement Memorandum



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

TITLE: PUBLIC INFORMATION

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	Applicability
54	May 16, 2017	August 24, 2011	All Members

References

Ch. 119, 794, 800 and 827 F.S.; IMPP 1.7; GO 33
CFA 1.06 and 1.07M

1 POLICY

- A** It is the policy of the Division of Law Enforcement to cooperate with news media representatives in their efforts to gather factual public information pertaining to the activities of the Division, as long as these activities do not unduly interfere with Division operations, infringe on individual rights or violate state or federal laws.
- B** It is the policy of the Division of Law Enforcement to provide guidance to members on the release and dissemination of public information, balancing the public's right to know with the operational needs of the Division and the privacy needs of victims and witnesses in accordance with Chapter 119, Florida Statutes and other applicable statutes.
- C** It is the policy of the Division of Law Enforcement to adhere to the Chapter 119, Florida Statutes as it pertains to the release of information and public records and to acknowledge that said Chapter takes precedence over this General Order.
- D Definitions**
 - (1) **Media** – means of communication reaching the general public such as radio, television and newspapers.
 - (2) **Public Information** – information that may be of interest to the general public regarding policy, procedures or events involving the Division, or other newsworthy information that is not legally protected, does not unduly interfere with the mission of the Division, infringe upon the rights of a defendant or compromise the legitimate safety and privacy interests of members, victims, witnesses and others.
 - (3) **Public Information Coordinator (PIC)** – is a Commission Office of the Executive Director (OED)/Community Relations Office (CRO) member with primary responsibility for media relations within a region. Additionally, the PIC serves as a coordinator for conservation stewardship, public awareness and employee awareness efforts in a region.
 - (4) **Public Information Officer (PIO)** – A sworn member who has been recognized by the Regional Commander as a Division media representative. The regional PIO works closely with the regional PIC and the Division PIC, and is often required to conduct on-camera interviews for requesting media.
 - (5) **Community Relations Office (CRO)** – The FWC's Community Relations Office coordinates communication to and interaction with the print and electronic news media. This includes news

releases, press conferences, and one-on-one interaction with the press.

- (6) **Division Public Information Coordinator (DLE)** – is the GHQ and statewide representative for the Division of Law Enforcement with responsibility for media relations and public outreach.
- (7) **News Release** – is a Division written news story which is sent to all media.
- (8) **Media Advisory** – notifies the media of an upcoming Division event. This usually occurs in the form of a news conference, where members of the media meet at a specific time and location.
- (9) **FWC Alert** – notifies the public of an important occurrence or event such as a red tide alert, or captive wildlife escape, which poses a health risk.
- (10) **FWC Announcement** – serves as an announcement which is used for classes, workshops and other events not requiring media attention.
- (11) **Talking Points** – The summarized facts of a case, mutually agreed upon by CRO and DLE, which will be used when addressing media questions.
- (12) **News Media Representative** – those individuals who are directly employed by agencies of the electronic or print media such as radio, television and newspaper. Freelance workers in this field are to be regarded as other members of the public unless they possess valid credentials identifying them as media representatives. Freelance journalists and non-legacy media workers such as internet journalists, bloggers, etc. may be considered as news media representatives in accordance with this General Order if the Division's Public Information Coordinator and/or the Commission's Community Relations Office can verify their legitimacy via reference checks or verification of past work products. The Division also accepts current press passes/media credentials issued by other law enforcement agencies.

2 RESPONSIBILITIES

A Members

- (1) All members shall treat representatives of the media in a courteous and professional manner.
- (2) Members shall assist media representatives in identifying the appropriate contact, usually the regional PIC, Division PIC, regional PIO or the member designated by the Regional Commander/Section Leader as media liaison.
- (3) Members shall not respond individually to editorials, columns or other news articles generated by the media using their title or position in the FWC Division of Law Enforcement.
- (4) Any member may be designated by their Regional Commander/Section Leader to serve in a media liaison function. More than one member may be designated by the Regional Commander/Section Leader. A member assigned to media liaison functions shall coordinate releases with the regional PIC or the Division PIC at GHQ. Those members assigned media liaison duties shall receive training from the regional PIC or the Division PIC at GHQ on best practices and procedures in media relations.

B Regional Public Information Coordinator (PIC) and Division Public Information Coordinator (DLE)

- (1) The regional PIC works for the Regional Director, and coordinates media relations with the Regional Commander/Section Leader and the Director of Community Relations; the Division PIC works for the Division of Law Enforcement's Deputy Chief and is responsible for the following:
 - (a) Assisting the media in covering news stories and at crime scenes.
 1. In the event the regional PIC, regional PIO, or Division PIC is not available, a member designated by the Regional Commander/Section Leader may assume the responsibilities of the PIC.

2. All media assists, including interviews, shall be reported to the regional PIC as soon as possible after completion.
 3. Any information released shall be made equally available to all requesting media representatives.
- (b) Being available for on-call responses to the news media.
 - (c) Preparing and distributing Division news releases including use of social media.
 1. All news releases shall be prepared by the regional PIC, regional PIO, or Division PIC.
 2. All written news releases regarding the Division of Law Enforcement or related to law enforcement issues which have significant or controversial application shall be routed through the Division PIC.
 - (d) Arranging for, and assisting in news conferences. Regional news conferences shall be at the discretion and approval of the Regional Commander and may include those members appointed by the Regional Commander.
 - (e) Coordinating and authorizing the release of information about victims, witnesses and suspects.
 - (f) Coordinating and authorizing the release of information concerning confidential investigations and operations in accordance with Florida Statutes and Division policies and procedures. The regional or Division PIC must have the explicit approval of the Regional Commander, who shall confirm release with the Director or appropriate Deputy Director.

3 PROCEDURES

A Release of Information

- (1) Only the regional PIC, Division PIC, Regional Commander/Section Leader or designee(s), Division Director or designee(s) or the Director of Community Relations or designee(s) may release stories or statements to members of the media.
- (2) The address, telephone number, photograph or other personal information of any current or former member, or a member's spouse or children will not be released to any person outside of the Division. All confidential information may be released only by consent of the Director or designee(s).
 - (a) The Division PIC may release the photo of a member to accompany an agency news release if requested by the media and if the member approves of the release.
- (3) When multiple agencies are involved in an investigation, the lead agency shall be responsible for releasing, or coordinating the release, of media information. Information received from other agencies will not be released without their concurrence.

B Public Records Requests

- (1) Release of information in response to public records requests can be authorized by the Regional Commander/Section Leader or designee for records that are maintained in the Regional Office. However, release of records regarding personnel, finance and budget, internal investigations, or other records and reports specifically identified can only be authorized by the appropriate Deputy Director at GHQ or designee.
- (2) Public records shall be made available in accordance with Chapter 119, Florida Statutes and FWC Internal Management Policy and Procedure 1.7, *Commission Records*.

C Arrest/Seizure/Recovery Information

- (1) Following an arrest, issuance of an arrest warrant or filing of an information or indictment, or following a significant seizure or recovery, it is permissible to release:

- (a) The name, sex, age, and address of a person arrested or of the victim of a crime except as provided in Chapter 119, Florida Statutes.
 - (b) The time and place of arrest, whether pursuit or resistance was encountered, whether weapons were used, charges placed against the suspect, and a description of any contraband or other evidence that was seized.
 - (c) The identity of the arresting officers and the duration of the investigation, unless the officers are engaged in undercover operations.
 - (d) The amount of bond, scheduled court dates and place of the suspect's detention.
 - (e) The type, size and location of a seizure or recovery.
- (2) Each field office is responsible for forwarding the relevant information on significant cases to the regional or Division PIC as soon as feasible.

D Investigative information

- (1) From the initial stage of a criminal investigation until the completion of trial or disposition without trial, Division personnel shall refer all requests for information to the regional or Division PIC.
- (2) Information that may be released in connection with the investigation of an unusual incident or crime includes:
 - (a) The type or nature of the incident or crime.
 - (b) The location, date and time, injuries sustained and a general description of the crime.
 - (c) Number of members or people involved in the event or investigation and length of the investigation.
 - (d) Name and rank of the member in charge of the investigation.
 - (e) The identity of any critically injured or deceased person after notification of next of kin.
- (3) Information that may **not** be released in connection with the investigation of an unusual incident or crime unless authorized by the Division Director, Deputy Director or designee(s) in accordance with Florida Statute includes:
 - (a) The identity and photograph of a suspect, including members of the Division of Law Enforcement, prior to arrest unless such information would aid in apprehending the suspect and/ or serve to warn the public of potential danger.
 - (b) The identity of a person who is the victim of any sexual offenses described in Chapters 794 and 800, Florida Statutes, or is the victim of child abuse as described in Chapter 827, Florida Statutes.
 - (c) The identity, testimony or credibility of victims or witnesses if such disclosure would prejudice an investigation or if it would place the victim in personal danger.
 - (d) The identity of a confidential informant or individuals with a protected status.
 - (e) The name, photographs and address of any juvenile who is a suspect or defendant in a case subject to the jurisdiction of the juvenile court. The exception is any juvenile who has been taken into custody by a member for a violation, which, if committed by an adult, would be a felony.
 - (f) The identity of any critically injured or deceased person, prior to notification of next of kin.
 - (g) The results of any investigative procedures such as lineups, polygraph examinations, fingerprint comparisons, ballistic tests or other similar procedures. The fact that these tests have been performed may be revealed without further comment.
 - (h) Active criminal investigation information, as defined in Chapter 119, Florida Statutes, except those items specifically mentioned in this chapter.

- (i) Opinions of members regarding the guilt or innocence of the suspect or merits of the case.
- (j) The prior criminal record, character or reputation of the accused, or the existence of any confession, admission of guilt, or statements or refusal of statements made by the suspect, including members of the Division of Law Enforcement.
- (k) Specific cause of death, unless officially determined by a medical examiner.

E Media Access on Scene

- (1) The regional PIO, or Division PIC shall coordinate media access with the law enforcement supervisor at the scene.
- (2) Media representatives, including photographers, shall not be allowed access to any area or scene of an incident or crime where there is a possibility that evidence may be damaged, altered, destroyed or otherwise prejudiced by its existence being published or portrayed.
 - (a) On private property, photography, film or videotape recording requires the permission of the owner or the owner’s representative. If there is no owner or representative available, media access shall be denied. However, this does not prevent the media from photographing, filming or videotape recording private property, provided the photographer/videographer remains on public property.
 - (b) Suspects or accused persons in custody shall not be posed or arrangements made for photographs, telecasts or interviews, nor shall Division personnel pose with suspects or accused persons in custody.
- (3) Media representatives shall not be allowed access to the scenes of major fires, natural disasters, crash sites or other catastrophic events if their presence interferes with the mission of the agency, fire, medical or other emergency relief workers. However, media representatives should not be prevented access to any area solely because of the possibility of injury or death. If this is the only consideration, the media representative should be advised of the danger and allowed to make the decision to enter on his/her own volition.

F Media Representatives in State Vehicles or Vessels

- (1) General Order 33, *Operation of Division Equipment* shall be applicable for all media requests to ride in State vehicles or vessels.


G Movie and Television procedures for the FWC Division of Law Enforcement

- (1) Members shall refer the Movie or TV production representative to the Division of Law Enforcement’s Media Relations Coordinator (Division PIC) at GHQ for coordination and contract approval, if applicable.

4 FORMS

FORM NUMBER	FORM TITLE

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement

	TITLE	GENERAL ORDER
	VESSEL MONITORING SYSTEM DATA ACCESS AND DISSEMINATION	55
		EFFECTIVE DATE
APPLICABILITY	ALL MEMBERS	RESCINDS/AMENDS
N/A		
REFERENCES Magnuson-Stevens Fishery Conservation and Management Act (Public Law 94-265)		

1 POLICY

- A** The FWC Division of Law Enforcement is authorized by the National Marine Fisheries Service to utilize the Vessel Monitoring System (VMS). The system's purpose is to aid in monitoring, control and surveillance of certain fishing vessels that are managed under U.S. federal fishery management programs, and other vessels that may participate (voluntarily or otherwise) in the VMS. Other purposes include planning of directed patrols, direct responses to suspicious or illegal vessel activity, search & rescue efforts, and to use VMS data for scientific research or management purposes.
- B** It is the policy of the FWC Division of Law Enforcement to utilize the Vessel Monitoring System (VMS) in accordance with the Magnuson-Stevens Fishery Conservation and Management Act and the policies and procedures established by the National Marine Fisheries Service (NMFS) Office of Law Enforcement (OLE).
- C** It is the policy of the FWC Division of Law Enforcement to regulate access to the VMS and to ensure that VMS data is disseminated only to authorized users.

2 RESPONSIBILITIES

A Field Services Section

- (1) The Field Services Section Leader or designee is responsible for providing training on VMS data access and dissemination prior to use of the system by Division members.
- (2) The Field Services Section Leader or designee is responsible for briefing Division members on the NMFS Office of Law Enforcement Non-Disclosure Agreement and the consequences of failing to abide by said agreement.
- (3) The Field Services Section Leader or designee is responsible for maintaining any member-signed NMFS Office of Law Enforcement Non-Disclosure Agreements and providing these documents to NMFS OLE representatives upon request.

B Members


- (1) Members authorized and trained to use the VMS must abide by the NMFS Office of Law Enforcement Non-Disclosure Agreement.
- (2) Members must follow the procedures for VMS data access and dissemination as provided by this General Order and by any additional documents provided during training on the use of the system.

3 PROCEDURES

- A** VMS is designated “protected critical infrastructure”, meaning information that is not customarily in the public domain. VMS information is categorized as ‘For Official Use Only’ and ‘Law Enforcement Sensitive’ and requires special precautions to ensure the integrity of the data and protecting it from unauthorized access.
- B** The following requirements must be adhered to:
- (1) VMS data (specifically declarations, positional data and other VMS-required forms) must not be shared with the public or industry.
 - (2) VMS data must not be sent via personal e-mail accounts for any reason, or via government e-mail accounts for personal business.
 - (3) The practice of e-mailing a VMS vessel using their assigned VMS e-mail address must be held to the absolute minimum necessary to conduct the mission. No personal e-mail is authorized.
 - (4) VMS data (hard copy or government e-mail) may be shared with Division members for enforcement or search and rescue operations only for the performance of their official duties. No other form of electronic dissemination of VMS information is authorized.
 - (5) VMS hard copy data which is no longer required must be destroyed by shredding. VMS data in electronic form that is no longer required must be deleted and or destroyed.
 - (6) Those members with VMS access are assigned an individual user name and password that must only be used by the individual to whom it is assigned. No sharing of user names and/or passwords is authorized.
 - (7) When logged into VMS, the display shall not be left unattended in spaces without controlled access.
 - (8) Any unauthorized disclosures of VMS information shall be reported immediately to the Field Services Section Leader for referral to the NMFS Office of Law Enforcement.

4 FORMS

FORM NUMBER	FORM TITLE
--	NMFS Office of Law Enforcement Non-Disclosure Agreement

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement		
	TITLE	GENERAL ORDER
	SPECIAL OPERATIONS GROUP (SOG)	56
		EFFECTIVE DATE
		November 17, 2010
APPLICABILITY	RESCINDS/AMENDS	
ALL SWORN MEMBERS	N/A	
REFERENCES		
CFA 21.02		

1 POLICY

- A** The Florida Fish and Wildlife Conservation Commission’s Division of Law Enforcement staffs a Special Operations Group (SOG) to enhance the Division’s response capabilities during critical incidents or special details. SOG team missions and objectives include support of the Division’s regional operations and the agency’s core mission, interagency assistance, domestic security, dignitary protection, search and rescue, and any incidents requiring high-risk law enforcement response coordinated through Florida’s law enforcement mutual aid program.
- (1) The SOG teams are designed around the Division’s unique law enforcement responsibilities, specialized equipment, and specially trained personnel. SOG teams are capable of providing a security presence and specialized tactical response in Florida’s diverse marine and woodland environments.
 - (2) SOG teams provide support to local, state, and federal law enforcement agencies and emergency response organizations that do not have the equipment, personnel or capabilities to provide such response.
- B** Team members are selected from within the Division in consideration of their law enforcement capabilities, self-motivation, and physical fitness. Assignment to a SOG Team is a secondary duty and will be voluntary.

2 RESPONSIBILITIES

- A** The Special Operations Group is responsible for providing specially trained rapid response tactical teams to protect the public, property and Florida’s natural resources, to respond to domestic security threats, natural disasters, and civil disturbances, and to other incidents requiring a tactical law enforcement team response.
- B** SOG team members are required to attend and successfully complete each biannual physical fitness assessment at or above the established fitness standards.
- C** SOG team members are required to maintain “Ready Condition” for deployment at anytime with the exception of periods when the participant is on approved leave.

3 PROCEDURES

- A** Division personnel interested in serving on a SOG team will notify the Regional Commander or SOG Team Commander of their interest in becoming a team member. Upon meeting the minimum selection criteria and successful completion of the required physical fitness assessment, and when team vacancies exist, potential team members will be recommended for selection to the respective team’s Regional Commander. The Regional Commander will have final approval for selection of team

members.

B SOG Team Member Qualifications

- (1) Potential SOG team members must meet the following criteria:
 - (a) At least one year of satisfactory law enforcement service with the Division, including completion of the member's Field Training Program and initial employment probationary period.
 - (b) Free from any injury or disability which could adversely affect his/her physical performance and prevent the sworn member from performing the essential duties.
 - (c) Not presently on light duty status or administrative leave.
 - (d) Not had a suspension for disciplinary reasons for a minimum of one year.
 - (e) Must be in good physical condition and maintain a regular exercise regimen.
 - (f) Must have the ability to work with the general public and advance a positive image of the Division.
 - (g) Must have the ability to properly handle people during stressful situations.
 - (h) Must not have any sustained excessive use of force complaints.
- (2) If the applicant does not meet the above criteria, the applicant may request an exception to the appropriate Deputy Director. The request and the waiver must be in written format and retained in the regional files.

C Recruitment and Selection

- (1) Participants may be recruited for the following positions:
 - (a) Team Member (TM)
 - (b) Assistant Team Leader (ATL)
 - (c) Team Leader (TL)
 - (d) SOG Team Commander (TC)
 - (e) SOG Team Backup Commander (BUC)
- (2) Recruitment Process
 - (a) Applicants for TM, ATL, and TL must successfully pass the required Cooper Institute Fitness Test at the 60% level (vertical jump, 1 minute sit-ups, 1 minute push-ups, and 1.5 mile run or 12 minute swim).
 - (b) Applicants for TC and BUC must successfully pass the required Cooper Institute Fitness Test at the 60% level OR receive a waiver from the Regional Commander.
 - (c) If the applicant does not participate in the Cooper Institute Fitness swim test, a swimming proficiency test (10 minute tread, 100 yard swim, and pool exit) is required.
 - (d) Upon successful completion of the physical fitness assessment, applicants must submit to an oral interview. The interview board, appointed by the Regional Commander, will rank and approve each applicant for team membership suitability. The interview board shall be composed of the TC, one TL, and one member designated by the appropriate Regional Commander.
 - (e) Upon successful completion of the physical fitness assessment and interview, the applicant will be awarded team status or placed on a Regional SOG Reserve List which may be drawn from for a period of one year to fill team vacancies.
 1. If an applicant is not awarded team status during the one year reserve status, they must reapply and re-qualify through the physical fitness assessment and interview.

2. Recruitment assessments and interviews will be held based on regional team vacancies and needs.

D For additional information on SOG Team membership, including selection criteria and complete physical fitness assessment standards, please consult the SOG Standard Operating Procedures Manual.

E Training

- (1) New SOG Team members will attend the first available SOG Basic Skills School. The Basic Skills School will include at least the Patrol Rifle Course and the Team Movement Course.
- (2) Continued SOG training requires at least 24 training and readiness exercise hours each quarter, including but not limited to, the following areas:
 - (a) Firearms/CQB
 - (b) Land Navigation/SAR/Patrol
 - (c) Incident Command System and Natural and Man-Made Disaster Response
 - (d) Tactical Vessel/Waterborne Operations
 - (e) RECON
 - (f) USAR familiarization

F Activation and Deployment

- (1) SOG Teams may be activated upon request from local, state, and federal agencies, or from within the Division. The affected Regional Commander may authorize team deployments depending upon the request.
 - (a) The Division Director or designee can also activate SOG Teams as needed to respond to unusual occurrences or critical incidents in consultation with the affected Regional Commander(s).
- (2) The decision to activate SOG teams depends on the specifics of the request, the SOG capabilities for responding to the request, and consideration of other law enforcement resources and responsibilities available for responding to the request.
- (3) The Florida Mutual Aid Plan is the official procedure in response to emergencies, disasters, civil disturbances and unusual occurrences.


G SOG Standard Operating Procedures Manual

- (1) Refer to the SOG Standard Operating Procedures (SOP) Manual for additional information.

4 FORMS

FORM NUMBER	FORM TITLE
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Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement

	TITLE	GENERAL ORDER
	MISSING PERSONS	57
	APPLICABILITY	EFFECTIVE DATE
	ALL MEMBERS	November 17, 2010
		RESCINDS/AMENDS
		N/A
REFERENCES Ch. 937, F.S.; GO 34; CFA 18.14		

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to assist other agencies in resolving cases and locating missing persons. Normally, incidents involving missing persons will be referred to the local agency having jurisdiction.
- B** Incidents involving overdue hikers, hunters or boaters shall be handled in accordance with General Order 34, *Search and Rescue Operations*.
- C** Florida law (S. 937.021(3), F.S.) requires that a report that a child or adult is missing must be accepted by and filed with the law enforcement agency having jurisdiction in the county or municipality in which the child or adult was last seen. It is the policy of the FWC Division of Law Enforcement to facilitate the acceptance and filing of missing endangered person reports with the law enforcement agency having jurisdiction in the county or municipality in which the child or adult was last seen.
- D Definitions**
 - (1) **Missing adult** means a person 18 years of age or older whose temporary or permanent residence is in, or is believed to be in, this state, whose location has not been determined, and who has been reported as missing to a law enforcement agency.
 - (2) **Missing child** means a person younger than 18 years of age whose temporary or permanent residence is in, or is believed to be in, this state, whose location has not been determined, and who has been reported as missing to a law enforcement agency.
 - (3) **Missing endangered person** means:
 - (a) A missing child;
 - (b) A missing adult younger than 26 years of age; or
 - (c) A missing adult 26 years of age or older who is suspected by a law enforcement agency of being endangered or the victim of criminal activity.
 - (4) **Missing Endangered Persons Information Clearing House (MEPIC)** - A central repository of information regarding missing endangered persons within the Florida Department of Law Enforcement (FDLE). Such information shall be collected and disseminated to assist in the location of missing endangered persons. As part of MEPIC's services, a toll-free telephone line (1-888-356-4774) is available twenty-four (24) hours a day, seven (7) days a week.

2 RESPONSIBILITIES

- A** Any Division member who is being notified by a member of the public about a missing person is responsible for the following:
- (1) Immediately notify a sworn supervisor;
 - (2) Ensure that the local law enforcement agency having jurisdiction is notified and then record basic information about the missing person as per the Procedures section of this General Order; and
 - (3) Ensure that the local agency having jurisdiction receives all relevant information recorded by Division personnel and attempt to confirm that the local agency has accepted and filed the missing endangered persons report in accordance with s. 937.021 (3), F.S.

3 PROCEDURES

- A** Any member being notified by a member of the public about a **missing adult** shall immediately notify the local law enforcement agency having jurisdiction and then should record as much of the following information as possible:
- (1) Personal data of the missing person.
 - (2) Mental Condition of the missing person:
 - (a) Is the person despondent?
 - (b) Does the person suffer from a mental disorder or illness (i.e., Amnesia, Alzheimer's, etc.)?
 - (c) Is the person suicidal?
 - (d) Is the person homicidal?
 - (3) Physical Condition of the missing person?
 - (a) Has the person been ill recently or suffer from a long-term (chronic) illness?
 - (b) Is the person under the influence of alcohol and/or drugs?
 - (4) Is this the first time the person has been missing?
 - (5) How much time has passed since the person was last seen or heard from? When was the last contact with the person?
 - (6) Are there any unusual/suspicious circumstances surrounding the disappearance of the missing person?
 - (7) Additional pertinent data:
 - (a) Please provide a complete physical description of the missing person.
 - (b) Does the person have any outstanding features, such as glasses or unusual physical features?
 - (c) What was the last location at which the person had been seen/observed?
 - (d) Does the person take any medication?
 - (8) Did the person take extra clothing, luggage, or money?
 - (9) Does the person have any friends in the area?
 - (10) Is the person in the company of anyone?
 - (11) Is the person known to frequent a particular area or location?

- (12) Did the person take a vehicle? If yes, please provide the following:
 - (a) Description (make and model) of the vehicle?
 - (b) What is the vehicle's license plate number? Who is the vehicle's registered owner?
 - (c) What was the last known direction of travel of the vehicle?
- (13) Does the person carry any weapons or is the person known to possess weapons?
- (14) Additional critical points and considerations for members:
 - (a) The mental condition of the subject is very important. The member should attempt to determine if there are any circumstances which should change the status from a "routine" to an "urgent" missing complaint. Some factors to be evaluated include whether the subject is despondent, suicidal, homicidal, chronically ill, or under the influence of alcohol or drugs at the time of disappearance.
 - (b) The member should inquire as to the possibility of the subject having gone to a friend's home, and whether the person making the report has checked those locations.

B Any member being notified by a member of the public about a **missing child** shall immediately notify the local law enforcement agency having jurisdiction and then should record as much of the following information as possible:

- (1) Personal data concerning the missing child.
- (2) Is this the first time the child has gone missing?
- (3) How much time has passed since the child was last seen or heard from? When was the last contact with the child?
- (4) Please provide a complete physical description including:
 - (a) Any outstanding/unusual physical features.
 - (b) Clothing.
 - (c) Unusual dress (costume).
 - (d) Unusual vehicle (wagon, scooter or pedal car)
- (5) Does the child have a known destination?
- (6) Is the child known to frequent a particular area or location?
- (7) Does the child have any friends in the area?
- (8) Is the child in the company of anyone?
- (9) Were there any unusual/suspicious circumstances? (Family fight?)
- (10) Additional critical points and considerations for members:
 - (a) Age is an important factor.
 - 1. Extremely young children (toddlers to approximately four or five years old) may be expected to be found within a relatively short distance from the place of occurrence due to the fact that they are usually not physically capable of walking long distances and their "sphere of experience" is somewhat limited.
 - 2. Older children may be expected to travel further, such as to nearby playgrounds or a friend's home.
 - (b) Physical Description.
 - 1. Young children may be expected to wear unusual costumes.
 - 2. Information concerning unusual vehicles, such as a wagon or pedal car, may assist in

locating the child.

(c) Known Destination/Known to Frequent Particular Place.

1. Extremely young children may be expected to be located within relatively short distances. Potential search sites should include:
 - a. The residence. Often children will hide inside their own residence. A search by someone other than a parent may locate the child in a place overlooked by the parent.
 - b. Playgrounds, recreation areas.
 - c. Schools, churches, other public buildings.
 - d. Homes of friends, schoolmates.
 2. Determine if the child was in the company of anyone at the time of the disappearance (playmate, baby-sitter or non-custodial parent).
- (d) Determine whether there has been anything out of the ordinary, such as suspicious vehicles or strange persons in the area.**

C Notification of the local agency having jurisdiction and internal Division follow-up

- (1)** Upon or while recording the information listed above for a missing adult or child, the member shall notify the local agency having jurisdiction and request that this agency accepts the missing person report and assume the investigation.
 - (a)** The member shall submit all information regarding the missing person to the local agency having jurisdiction.
 - (b)** If at all possible, the member shall ensure that the local agency made contact with the person reporting the adult or child missing before returning to other duties.
 - (c)** The member, through his or her chain of command, shall ensure that the local agency is aware of any assistance the FWC Division of Law Enforcement might be able to offer in the investigation of a missing person.
- (2)** The member shall complete an Incident Summary Report (FWC/DLE-045) documenting the information on the missing person and submit the report to the Regional Commander through the chain-of-command. The report should be submitted to the member's supervisor before the member goes off-duty, but no later than 72 hours after the initial notification.

D Assistance and cooperation with other agencies

- (1)** Members on the scene where a missing endangered person report is being taken shall obtain a detailed description of the missing person and relay that information to the Regional Communications Center. The description should include the clothing the person was last known to be wearing, where the person was last seen, any vehicle that the person may be using, as well as other pertinent information. If criminal activity is suspected in the disappearance, the member shall consult with the agency taking the missing person report before broadcasting any information over the radio.
- (2)** Reports of missing persons received by communications personnel from other agencies will be broadcast as a "Be on the lookout" (BOLO) immediately and repeated for each subsequent shift for 24 hours, unless the person is located sooner.
- (3)** Upon receipt of a recent report of a missing child, a supervisor in the area in which the child was last seen will be notified immediately.
- (4)** Upon a request for assistance from another agency, Division resources, such as personnel, aircraft, and canines, may be used to search for missing persons.
- (5)** Upon request, members will assist the Missing Endangered Persons Information Clearing

House within the Department of Law Enforcement in the dissemination of information on missing endangered persons.

- (6) When flyers or posters are received in a Division office, they shall be posted in an area frequented by members. Flyers and bulletins may also be reproduced in sufficient quantity so that each member receives a copy. Flyers and posters, not containing confidential information, will also be posted in areas open to the general public.
- (7) Members may assist with the dissemination of flyers and posters to other public agencies and appropriate public areas.


E Locating missing endangered persons

- (1) Upon locating a person who has been reported missing, the locating member shall:
 - (a) Ensure the safety of the subject, requesting medical assistance if necessary.
 - (b) Notify the Regional Communications Center and an on-duty supervisor.
 - (c) Arrange for returning the missing person to the appropriate parent, guardian or agency.
 - (d) Complete an Incident Summary Report (FWC/DLE-045) concerning the incident.
- (2) The Duty Officer Supervisor will ensure that communications personnel notify the originating agency in order to have the person's name removed from FCIC/NCIC and notify the Missing Endangered Persons Information Clearing House.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-045	Incident Summary Report

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement

	TITLE	GENERAL ORDER
	LAW ENFORCEMENT INTELLIGENCE	58
	APPLICABILITY	EFFECTIVE DATE
ALL MEMBERS	September 2, 2014	RESCINDS/AMENDS
		January 13, 2014
REFERENCES 28 CFR Part 23, Intelligence Unit Standard Operating Procedures Manual; CFA Chapter 26		

1 POLICY

- A** The Division’s Intelligence Unit was established for the specific purpose of keeping agency members informed of actual or suspected organized criminal activity that has or is likely to occur and affect Florida’s citizens and natural resources.
- B** It is the policy of the FWC Division of Law Enforcement to provide its members with guidelines, assistance and principles for the collection, analysis, and distribution of intelligence information.
- C** It is the policy of the FWC Division of Law Enforcement to gather information directed toward specific individuals or organizations where there is established criminal predicate or identifiable threat to the community or the natural resources of the state, and to collect information with due respect for an individual’s civil rights and disseminate it only to a requester who has a specific *Need-to-Know* or *Right-to-Know*, as defined in the Intelligence Unit Standard Operating Procedures Manual, Section V (B).
- D** While criminal intelligence duties and tasks may be assigned to specific personnel within the Division, all members are responsible for reporting information that may help identify criminal conspirators and perpetrators.
- E** The policy contained herein is intended to remain at all times consistent with the current language of 28 CFR Part 23.
- F Definitions**
 - (1) **Criminal Intelligence** – Information collected by members relating to an identifiable person, group of persons, vehicle, vessel, location, or business in a effort to anticipate, prevent, or monitor possible criminal activity.
 - (2) **Reasonable Suspicion** or **Criminal Predicate** is established when information exists which establishes sufficient facts to give a trained law enforcement or criminal investigative agency officer, investigator, or employee a basis to believe that there is a reasonable possibility that an individual or organization is involved in a definable criminal activity or enterprise
 - (3) **Strategic Intelligence** – Information concerning existing patterns or emerging trends of criminal activity designed to assist in criminal apprehension and crime control strategies, for both short- and long-term investigative goals.
 - (4) **Tactical Intelligence** – Information regarding a specific criminal event that can be used immediately by operational units to further a criminal investigation, plan tactical operations and provide for officer safety.
 - (5) **Threshold for Criminal Intelligence** – The threshold for collecting information and producing criminal intelligence shall be the “reasonable suspicion” standard in 28 CFR Part 23.

2 RESPONSIBILITIES

A The Division will:

- (1) Adopt procedures for the prevention and suppression of criminal activities.
- (2) Ensure all sworn members have the proper training to effectively report and receive information.
- (3) Fully cooperate in criminal investigations and intelligence operations.

B Responsibilities of sworn members:

- (1) Gather and report information in support of the intelligence function in a timely manner.
- (2) Information designated for use by the Intelligence Unit should be referred to the Intelligence Unit using the designated reporting measures.
- (3) Take the necessary law enforcement action, if so warranted.
- (4) Report intelligence-related activities/information and joint operations to the appropriate Regional Intelligence Officer (RIO) to be submitted in the quarterly report.
- (5) Anyone sending an email with intelligence or related information should begin the subject line of the email with the words "Intel Exempt."

C Responsibilities of the Intelligence Unit include, but are not limited to, the following:

- (1) Assist sworn members with collecting information and "connecting the dots," if applicable.
- (2) Manage information as outlined in the Intelligence Unit Standard Operating Procedures Manual.
- (3) Receive, analyze and disseminate intelligence.
- (4) Review and analyze external sources of information to ensure the intelligence information collected is limited to actual or suspected criminal conduct or that it relates to activities that present a threat to our communities and natural resources of the state.
- (5) Develop and maintain up-to-date intelligence to include updating the Intel Portal, maintaining stolen boat data and providing trend analysis yearly.
- (6) Arrange for dissemination of information and intelligence as appropriate.
- (7) Recognize and report trends around the state.
- (8) Disseminate tactical intelligence in a timely manner.
- (9) Provide intelligence support to sworn members.
- (10) Assist federal, state and local law enforcement agencies.
- (11) Coordinate with the Training Section to provide specialized training regarding intelligence for Division members.
- (12) Ensure that the statewide intelligence system complies with all applicable state and federal regulations.

D Responsibilities of the Regional Intelligence Officer (RIO):

- (1) Primary contact for field officers in assigned region for requesting intelligence.
- (2) Conduct outreach and maintain contact with federal, state, regional, and local intelligence and investigative units to ensure effective and efficient collection, assessment, and sharing of intelligence and information.
- (3) Provide a quarterly intelligence report to the Intelligence Unit in Tallahassee as specified in the

Intelligence Unit Standard Operating Procedures Manual.

- (4) Provide training, as requested, to the regions detailing each member's role in the intelligence process.
- (5) Coordinate local intelligence with the FWC Investigations Section.
- (6) Keep local chain-of-command informed of intelligence and information.

3 PROCEDURES

A Criminal intelligence and information shall be submitted in one of the following formats.

- (1) Complete the Field Intelligence Support Form electronically on the Intelligence Portal.
- (2) Complete the Criminal Intelligence Report (FWC/DLE-622) and send it to the appropriate RIO.
- (3) Email the FWC Intelligence Unit at intel@myfwc.com.
- (4) Report the information through the appropriate Regional Communications Center as a Signal 14 India.
- (5) Report the information to the Regional Intelligence Officer (RIO).
- (6) Complete the MCT Field Intelligence Report.

B Intelligence Portal

- (1) The Intelligence Portal serves as a resource for members to submit information to the Intelligence Unit. Additionally, the Intelligence Portal is designed to allow members unrestricted access to current and archived Intelligence Bulletins, BOLOs, and Signal 14 India information as it pertains to specific regions.

C Information Development – Sources of information can be obtained from many different areas.

- (1) Types of information include, but are not limited to:
 - (a) Commercial resource poaching.
 - (b) Habitual resource poaching.
 - (c) Captive wildlife violations.
 - (d) Vessel theft/fraud.
 - (e) Violations of protected species regulations and laws.
 - (f) Narcotic violations.
 - (g) Economic/financial crimes relating to resource violations.
 - (h) Economic/financial crimes relating to vessel theft/fraud.
 - (i) Fraud.
 - (j) Criminal organization.
 - (k) Maritime security.
 - (l) Domestic security.
 - (m) Dignitary protection.
 - (n) Smuggling.
 - (o) Suspicious vehicles, vessels, persons and activities.
 - (p) Recent trends noticed that affect patrol operations such as changes in fishing, hunting, trespassing behaviors.

- (q) Environmental crimes
 - (r) Intelligence relating to the import and export of fish and wildlife into and out of Florida.
- (2) Sources of information include, but are not limited to:
- (a) Citizens – suspects, witnesses, complainants.
 - (b) Federal, state, and local law enforcement agencies/officers.
 - (c) Non-law enforcement government agencies.
 - (d) Media.
 - (e) Electronic sources.
 - (f) Intelligence groups.
 - (g) Observations.

D Security Level Classification Dissemination Criteria Release Authority


- (1) Information retained in the Investigative Database is classified in order to protect sources, investigations and the individual's right to privacy. Classification also indicates the internal approval which is required prior to the release of the information to persons outside the Division.
- (2) The classification of information and intelligence is subject to continual change. The passage of time, the conclusion of investigations, and other factors may affect the security classification assigned to particular documents. Documents within the intelligence files should be reviewed on an ongoing basis to ascertain whether a higher or lesser degree of document security is required to ensure that information is released only when and if appropriate.
- (3) Members who hold a security clearance issued by a federal agency (e.g. Federal Bureau of Investigation (FBI) or the Department of Homeland Security (DHS)) will handle classified information in accordance with the regulations of the agency that issued the clearance and applicable United States law.
- (4) **FWC Law Enforcement Sensitive (FWCLES)**
- (a) Information pertaining to significant criminal activity currently under investigation or
 - (b) Informant identification information or
 - (c) Intelligence reports which require strict dissemination and release criteria.
 - (d) Dissemination is restricted to FWC law enforcement personnel having a specific need-to-know and right-to-know; as determined by an Intelligence Officer.
 1. **"Right-to-know"** Requestor has official capacity and statutory authority to the information being sought.
 2. **"Need-to-know"** Requested information is pertinent and necessary to the requestor in initiating, furthering, or completing an investigation.
- (5) **Law Enforcement Sensitive (LES)**
- (a) Criminal intelligence reports not designated as FWC law enforcement sensitive or
 - (b) Information obtained through intelligence section channels that is not classified as FWC law enforcement sensitive and is for law enforcement use only.
 - (c) Dissemination is restricted to law enforcement personnel.
- (6) **For Official Use Only (FOUO)**

- (a) Reports that, at an earlier date, were classified FWC law enforcement sensitive or law enforcement sensitive and the need for high-level security no longer exists or
 - (b) Non-confidential information prepared for/by law enforcement agencies.
 - (c) Dissemination restriction is the same as for LES; however, release is limited to select individuals as determined by an Intelligence Officer.
- (7) **Public**
- (a) Civic-related information to which, in its original form, the general public has access (i.e., public records) or
 - (b) Media information (i.e., public reports, newspapers and magazine).
 - (c) No formal restrictions for dissemination.
- (8) **Release Authority:** Release of all evaluated intelligence products will be at the discretion of a designated Intelligence Officer.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-622IV	Criminal Intelligence Report

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement

	TITLE	GENERAL ORDER 59
	Resource Protection Service	EFFECTIVE DATE August 24, 2011
	APPLICABILITY All Sworn Members	RESCINDS/AMENDS N/A
REFERENCES General Order 38		

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to establish Resource Protection Service assignments to engage offenders who are difficult for uniformed officers in marked vehicles and vessels to apprehend. The Resource Protection Service (RPS) is staffed with sworn Division members serving as Resource Protection Officers (RPOs).
- B** It is the policy of the FWC Division of Law Enforcement that Resource Protection Officers may work in plain clothes.
- C** It is the policy of the FWC Division of Law Enforcement that Resource Protection Officers are part of Uniform Patrol Operations. RPOs do not conduct deep covert investigations.

2 RESPONSIBILITIES

- A** The Training Section, with assistance from Patrol Operations and the Investigations Section, is responsible for developing and delivering the appropriate training to Resource Protection Officers.
- B** Area Captains are responsible for providing supervisory oversight, enforcement direction and guidance for Resource Protection Service activities.
- C** Squad Lieutenants are responsible for
 - (1) Providing operational supervision of Resource Protection Officers.
 - (2) Ensuring that RPOs primarily target resource violations.
- D** Resource Protection Officers are assigned to a field supervisor as part of a patrol squad. In some instances, Resource Protection Units may function as a separate squad assigned to an Area Captain's entire patrol area.
- E** Resource Protection Officers are responsible for:
 - (1) Primarily targeting resource violations, particularly those related to protected species, bag limits, and illegal methods of taking fish or wildlife.
 - (2) Meeting local patrol needs by working calls for service related to potential resource violations, search and rescues, urgent patrol needs, and targeted boating safety details.
 - (3) Working a wide variety of assignments, including individual patrol, squad patrol, and joint details involving both uniform patrol and RPS activities.
 - (4) Writing warnings, citations and making arrests while in plain clothes.

3 PROCEDURES

A Personnel Selection

- (1) Officers and Lieutenants from Uniform Patrol Operations are eligible to become Resource Protection Officers.
- (2) RPOs are volunteers who are task-oriented, dependable, flexible, and self-motivated.
- (3) Members interested in serving as an RPO shall submit a request to the Area Captain through their chain of command. The member's chain of command may add comments and endorsement to the member request.
- (4) Assignments to Resource Protection Service are made by the Regional Commander in consultation with the Area Captains.
- (5) Members may be removed from Resource Protection Service by their own request or at the discretion of the Regional Commander.
- (6) Resource Protection Service assignments are rotating, temporary one-year assignment. Members may be assigned to Resource Protection Service more than once. Members will return to their previous squad assignments after their Resource Protection Service assignments.

B Work Schedules

- (1) Resource Protection Service members will work flexible hours, and frequently deviate from existing, contracted shifts. Members are expected to communicate with their supervisor regarding their schedule and targeted details.

C Uniforms and Personal Appearance

- (1) Resource Protection Service members may wear plain clothes whenever the member would otherwise wear Class C uniforms.
- (2) Resource Protection Service members shall maintain personal appearance and grooming in accordance with General Order 23, *Uniforms, Personal Appearance and Dress Code*, Procedures section, subsection O, but female members may wear their hair below the shirt collar while serving as a Resource Protection Officer.

D Equipment

- (1) The Resource Protection Service will utilize vehicles and vessels from existing inventory, which may be reconfigured as necessary for unmarked RPS patrols. Any equipment needs shall be coordinated through the Field Services Section to ensure statewide consistency, compliance with current vehicle and vessel rigging standards, and to prevent unauthorized modifications to Division equipment.
- (2) The Investigations Section will coordinate the issuance of confidential tags.
- (3) The Division will provide RPS members with appropriate firearms, secondary weapons, holsters and handcuff/magazine holders for use on plain clothes patrol.

E Training

- (1) Officers and Lieutenants assigned to Resource Protection Service are required to attend class room and firearms training in accordance with General Order 38, *Undercover, Surveillance, and Decoy Operations*.
- (2) The Training Section, assisted by Operations and Investigations members, will ensure that RPOs receive training in the following areas:
 - (a) Plain Clothes Patrol/Concealed Firearms Carry Course

- (b) Ethics
- (c) Legal issues
- (d) Officer Safety for plain clothes patrol
- (e) Policy

4 FORMS

FORM NUMBER	FORM TITLE
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Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

EYEWITNESS IDENTIFICATION PROCEDURES

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
60	December 14, 2017	September 26, 2017	All Sworn Members

References

CFA 18.15 and 18.16

1 POLICY

- A** It is the policy of the Division to promote accurate and reliable eyewitness identification to minimize the possibility of erroneous identifications.
- B** It is the policy of the Division to provide guidance on the administration of photographic lineups, show-ups, and live lineups to sworn Division members.
- C** All sworn members of the Division shall acknowledge that they have read and understood the policies and procedures in this General Order by electronic signature in the Division's Electronic Written Directive Management System.
- D** Initial and periodic refresher training on eyewitness identification procedures shall be conducted for sworn members involved in eyewitness identification efforts. Training shall consist of reviewing this General Order, a related presentation and offering consultation with an experienced Division member or supervisor if needed.

E Definitions

- (1) **Blank Photo** – a sheet of paper the same size as the photos utilized in the photo line-up that is blank, with no photo showing. (Blank photos are utilized in sequential photo line-ups)
- (2) **Eyewitness** – a person whose identification by sight of another person may be relevant in a criminal proceeding.
- (3) **Filler Photos** – photographs of persons other than the suspect, used to complete a photo array and bring the total number of photos to a minimum of six photos.
- (4) **Functional Equivalent Procedures (FEP)** – procedures utilized when an independent administrator is not utilized, permitting the member to conduct a sequential photographic lineup in a manner that precludes him or her from knowing when the suspect is presented to the witness.
- (5) **Independent Administrator** – a member or non-member who is not participating in the investigation of a criminal offense and is unaware of which person in the line-up is the suspect.
- (6) **Line-up (Eyewitness Identification)** –A photo line-up or live line-up

- (7) **Live Line-up** – a procedure in which a group of people are displayed to an eyewitness for the purpose of determining if the eyewitness can identify the perpetrator of a crime.
- (8) **Photo Array** – the group of photographs utilized in a photographic line-up. A photo array may be presented to the witness simultaneously or sequentially. The process of conducting a photographic line-up is often called the “photo array.”
- (9) **Photographic Line-up** – a procedure in which an array of photographs is displayed to an eyewitness for the purpose of determining if the eyewitness can identify the perpetrator of a crime.
- (10) **Sequentially** – presentation of photos in a group or individuals in a line-up to a witness one-at-a-time rather than all at once.
- (11) **Show-up** – an identification procedure in which an eyewitness is presented with a single suspect within a short time following the commission of a crime for the purpose of determining whether the eyewitness identifies the individual as the perpetrator.
- (12) **Simultaneously** – presentation of photos in a photo group or individuals in a line-up to a witness all at once rather than one-at-a-time.

2 RESPONSIBILITIES

A Investigations Section

- (1) It is the responsibility of the Investigations Section to ensure that the Division’s policies and procedures on eyewitness identification as described in this General Order represent best current practices in the field.
- (2) It is the responsibility of the Investigations Section to provide assistance to members conducting line-ups and show-ups when requested to ensure the integrity of the eyewitness identification process.
- (3) It is the responsibility of the Investigations Section in coordination with the Training Section to provide training and guidance on eyewitness identification procedures when required.

B Members

- (1) Members shall adhere to the policies and procedures contained in this General Order to maximize the reliability of identifications, minimize unjust accusations against innocent persons, and to establish evidence that is reliable and conforms to established legal procedure.

3 PROCEDURES

A Line-up Procedures

- (1) Line-ups must be conducted by an independent administrator. In lieu of using an independent administrator, members may use a functional equivalent procedure listed below in subsection 9.
- (2) A photographic line-up shall consist of a minimum of six photographs. A minimum of five filler photos shall be utilized together with only one photo of the suspect. A filler photo shall be used in the lead photo position in simultaneous photo arrays.
- (3) Photographic line-ups shall consist of contemporary photographs of individuals who are reasonably similar in age, height, weight, and general appearance and are of the same sex and race, in accord with the witness’s description of the subject. Do not mix color and black and white photos. Use photos of the same size and basic composition. Do not mix mug shot photos with other photos. Do not include more than one photo of the same suspect. Cover or crop any portion of a mug shot or other photo that provides identifying information on the subject or other persons included in the photographic line-up.

- (4) All photographs used in a simultaneous line-up shall be numbered prior to being presented to the witness.
- (5) To ensure the position of the suspect photo remains unknown to the sworn member, photographs used in a sequential line-up shall not be numbered until after the folders have been shuffled and the witness has been presented the array. The witness shall receive instruction, prior to viewing the array, that he or she shall notate any identification by writing "identified" on the applicable folder. Additionally, the witness shall be instructed to write his or her initials on each folder in the array.
- (6) Live line-ups should utilize a minimum of six persons, including the suspect, who are reasonably similar in age, height, weight and general appearance and are of the same sex and race, in accord with the witness's descriptions of the subject.
- (7) The choice to use either a sequential or simultaneous photographic or live line-up shall be at the discretion of the sworn member. The member should also consider individual preferences of the applicable prosecuting authority when deciding which method to use.
- (8) When a sequential photographic line-up is used, the Functional Equivalent Procedure shall be utilized.
- (9) To follow the Functional Equivalent Procedure, the member shall use one of the following methods:
 - (a) An automated computer program which can automatically administer the photographic line-up directly to an eyewitness and prevent the line-up administrator from seeing which photograph the eyewitness is viewing until after the procedure is completed.
 - (b) Place the suspect, filler, and two blank photos in separate folders for a minimum of eight folders;
 1. Shuffle the folders before giving them to the witness;
 2. Position himself or herself away from the witness ensuring that he or she cannot see inside the folders as they are viewed by the witness.
 - (c) Any other procedure specified and approved by the Criminal Justice Standards and Training Commission which achieves neutral administration and prevents the line-up administrator from knowing which photograph is being presented to the eyewitness during the identification procedure.
- (10) A photographic or live line-up shall be prepared so there is a consistent appearance between the suspect and fillers with respect to any unique or unusual feature used to describe the perpetrator. Adding or removing certain features in the filler photos may be necessary to achieve this consistency. Examples of unique features include scars, tattoos, facial hair, etc.
- (11) The suspect position shall be changed randomly in each photographic or live line-up both in cases involving multiple witnesses as well as in other unrelated cases. The practice of commonly assigning a suspect to a specific position is prohibited.

B Conducting the Photographic or Live Line-up

- (1) Prior to administering each photographic or live line-up, the member shall read to the witness standard line-up instructions directly from the applicable line-up form (FWCDLE-297A – D) and obtain a written acknowledgement from the witness that he/she received a copy of the line-up instructions.
- (2) In circumstances involving the need for multiple witnesses to view a photographic or live line-up, the member shall ensure:
 - (a) The line-up is presented to only one witness at a time;
 - (b) Witnesses being presented a line-up at generally the same time and place are kept separated from one another to prevent them from discussing the line-up procedure; and

- (c) Each witness presented a line-up is directed not to discuss the identification procedures or results with any other witnesses.
- (3) Members administering the line-up shall avoid any conduct that might directly or indirectly influence a witness's decision.
 - (4) After reading the standard line-up instructions, the member shall step away from the witness's immediate vicinity and if possible, position himself or herself out of the witness's direct line of sight.
 - (5) The member shall not provide any verbal or non-verbal feedback to the witness concerning the witness's identification process. This includes, but is not limited to, comments such as, "Good job" or "You picked our suspect" or non-verbal actions that confirm or deny whether the witness selected the suspect.
 - (6) In a sequential line-up, after all photos or persons have been displayed and only if the witness requests it, the entire display may be repeated only once and in the same sequence as originally presented. The entire sequence shall be presented even if the witness only requests to see one photo or person again.
 - (7) The member shall document, preferably verbatim, any verbal or non-verbal communication made by the witness during the identification process using the Incident Summary Report Narrative.
 - (8) Immediately following identification, the member shall ask the witness to state, in his or her own words, how certain he or she is of the identification. The member shall take care in precisely documenting the witness's response in the Incident Summary Report Narrative.
 - (9) To assist in the validity of the identification, members are encouraged to either video or audio record the identification process when conducting photographic or live line-ups.
 - (10) Documentation of a live line-up shall include at a minimum, a photograph of the simultaneous line-up or a photo of each person used in a sequential line-up. The photo(s) shall be retained in the case file.
 - (11) If identification is made, the member shall document the precise photograph or person selected.
 - (12) The photographs used in a photographic line-up shall be retained in the case file.
 - (13) All live line-ups shall conform to specific legal requirements. If the right to counsel has been attached, the counsel representing the accused is entitled to have sufficient time to confer with his or her client prior to the line-up, and to observe the line-up itself.
 - (14) Members are prohibited from conducting any live line-up without prior consultation with the Division's legal advisor or the applicable prosecuting authority.
 - (15) When conducting a line-up, the only persons present who may be aware of the suspect's identity, shall be the administering member and the suspect's counsel in the case of a live line-up where the right to counsel has been attached.

C Conducting a Show-up

- (1) Any sworn member may arrange a show-up between a witness and a suspect whenever a potential suspect is located and detained within a reasonable length of time, in proximity to the location of the alleged crime, and fits the description of the suspect given by the witness. Show-ups should be conducted while the witness' memory is fresh and the suspect is located and still available.
- (2) Show-ups are not intended, nor shall they be used, as a replacement for photographic or live line-ups.
- (3) If a member has reasonable suspicion to detain a suspect, the member may use such force as is reasonably necessary to stop the suspect from leaving, or to cause the suspect to remain in their presence. The suspect should be detained in the least restrictive manner possible. If

probable cause to arrest develops during the detention, an arrest should be made.

- (4) Sworn members shall not move the detained subject from the original place of detainment for show-up purposes.
- (5) A suspect cannot be detained for longer than a reasonable period of time to confirm or refute positive identification.
- (6) Sworn members in contact with the witness shall obtain a detailed description of the suspect prior to the suspect being shown to the witness. The witness must advise the member that they are able to recognize the suspect of the alleged crime prior to the show-up.
- (7) Prior to the show-up, the sworn member shall provide instructions to ensure the witness understands that the purpose of the identification process is to exonerate the innocent as well as to identify the actual suspect. The witness should be informed that the person detained may or may not be the suspect, and the witness should not be compelled to make identification.
- (8) The sworn member shall avoid any conduct that may directly or indirectly influence the witness' decision.
- (9) The witness should be transported to the suspect's location and care should be used to shield the witness from being seen by the suspect. If possible, the sworn member should not show the suspect handcuffed, or measures should be taken to conceal this fact from the witness.
- (10) The sworn member should ensure that witnesses possess sufficient visual acuity to view the suspect. If the witness wears glasses, the sworn member should ensure the witness is wearing them prior to viewing the suspect. The sworn member should note the approximate distance between the witness and the suspect. During the show-up, officer presence immediately surrounding the suspect should be kept to a minimum.
- (11) Suspects may not be required to put on clothing worn by the offender. However, they may be asked, but not required, to speak words uttered by the suspect, or perform other actions of the suspect.
- (12) If the witness makes identification, do not confirm or corroborate the identification. Feedback may not be given to the witness as to the identification.
- (13) Immediately following identification, the sworn member shall ask the witness to state, in his or her own words, how certain he or she is of the identification. The sworn member shall take care in precisely documenting the witness's response in the Incident Summary Report Narrative.
- (14) Show-ups should not be conducted with more than one witness present at a time. If there is more than one witness, the show-up must be conducted separately for each witness, and witnesses should not be permitted to communicate before or after any show-up regarding identification of the suspect. The same suspect should not be presented to the same witness more than once.
- (15) If a positive identification is made, the show-up shall not be presented to any other additional witnesses. If necessary, a photographic or live line-up should be utilized for any additional identification needs.
- (16) To assist in the validity of the identification, sworn members are encouraged to either video or audio record the identification process when conducting a show-up.
- (17) Following all show-ups, and whether or not a positive identification is made, the member administering the show-up shall complete an Incident Summary Report Narrative, which includes:
 - (a) The date, time and location of the show-up;
 - (b) Whether an identification was made and the approximate length of time the witness needed to identify the suspect; and

- (c) The words used by the witness in any identification, including level of certainty regarding the identification.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report Narrative
FWC/DLE-297A	Show-Up Form
FWC/DLE-297B	Sequential Photo Line-Up Form
FWC/DLE-297C	Simultaneous Photo Line-Up Form
FWC/DLE-297D	Simultaneous and Sequential Live Line-Up Form



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

EMPLOYEE BACKGROUND INVESTIGATIONS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
61	November 30, 2017	May 21, 2012	All Members

References

S. 110.1127, 943.13 (7) & 943.133, F.S.; 11B-27.002, 11B-27.0011 & 11B-27.0022, F.A.C.; GO 07; FWC IMPP 6.46; CFA 9.05 and 10.15

1 POLICY

- A** It is the policy of the Division to conduct background investigations on all sworn and non-sworn members considered for employment with the Division.
- (1) For purposes of this General Order, all Division of Law Enforcement employees are assigned to one of three categories for background investigations:
- (a) Sworn candidates
 - (b) Non-sworn candidates with standard access
 - (c) Non-sworn candidates with access to sensitive and/or confidential law enforcement information
- B** Background investigations for sworn candidates shall be conducted in accordance with the requirements of Sections 110.1127, F.S., 943.13 (7), F.S., Rule 11B-27.002, F.A.C., Rule 11B-27.0011, F.A.C., Rule 11B-27.0022, F.A.C, FWC IMPP 6.46 and the Criminal Justice Standards and Training Commission (CJSTC) guidelines. Background investigations for sworn members shall be coordinated through the Division's Training Academy.
- C** Background investigations for non-sworn candidates shall be conducted and completed in accordance with FWC IMPP 6.46 and this General Order.
- D** All members (sworn and non-sworn) conducting background investigations shall receive training prior to collecting the required background information.
- E** Only members trained in completing background investigations are authorized to conduct background investigations.
- F Definitions**
- (1) **Authentication** – An assessment of the validity and reliability of data obtained from the Internet.
 - (2) **Non-Sworn Candidate** – The term “non-sworn candidate” describes any person not considered a law enforcement officer as defined in Section 943.13, Florida Statutes, and employed or seeking employment with the Division of Law Enforcement. This includes employees in the Senior Management Service (SMS), the Selected Exempt Service (SES) and the Career

Service, as well as persons employed in Other-Personal-Services (OPS) positions, persons completing an internship with the Division, and persons serving as volunteers.

- (a) **Standard access** – Access to information which is not considered sensitive or confidential in nature.
 - (b) **Sensitive and/or confidential access** – Regular and unsupervised access to criminal or law enforcement informational databases including, but not limited to, NCIC/FCIC, DAVID, and the Divisions Records Management System. This would also include any information regarding crime intelligence analysis and/or any information relating to domestic security.
- (3) **Sworn Candidate** – The term “sworn candidate” describes any person considered to be a law enforcement officer as defined in Section 943.13, Florida Statutes, including members in the Division Reserve / Auxiliary Program and any candidate for a sworn position.

2 RESPONSIBILITIES

- A** For sworn candidates the Training Section staff shall send all candidate information to include any supplemental applications or supporting documents to the designated regional Background Investigations Supervisor to conduct the background investigation.
- B** For non-sworn candidates, hiring supervisors are responsible for determining the appropriate background investigation based on the type of access the position will have.
- (1) **Standard access** - hiring supervisors are responsible for completing the Criminal History and Local Records check on the Employment Background Investigation Report (FWC/DLE-049). The Criminal History and Local Records Check shall be completed either prior to or within the first 30 days of employment.
 - (2) **Sensitive and/or confidential access** - hiring supervisors are responsible for completing the Criminal History and Local Records Check on the Employment Background Investigation Report (FWC/DLE-049). The Criminal History and Local Records Check shall be completed prior to employment.
 - (a) Upon completion of a Criminal History and Local Check, the hiring supervisor shall request approval through the chain of command to issue a conditional offer of employment to the candidate.
 - 1. For duty officer candidates, a satisfactory Criminal History and Local Check is required to participate in pre-hire assessments.
 - 2. Discrepancies discovered during the Criminal History and Local Check shall be reviewed by the candidate’s chain-of command. Final decision to continue the process is at the discretion of the Division Director or designee.
 - (b) Hiring supervisors are responsible for ensuring that the Non-Sworn Supplemental Application (FWC/DLE-063IV) is completed and sent to the appropriate investigative Captain within 3 business days.
 - 1. Hiring supervisors are responsible for coordinating through the chain of command with the appropriate investigative Captain and ensure the Employment Background Investigation Report (FWC/DLE-049) is completed within 60 days.
 - 2. Discrepancies discovered during the full background investigation shall be reviewed by the candidate’s chain-of command. The Division Director or designee shall render the final decision.
- C** Regional Captains/Statewide Investigations Captain or their designees are responsible for ensuring background investigations are completed within established timeframes.

- D** Members assigned to conduct a background investigation are required to complete the investigation within 60 days from the date of assignment for non-sworn members and by the deadline set by the Training Center Director for sworn members.

3 PROCEDURES

A A Candidate Profile on the State of Florida's People First system shall be completed by each candidate and all information listed shall be verified as part of the background investigation. The appropriate background investigation report shall be completed for each background investigation conducted. If certain educational requirements are listed for a position, those requirements must be confirmed. A copy of an educational diploma or degree and transcript may be requested to confirm these requirements.

B For both sworn and non-sworn candidates undergoing a background investigation, the Investigations/Intelligence section shall review and verify any existing entries in the following:

- (1) Statewide Investigative Case Management System
- (2) National Crime Information Center (NCIC)
- (3) Florida Crime Information Center (FCIC)
- (4) Comprehensive Case Information System (CCIS)
- (5) Juvenile Justice Information System (JJIS)
- (6) International Police Organization (INTERPOL)
- (7) Consolidated Lead Evaluation and Reporting (CLEAR)
- (8) National Sex Offender Database
- (9) National Decertification Index (NDI)
- (10) Social Media

C The Training Section staff shall forward the necessary information to the Investigations/Intelligence Section for sworn candidates; the hiring supervisor shall be responsible for forwarding the necessary information for non-sworn candidates.

D Background Investigations

- (1) Sworn candidates shall have a background investigation conducted to determine if the candidate is of good moral character, as outlined in Rule 11B-27.0011, Florida Administrative Code.
 - (a) Investigators conducting the background investigation for sworn candidates shall complete the appropriate sections of the Employment Background Investigation Report (FWC/DLE-049).
 - (b) Research using NCIC/FCIC, public information databases, driver license, credit checks, etc., shall be performed by the appropriate personnel and documented on the Employment Background Investigation Report (FWC/DLE-049).
 - (c) After review and approval of a sworn candidate's background investigation report by the appropriate Regional Captain, a copy shall be forwarded to the Training Section for further review and processing. Additional review may take place at GHQ. If the candidate is hired as a sworn member, the background report is confidential and the records shall be transferred to the employee's official personnel file and maintained per records retention requirements in a secure manner by the Commission. If the candidate is not hired, the background report is confidential and the records shall be maintained for a minimum of four years by the Training Section.

- (6) Trained members conducting the background investigation for non-sworn candidates shall complete the appropriate sections of the Employment Background Investigation Report (FWC/DLE-049) with standard access or for candidates with access to sensitive and/or confidential law enforcement information.
- (7) Research using the National Crime Information Center (NCIC), Florida Crime Information Center (FCIC), public information databases, driver license, credit checks, etc., shall be documented in the Statewide Investigative Case Management System by the investigator.
- (8) FCIC/NCIC criminal history checks may only be conducted by the Division's FCIC/NCIC certified personnel for "criminal justice purposes," including background investigations of candidates for Division of Law Enforcement employment.
 - (a) Division background investigators are not authorized to conduct criminal history checks for any other purpose, including employment background checks of non-Division of Law Enforcement candidates, or criminal history checks on permit applicants, alligator trapper applicants, and non-DLE interns and volunteers. These kinds of criminal history checks must be requested from the Florida Department of Law Enforcement (FDLE) and are available for a fee.
 - (b) Investigators may perform Division-internal record checks for non-DLE candidates.
- (9) The background investigation report for a non-sworn candidate is confidential and, if hired, the original report shall be sent to the FWC Office of Human Resources to be included in the candidate's personnel file. If not hired, the Region shall retain the report in accordance with record retention requirements.

E Review of Candidate Social Media Activity

- (1) The Intelligence Section shall conduct internet searches for social media activity such as Facebook, Instagram, and Twitter and forward the information to the appropriate background investigator for review.
- (2) Any publicly available information on past behavior by a candidate discovered as part of an internet search shall be considered when determining whether a candidate's past behavior may conflict with General Order 07, *Code of Conduct*, *Code of Ethics and Oath of Office*, or whether a sworn candidate's past behavior may be in violation of the good moral character standard as outlined in Rule 11B-27.0011, Florida Administrative Code.
- (3) The background investigator shall review the information gathered from the internet search and document any results on the appropriate background investigation report. A follow up interview or research of other sources to provide authentication of information discovered by internet searches may be required.

F An investigator may ask what social media sites a candidate uses, but cannot ask for their log in credentials (i.e. username and password, etc.). Asking for a password constitutes a violation of the Federal Stored Communications Act.

G Fingerprints

- (1) All sworn candidates must be fingerprinted using the LiveScan system. LiveScan results shall be reviewed by authorized FWC Training Center staff.
- (2) Non-sworn employees shall be fingerprinted by using the LiveScan system.
 - (a) If permitted by the hiring supervisor, candidates may also be fingerprinted at a local law enforcement agency.
 - (b) Results of the fingerprint check shall be reviewed by authorized personnel management staff.
 - (c) Confirmation of fingerprinting shall be updated in the People First System by the Office of


Human Resources and maintained in the member's personnel file.

H Training

- (1) Only members trained in background investigations are authorized to conduct background investigations and collect the required information. Training may be received by any of the following methods:
 - (a) Complete a background investigations training course offered by the Criminal Justice Standards and Training Commission (CJSTC), or the Institute of Police Technology and Management (IPTM).
 - (b) Complete a background investigations course offered by the Division's advanced training section.
 - (c) Complete the background investigations training within PowerDMS.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-049	Employment Background Investigation Report
FWC/DLE-063IV	Non-Sworn Supplemental Application

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement		
	TITLE	GENERAL ORDER 62
		EFFECTIVE DATE March 28, 2013
	APPLICABILITY ALL MEMBERS	RESCINDS/AMENDS May 21, 2012
REFERENCES GO 37		

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to help manage threats by alligators to public safety, pets, and property.
- B** The management authority for nuisance alligators resides with the Statewide Nuisance Alligator Program (SNAP) within the Division of Hunting and Game Management. Incidents involving nuisance crocodiles shall be referred to SNAP, and a program member will determine the appropriate management strategy.
- C** It is the policy of the FWC Division of Law Enforcement to support and assist with the implementation and administration of the Commission's Statewide Nuisance Alligator Program (SNAP).
- D** It is the policy of the FWC Division of Law Enforcement to investigate all alligator incidents involving a bite to a person.
- E** It is the policy of the Florida Fish and Wildlife Conservation Commission that all nuisance alligator complaints coming from state parks, national wildlife refuges, national forests, public parks, or other public property shall be handled in cooperation with the property's managing authority. While the final authority to remove a nuisance alligator rests with the Commission, the agency will exercise due diligence to coordinate a response that reflects the preferences of the property's managing authority.
- F** It is the policy of the Commission that all nuisance alligator complaints originating on private property shall be handled in cooperation with the property owner or managing authority. Furthermore, it is the policy of the Commission to respect private property rights and to defer to the wishes of the property owner and managing authority when possible. However, public safety concerns remain a priority and supersede other considerations.
- G** It is the policy of the Commission that alligators less than four feet in length are not generally considered a nuisance because they are typically not large enough to pose a threat to people, pets, or property. However, alligators less than four feet in length may require action in accordance with this General Order if the alligator meets the "Immediate Response Alligator" definition.
- H** It is the policy of the Commission and its leadership that any field-based, alligator-related, intra-agency conflict that may develop will be resolved in accordance with the conflict resolution protocols provided in this General Order. All agency employees are expected to resolve conflict in a manner that balances public safety and conservation concerns, and at the lowest possible level of supervision. Any conflict item that centers on public safety issues shall be resolved in favor of maximizing public safety. Any conflict item that concentrates on behavioral issues and tendencies of alligators shall be resolved in accordance with established alligator management protocols.
- I Definitions**
 - (1) Alligator Bite** – Incident which involves an alligator bite to a person.

- (2) **Immediate Response Alligator** – Calls concerning alligators that warrant an immediate response. This includes, but is not limited to, alligators that have bitten a person; are attacking a pet; are blocking traffic or causing unsafe traffic conditions; are in someone’s pool, carport or garage, under a car, or otherwise blocking access to personal property,.
- (3) **Nuisance Alligator** – An alligator four feet or larger in length that the caller believes is a threat to people, pets, or property may be deemed a nuisance. The caller must have the legal authority to grant access to remove the alligator.
- (4) **Nuisance Alligator Trapper/Agent** – A private individual under contract or assisting the person under contract with the Florida Fish and Wildlife Conservation Commission. Nuisance Alligator Trappers operate under the direction of SNAP.
- (5) **Statewide Nuisance Alligator Program (SNAP)** – The Statewide Nuisance Alligator Program in the Division of Hunting and Game Management addresses concerns about nuisance alligators throughout Florida.
- (6) **Alligator Bite Incident Coordinator** – The Division of Hunting and Game Management member assisting with implementing the American Alligator Bite Incident Response Plan and providing 24/7 guidance and support to Division members responding to alligator calls for service.

2 RESPONSIBILITIES

A Regional Commander

- (1) In the event of a human fatality or injury from an alligator bite, the Regional Commander shall notify the appropriate Deputy Director, the FWC Regional Director, Public Information Coordinator (PIC), and the appropriate coroner or medical examiner, if necessary.
- (2) The Regional Commander, or their designee, is responsible for coordinating the investigation of alligator incidents involving any alligator bite to a person, and ensuring that the disposition and removal is coordinated with the Alligator Bite Incident Coordinator.

B Supervisors

- (1) Supervisors are responsible for reviewing all investigative reports and ensuring that investigating members consult with the Alligator Bite Incident Coordinator during the investigation.

C Sworn Members

- (1) Sworn members responding to the scene of an alligator call for service shall act in accordance with General Order 37, Investigations.
- (2) The sworn member investigating the alligator bite to a person is responsible for completing and submitting the Accident Information Form (FWC/DLE-091) within 24 hours. The submitting member shall also be responsible for ensuring the completed form is submitted to the Regional Director and Alligator Bite Incident Coordinator.
- (3) Investigating members are responsible for consulting with the Alligator Bite Incident Coordinator during the investigation of all alligator incidents.
- (4) Sworn members shall communicate with SNAP to ensure a unified response that appropriately balances public safety and conservation concerns.

D Alligator Bite Incident Coordinator

- (1) The Alligator Bite Incident Coordinator shall maintain all files of investigative reports involving alligator bites to persons, forms, and alligator incident data and statistics.
- (2) The Alligator Bite Incident Coordinator, or designee, shall be available 24/7 to provide guidance and support to all Division members.

- (3) The Alligator Bite Incident Coordinator is responsible for determining what, if any, action is warranted concerning the removal of an alligator involved in a bite to a person.

E Duty Officers

- (1) Duty Officers shall coordinate the Division of Law Enforcement response in accordance with the procedures listed below.

3 PROCEDURES

A Duty Officer Alligator Response Protocols

- (1) **Alligator Bite Incidents – Incidents involving a bite to a person require the following response:**

- (a) Gather all essential information for the incident and enter into CAD (timely documentation as events occur and information becomes available is essential):
1. Address and/or location.
 2. Phone number(s).
 3. Name(s).
 4. Date and time of the occurrence.
 5. Situational information.
- (b) Dispatch the closest available law enforcement officer(s) to the site of the incident and advise the area supervisor.
- (c) Based on severity and need, dispatch to the site any additional personnel and equipment required to initially handle the situation, including Emergency Medical Services (EMS) responders.
- (d) Contact and provide all information directly to the appropriate Regional Commander and ascertain if the chain of command is followed regarding additional notifications, or if notifications should continue in accordance with the Division's Incident Notification Protocol.
- (e) Contact and provide all required information directly to the Alligator Bite Incident Coordinator,
- (f) Complete the Report of Alligator Incident form (FWC/DLE-328) and send via e-mail to the appropriate Regional Commander and to the Alligator Bite Incident Coordinator.

- (2) **Immediate Response Alligator Calls for Service – Calls for service involving alligators meeting the Immediate Response Alligator Incident definition require the following response:**

- (a) **Between the Hours of 0800 and 1700:**
1. Gather essential information for the incident and enter into CAD:
 - a. Address and/or location.
 - b. Phone number(s).
 - c. Name(s).
 - d. Date and time of the occurrence.
 - e. Situational information.
 2. Transfer the call to the Statewide Nuisance Alligator Program (SNAP) hotline:
 - a. Remain on the line until the transfer is complete.

- b. Advise SNAP that you have a caller with an immediate response alligator complaint on the line and turn the call over to the SNAP representative. Request SNAP to advise whether law enforcement response is required.
 - c. If a SNAP representative cannot be reached via the hotline number, use the alternate program representative numbers.
- 3. If requested by SNAP, notify the closest available law enforcement officer(s) to the site of the incident and advise SNAP by phone if an officer has been dispatched and include the officer's estimated time of arrival (ETA).
 - a. If the officer is required to take action, advise SNAP by phone and send a copy of the CAD report via email or by fax.
- 4. As the incident develops, add all updates to the incident in CAD and send a completed CAD incident report to SNAP upon finalization.

(b) Between the Hours of 1700 and 0800:

- 1. Gather essential information for the incident and enter into CAD:
 - a. Address and/or location.
 - b. Phone number(s).
 - c. Name(s).
 - d. Date and time of the occurrence.
 - e. Situational information.
- 2. Dispatch the closest available FWC law enforcement officer(s). When FWC resources are not readily available, notify a supervisor for further direction. Consideration should be given to contacting surrounding agencies for additional law enforcement response.
 - a. If a law enforcement officer or Lieutenant is not available, the Duty Officer shall contact the area supervisor.
- 3. The Duty Officer shall notify the closest available Nuisance Alligator Trapper.
 - a. If necessary, the Duty Officer may contact the Alligator Bite Incident Coordinator for additional assistance.
- 4. Report the incident to SNAP by sending a copy of the CAD report via e-mail or by fax.

(3) Other Alligator Calls for Service – Alligator calls for service not meeting the criteria detailed above, require the following response:

- (a) Gather essential information for the incident and enter into CAD:
 - 1. Address and/or location.
 - 2. Phone number(s).
 - 3. Name(s).
 - 4. Date and time of the occurrence.
 - 5. Situational information.
- (b) Advise the caller that SNAP will make contact with them as soon as possible and provide the caller with the number for SNAP.
- (c) Report the incident to SNAP by sending a copy of the CAD report via e-mail or by fax
- (d) Even in non-immediate response alligator incidents, the duty officer may dispatch the

closest available officer to the scene, if warranted by the situation. If an officer is dispatched to the scene, the duty officer shall ensure that an updated CAD report is submitted to SNAP.

(4) Alligators In Personal Possession – Calls concerning personal possession of an alligator by a member of the public require the following response:

- (a) Gather essential information for the incident and enter into CAD:
 - 1. Address and/or location.
 - 2. Phone number(s).
 - 3. Name(s).
 - 4. Date and time of the occurrence.
 - 5. Situational information.
- (b) Dispatch the closest available law enforcement officer(s) to the site of the incident – law enforcement action may be warranted.
- (c) The officer(s) will coordinate the release of the alligator with the property owner or managing authority and the Alligator Bite Incident Coordinator. If under 4 feet in length, an alligator trapper should be dispatched if the officer needs assistance with handling the alligator. Alligators 4 feet or greater in length should be turned over to a nuisance alligator trapper.
- (d) If the alligator is not a nuisance alligator, i.e. a trapped, injured, or rescued animal, SNAP should be contacted by phone to determine the disposition of the alligator. During regular office hours, contact SNAP via the procedure in subsection A (2). After hours, contact the Alligator Bite Incident Coordinator per instructions for after hours contact. Enter the contact with SNAP personnel, including the name of the person, in the notes section of the call.
- (e) Report the incident to SNAP by sending a copy of the CAD report via e-mail or by fax.

B Duties of Sworn Members responding to an Alligator Bite to a Person

- (1) The primary duty of the first sworn member to an alligator incident involving a bite to a person is to care for injured persons and to secure and protect the scene. Sworn members shall also:
 - (a) Assess injuries; administer emergency medical care to victim and initiate requests for additional first responder services. Treatment of victim will be turned over to qualified medical personnel upon their arrival.
 - (b) The sworn member shall maintain the incident scene and preserve the evidence.
 - (c) The sworn member shall locate and identify witnesses.
- (2) A supervisor shall be notified for all alligator incidents involving death, serious bodily injury, or missing persons.
- (3) The appropriate supervisor (Lieutenant or above) shall respond to the scene of all alligator incident fatalities.
- (4) The initial sworn member at an alligator incident scene shall retain authority to direct the investigation until relieved of that responsibility by supervisory or investigating personnel. The sworn member is not relieved of such authority until a supervisor or investigator clearly advises the sworn member that he or she is aware of the facts and is assuming responsibility.

C Duties of Sworn Members responding to all other Alligator Calls for Service

- (1) If a sworn member has been dispatched, the primary duty of the first sworn member responding to any other type of Alligator call for service is to secure the scene and to assess the situation. The sworn member shall also:

- (a) Provide updated information on the situation to the Regional Communications Center, including a recommendation for action, which may include dispatch of a nuisance alligator trapper, referring the situation to SNAP, or contacting SNAP for guidance.
- (b) If a nuisance alligator trapper is dispatched, the officer may evaluate the need to remain on site until the requested Nuisance Alligator Trapper arrives. If remaining on site, the officer shall provide assistance as needed. If required, the sworn member may leave the site prior to the arrival of the NAT in order to respond to law enforcement or public safety calls for service.

D Conflict Resolution Protocol

- (1) All agency employees are expected to resolve conflict in a professional manner that balances public safety and conservation concerns. Conflicts that are based on public safety concerns shall be resolved in favor of maximizing public safety and conflicts based on alligator/wildlife behavior concerns shall be resolved in favor of appropriate alligator management practices and procedures. If a conflict arises that, despite diligent efforts of all involved members, cannot be resolved, the following protocol applies:
 - (a) If the sworn member on scene and the SNAP member cannot reach consensus, the sworn member shall refer the issue to the next available sworn supervisor (Lieutenant), who will work with the SNAP member to reach consensus and resolve the issue.

E Investigations of Alligator Bites to a Person

- (1) All alligator incidents involving a bite to a person shall be investigated by a sworn member.
- (2) Incidents involving serious injury or human fatalities shall be investigated by an experienced investigator.
- (3) The investigating member shall conduct a thorough investigation within 60 days and complete the Alligator Incident Investigation Report (FWC/DLE-329).
 - (a) Protracted investigations that cannot meet the report deadline will be documented on an Incident Summary Report (FWC/DLE-045). The report should contain, at a minimum, the accident number, date of accident, and the reason for extension. All extension notifications will be sent to the immediate supervisor of the member assigned to the investigation, who shall ensure that the extension is justified.
 - (b) If an extension is approved, the investigating member's supervisor shall notify the member in writing of the revised deadline and copy the Alligator Bite Incident Coordinator on the written notification.
- (4) Investigating members shall consult with the Alligator Bite Incident Coordinator on all alligator incident investigations.
- (5) All alligator incident investigation reports will be reviewed and approved by the investigating sworn member's immediate supervisor.
- (6) The completed Alligator Incident Investigation Report (FWC/DLE-329) and any supporting documents shall be reviewed by the Captain, who will submit the report to the Regional Commander and the Alligator Bite Incident Coordinator. The Alligator Bite Incident Coordinator will have 14 calendar days to conduct a final review and communicate any recommendations to the respective Captain. If this review does not occur within the 14 calendar day timeframe, the investigation will be considered complete and the case file will be closed. Supporting documentation may include, but is not limited to, the following:
 - (a) Accident Information Form (FWC/DLE-091);
 - (b) Incident Summary Report (FWC/DLE-045);
 - (c) Report of Alligator Incident (FWC/DLE-328);
 - (d) Sworn Written Statement (FWC/DLE-208)

- (e) Call history record of CAD transactions;
 - (f) A medical examiner report or autopsy of the victim, if appropriate;
 - (g) Graphic representation of the location in which the alligator incident occurred (e.g., photos, maps, sketches, etc);
 - (h) Photographs of the location and immediate adjacent areas and the alligator, if captured or killed;
 - (i) Any relevant news clippings; and
 - (j) Any other relevant information.
- (7) All public records requests for completed alligator incident investigations shall be completed by SNAP.

F Alligator Disposition

- (1) Removal of alligators and disposition of alligators shall be determined by the Alligator Bite Incident Coordinator.
- (2) Only under circumstances in which a victim has lost body parts or flesh and there is reason to suspect human parts to be in the alligator's stomach should an immediate examination of the alligator's stomach be performed, if a contracted nuisance alligator trapper or other staff capable of performing this examination is available. If human parts are found during the examination, they shall be placed on ice and transferred to the hospital or coroner/medical examiner by the member. Any transfer shall be documented using the Chain of Custody Tag (FWC/DLE-074). The completed Chain of Custody Tag shall be submitted to the member conducting the investigation for inclusion into the case file.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-045	Incident Summary Report
FWC/DLE-074	Chain of Custody Tag
FWC/DLE-091	Accident Information Form
FWC/DLE-208	Sworn Written Statement
FWC/DLE-328	Report of Alligator Incident
FWC/DLE-329	Alligator Incident Investigation Report



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

ACTIVITY REPORTING

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
63	June 16, 2017	July 16, 2012	All Sworn Members

References

N/A

1 POLICY

- A** The Division recognizes that accurate and comprehensive data on member activity is a management tool that facilitates the delivery of proactive and responsive law enforcement services.
- B** The Division recognizes that activity data is used to document agency compliance with legislative mandates and state and federal enforcement requirements.
- C** The Division believes that accurate reporting and measurement of core mission activities is essential to meet the goals and objectives of the Division's strategic plan.
- D** Therefore, it is the policy of the Division to collect data on member activity through an electronic reporting system (ActivityNet).

E Definitions

(1) Water-Related Patrol

- (a) Water Patrol Hours: Hours performing water patrol enforcement activities which includes vessel patrol, patrols along shorelines, docks, jetties, bridges, and other enforcement activities adjacent to state waters to include hours enroute to/from vessel patrol.
- (b) Water Patrol State Park Hours: Water Patrol that originates in and/or launches from a state park (101WP).
- (c) Water-Related Administrative Hours: Any state water related hours spent completing reports, case management, teaching or attending approved training/meetings, testifying in court, giving depositions, or meeting with prosecutors. Note: Administrative duties performed while on patrol (i.e. paperwork while doing surveillance) shall be recorded as patrol time.
- (d) Water-Related Maintenance Hours: Hours performing vessel and other water-related equipment maintenance.
- (e) Water-Related Outreach Hours: Water related outreach events, including boating & marine programs and activities.
- (f) Water-Related Air Patrol: Hours performing water-related air patrol (173W, 173F).

(2) Land-Related Patrol

- (a) Land Patrol Hours: Includes time spent on patrol, on foot or from a vehicle, for the purpose of wildlife/hunting enforcement or general wilderness or resource law enforcement patrol.
- (b) State / Local Owned Land Patrol Hours: Hours performing patrol on state or locally owned lands (FWC, DEP, DOF, DHR Water Management Districts, etc.)
- (c) Privately Owned Land Patrol Hours: Hours performing patrol on privately owned lands.
- (d) Federal Land Patrol Hours: Hours performing patrol on federally owned lands.
- (e) Land-Related Administrative Hours: Any land related hours spent completing reports, case management, attending approved training/meetings, testifying in court, giving depositions, or meeting with prosecutors. Note: Administrative duties performed while on patrol (i.e. paperwork while doing surveillance) shall be recorded as patrol time.
- (f) Land-Related Maintenance Hours: Hours performing vehicle and other land-related equipment maintenance.
- (g) Land-Related Outreach Hours: Any outreach events that are not related to boating and marine activities.
- (h) Land-Related Air patrol: Hours performing land-related air patrol (173-173A).
- (i) State Park Patrol / Greenways and Trails: Patrol activity taking place inside state park boundaries or immediately adjacent to a state park if the patrol activity is directly related to providing patrol services for a park (100P). Hours within Greenways & Trails property should be entered under the State Park closest to the patrol location.
- (j) State Forest Patrol Hours: Patrol activity taking place within the boundaries of a state forest or immediately adjacent to a state forest if the patrol activity is directly related to providing state forest patrol services. (100SF)

2 RESPONSIBILITIES

- A** FWC Officers, including Reserve Officers I and II, all Investigators, all Pilots and certain Lieutenants are required to report their work hours and activities every two weeks on the Employee Activity Record in ActivityNet.
- B** Members shall account for their various activities in the Employee Activity Record as accurately as possible, but may round approximate work times for each activity to the nearest half hour.
- C** The reporting member is responsible for ensuring that the number of *Total Hours Worked* (reported in the Employee Activity Record) plus any leave taken equals the data reported in People First (statewide human resources management system) for the same two-week period.
- D** By submitting their Employee Activity Record for the reporting period, members certify that it represents a true and correct record of their activity.
- E** Members are responsible for completing and submitting their Employee Activity Record by close of business every other Thursday or as directed by their Regional Commander or Section Leader.
- F** Member intentional falsification of the Employee Activity Record, or any portion thereof, shall be cause for discipline which may include dismissal.
- G** Supervisors are responsible for reviewing, rejecting for required changes (if necessary), and approving the Employee Activity Records submitted by their subordinates in a timely manner.

3 PROCEDURES

- A** ActivityNet records two different sets of information: *Total Hours Worked* and *Core Mission Activities*:

- (1) The number of *Total Hours Worked* combines the hours from the water-related patrol and land-related patrol sections. This total, plus any leave taken, shall equal the hours entered into the People First system.
- (2) *Core Mission Activities* recording is intended to reflect the multi-tasking sworn members accomplish while on patrol. FWC officers are uniquely situated to perform multiple core mission activities simultaneously while on either land-related or water-related patrol (e.g. fisheries enforcement, manatee patrol, boating safety inspections, and maritime and wilderness law enforcement patrol). While the *Total Hours Worked* section must reflect the actual hours worked and reported, the *Core Mission Activities* hours reported may exceed the total number of actual hours worked if the elements of patrol activity for that day cannot be easily assigned to a single core mission.

B Public Contact


- (1) A member must have at least verbal interaction with an individual before the encounter can be counted as a public contact.
- (2) The number of *Users Checked* equals the number of individuals checked/inspected for compliance. At least verbal interaction with individuals is required. Mere observation does not constitute inspection or a user checked.
- (3) The number of Educational/Public Outreach Contacts equals the total number of individuals requesting or receiving information or educational materials, or who are part of a group presentation.
 - (a) The number of Educational/Public Outreach Contacts taking place within the boundaries of a State Park shall be recorded separately using the appropriate row.
- (4) *Assistance Rendered* equals the total number of individuals who are provided assistance by the member.
- (5) It is important to note that public contact activities should only be reported in one member's Employee Activity Record. Members working together may divide up the number of public contact activities among them for tracking purposes, if appropriate. For example, two members assist a family of four experiencing engine failure on the boat while underway. Each member could claim two individuals to whom assistance was rendered.

C Members shall follow the instructions on ActivityNet for completing and submitting their Employee Activity Record

4 FORMS

FORM NUMBER	FORM TITLE
	Employee Activity Record (Actual activity hours shall only be submitted through ActivityNet)

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement

	TITLE	GENERAL ORDER
	Environmental Response Team (ERT)	64
	APPLICABILITY	EFFECTIVE DATE
ALL MEMBERS		January 11, 2017
		RESCINDS/AMENDS
		N/A
REFERENCES		

1 POLICY

- A** The Florida Fish and Wildlife Conservation Commission’s Division of Law Enforcement (Division), in conjunction with the Department of Environmental Protection’s Office of Emergency Response (OER) conduct criminal environmental investigations, protect Florida’s natural resources and provide emergency response services for oil and hazardous material releases. Due to the potential for criminal acts to occur which may involve intentional or accidental chemical, biological, radiological, nuclear, and explosive (CBRNE) incidents, the OER and FWC, in conjunction with other state and local agencies established the Environmental Response Team (ERT). The ERT provides the capability for entry into a contaminated environment to collect evidence and assist with remedial actions.
- B** Team members are selected from within the Division in consideration of their law enforcement capabilities, self motivation, and physical fitness. Assignment to the ERT is a secondary duty and will be voluntary.

2 RESPONSIBILITIES

- A** The ERT operates under a joint leadership system with OER and the Division is responsible for fulfilling one “team leader” position which will be selected by the Operational Support Captain in conjunction with the Statewide Environmental Investigations Coordinator.
- B** The ERT is responsible for preparing for and responding to a possible or actual emergency resulting from a CBRNE event.
- C** ERT members are responsible for providing technical assistance as well as investigative and forensic support at an event in which an environmental pollution incident or public health threat, outlined under Chapters 403 and 376, Florida State Statutes, has occurred.
- D** ERT members are required to maintain all issued ERT equipment which will be in ready status and available to deploy at anytime.

3 PROCEDURES

- A** Division members interested in serving on the ERT will notify the Operational Support Section Major or designee via their chain of command of their interest in becoming a team member. Potential team members must be in excellent mental and physical condition to withstand the rigors of training and deployment. The Operational Support Section Major or designee will have final approval for selection of team members.

B ERT Member Qualifications

- (1) Potential ERT members must meet the following criteria:
 - (a) At least one year of satisfactory law enforcement service with the Division, including completion of the member's Field Training Program and initial employment probationary period.
 - (b) Free from any injury or disability which could adversely affect his/her physical performance and prevent the sworn member from performing the essential duties.
 - (c) Not presently on light duty status or administrative leave.
 - (d) Not had a suspension for disciplinary reasons for a minimum of one year.
 - (e) If selected to be a member of the ERT, the member must undergo a medical monitoring physical and be approved for participation by a physician.
 - (f) Must have the ability to work with the general public and advance a positive image of the Division.

C Recruitment and Selection

- (1) Division members may be recruited for the following positions:
 - (a) Team Leader
 - (b) Assistant Team Leader
 - (c) Liaison Officer
 - (d) Safety Officer
 - (e) Planning Officer
 - (f) Logistics Officer
 - (g) Assessment and Collection Unit member
 - (h) Decontamination Unit member
- (2) Selection Process
 - (a) Applicants must submit to an oral interview. The interview board will be appointed by the Operational Support Section Major or designee in conjunction with the Statewide Environmental Investigations coordinator. The interview board will consist of (at a minimum) the "Team Leader" or "Assistant Team Leader" from the Division, and two other ERT members regardless of their position held, and preferably of longstanding tenure on the team.
 - (b) Upon completion of the interview process, applicants may be awarded team status or placed on an ERT reserve list which may be drawn from for a period of one year to fill team vacancies.
 1. If an applicant is not awarded team status during the one year reserve status, the applicant must reapply through the interview process.
 2. The selection process will be held based on ERT vacancies and needs.

D. Training

- (1) All ERT members will be trained to the OSHA HAZMAT Technician level as identified in OSHA 1910.120(q)(6)(iii). The only exceptions are skilled support personnel or specialist employees as identified in OSHA 1910.120(q)(4)(5).
- (2) ERT members shall, at a minimum, attend an eight hour annual OSHA refresher training to retain his or her certification as an OSHA HAZMAT technician.

- (3) ERT members shall be required to participate in a medical monitoring program to assess their fitness for duty on the ERT.

E. Activation and Deployment

- (1) The ERT may be either wholly or partially activated upon a request from any Regional Major or his or her designee to the Operational Support Section Major or his or her designee.
- (2) The ERT may be either wholly or partially activated upon a request from the director or his or her designee of OER.
 - (a) The director or his or her designee of OER will notify FWC's Operational Support Section Major who will, in turn, coordinate with the Statewide Environmental Investigations coordinator to begin the notification process of ERT members via the chain of command.

F. ERT Standard Operations Guide

- (1) Refer to the ERT Standard Operations Guide (SOG) for additional information.

4 FORMS

FORM NUMBER	FORM TITLE
N/A	N/A



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

DIVE TEAM

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
65	May 7, 2018	N/A	All Sworn Members

References

1 POLICY

- A** The Division staffs regional dive teams to enhance response capabilities during critical incidents, special details or underwater operations. Dive team missions and objectives include support of the Division's regional operations and the agency's core mission, interagency assistance, domestic security, search and rescue, and any incidents requiring underwater response.
- (1) Dive teams are designed around the Division's unique law enforcement responsibilities, specialized equipment, and uniquely trained personnel. Dive teams are capable of providing a specialized underwater response in Florida's diverse marine and freshwater environments.
 - (2) Dive teams provide support to local, state, and federal law enforcement agencies and emergency response organizations that do not have the equipment, personnel or capabilities to provide such response or upon request to assist in underwater dive operations.
- B** Dive team members are selected from within the Division in consideration of their law enforcement capabilities, self-motivation, and physical fitness. Assignment to a dive team is a secondary duty and shall be voluntary.

2 RESPONSIBILITIES

- A** The dive team leader is responsible for providing specially trained personnel to respond and conduct underwater operations to include but not limited to: search and rescue, body recovery, evidence recovery, boating accident investigations, derelict vessel investigations, and other mission related activities.
- B** Dive team members are required to attend and successfully complete each annual physical fitness assessment, as outlined in the dive team Standard Operating Procedures (SOP).
- C** Dive team members are required to complete each medical physical outlined in the dive team SOP.
- D** Dive team members are required to maintain "Ready Condition" for deployment at any time with the exception of periods when the member is on approved leave.

3 PROCEDURES

A Division personnel interested in participating on a dive team shall notify the Regional Commander or Team Commander of their interest in becoming a team member. Upon meeting the minimum criteria for selection and successful completion of the required physical fitness requirements, and when team vacancies exist, potential team members shall be recommended for selection to the respective team's Regional Commander. The Regional Commander shall have final approval for selection of team members.

B Dive Team Member Qualifications

- (1) Potential dive team members must meet the following criteria:
 - (a) Be a sworn member of the Division, with at least one year of satisfactory law enforcement service with the Division, including completion of the sworn members Field Training Program and initial employment probationary period.
 - (b) Be free from any injury or disability which could adversely affect his/her physical performance and prevent the sworn member from performing the essential duties of the dive team.
 - (c) Not be on light duty status or administrative leave.
 - (d) Not have had a suspension for disciplinary reasons for a minimum of one year.
 - (e) Must be in good physical condition and maintain a regular exercise regimen.
 - (f) Must have the ability to properly handle people during stressful situations.
- (2) If the applicant does not meet the above criteria, the applicant may request an exception to the appropriate Deputy Director. The request and the waiver, if granted or denied, must be in written format and retained in the regional files.
- (3) Dive team members are expected to consistently perform above average during normal patrol duties and should be recognized as positive informal leaders in the field. Working just at, near, or below expectations for normal patrol duties, or failure to meet the conditions above are grounds to be removed from the team or to not be accepted to the team.

C Recruitment and Selection

- (1) Participants may be recruited for the following positions:
 - (a) Team Leader (TL)
 - (b) Assistant Team Leader (ATL)
 - (c) Team Member (TM)
- (2) Recruitment Process
 - (a) Applicants for TL, ATL, and TM must successfully demonstrate swimming skills as required on the Criminal Justice Diver Performance Evaluation FDLE CJSTC 19 form.
 - (b) All applicants for TL, ATL, and TM must have open water certification from a nationally recognized institute (PADI, NAUI, etc.) and must be comfortable in water.
 - (c) Upon successful completion of the physical fitness assessment, applicants must submit to an oral interview. The interview board, appointed by the Regional Commander, shall rank and approve each applicant for team membership suitability. The interview board shall be composed of one TL, one ATL, and one member designated by the appropriate Regional Commander.
 - (d) If selected to be a member of the dive team, the sworn member must undergo a medical physical and be approved for participation by a physician at intervals specified in the Dive Team SOP.

- (e) Upon successful completion of the physical fitness assessment, interview, and medical physical, the applicant shall be awarded team status or placed on a regional dive team reserve list which may be drawn from for a period of one year to fill team vacancies.
 - 1. If an applicant is not awarded team status during the one year reserve status, they must reapply and re-qualify through the physical fitness assessment and interview.
 - 2. Recruitment assessments and interviews shall be held based on regional team vacancies and needs.

D Training

- (1) New dive team members shall attend the first available dive refresher training.
- (2) Dive team members shall only participate on dives for which they have been trained.
- (3) Dive team members shall attend continued dive team training as outlined in the Dive Team SOP.

E Activation and Deployment

- (1) Dive teams may be requested from Local, State, and Federal agencies, or from within the Division. The affected Regional Commander may approve dive team deployments depending upon request.
 - (a) The Division Director or designee can also activate dive teams as needed to respond to unusual occurrences or critical incidents in consultation with the affected Regional Commander(s).
- (2) The decision to activate a dive team depends on the specifics of the request, the dive team capability for responding to the request, and consideration of other law enforcement resources available for responding to the request.

F Dive Team Operating Procedures

- (1) Refer to the Dive Team SOP for additional information.

4 FORMS

FORM NUMBER	FORM TITLE
FDLE CJSTC 19	Criminal Justice Diver Performance Evaluation



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

TITLE: SOCIAL MEDIA

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	Applicability
66	May 16, 2017	N/A	ALL MEMBERS

References
CFA 32.05

1 POLICY

- A** It is the policy of the Division of Law Enforcement to establish the Division’s procedures for the utilization, management, administration and oversight of the use of social media.
- B** This policy is not intended to address one specific form of social media, as advances in technology will occur. The absence of, or explicit reference to, a specific social media or social network does not limit the extent of the application of this policy.
- C** The Division recognizes the role of social media in the personal lives of some members. The personal use of social media can have an impact on employees in their official capacity. This policy provides information of a precautionary nature as well as prohibitions on the use of social media by members.
- D Definitions:**
- (1) **Blog** – A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions or comments. The term is short for “Web log”.
 - (2) **Off Duty** – A time period in which a member is not engaged in on-duty employment or any type of secondary employment.
 - (3) **Page** – The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.
 - (4) **Post** – Content an individual shares on a social media site or the act of publishing content on a site.
 - (5) **Profile** – Information that a user provides about himself or herself on a social networking site, which identifies or tends to identify personal and/or biographical information.
 - (6) **Social Media** - A category of internet-based and/or cellular-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, Google+, etc.), on-line internet based information sharing (Twitter, Skype, YouTube, Craigslist, etc.), and cellular data exchange networks (cellular phone texting, Blackberry Messenger, Mobile Data Computers, etc.), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

- (7) **Social Networks** - Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.
- (8) **Speech** - Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

2 RESPONSIBILITIES

- A All members are responsible for ensuring their social media and social networking activities adhere to the established code of conduct as found in General Order 7, *Code of Conduct*, *Code of Ethics and Oath of Office*.
- B All members are responsible for adhering to all policies and procedures found in this General Order and applicable FWC Internal Management Policies and Procedures (IMPP).
- C A member having knowledge of any violation of this General Order or applicable IMPP(s) shall be responsible for notifying a supervisor as soon as practicable.
- D The FWC Social Media and Creative Services Manager, and the Director of the Office of Community Relations are responsible for overall maintenance of all FWC managed social media sites including security and inappropriate postings.

3 PROCEDURES

A Commission or Division Managed Social Media

- (1) Authorized members may use approved social media or social networks for a legitimate employment related purpose.
 - (a) Members shall abide by all copyright, trademark, and service mark restrictions.
 - (b) Members shall not use personally owned devices to manage Division social media or social network activities.
 - (c) Members shall ensure that communications through division managed social media will not impair working relationships of the Commission or Division, compromise confidentiality, impede the performance of duties, or negatively affect the public's perception of the Commission, Division, or the member.
 - (d) The Community Relations Social Media Coordinator or designee shall be the only authorized member to respond to comments, on behalf of the Division, made by the public on Commission or Division social networking sites.
- (2) Members shall not utilize Commission or Division managed social media to;
 - (a) Comment about the guilt or innocence of any suspect or arrestee, or comment concerning pending prosecution(s) unless approved by the Director, Deputy Director, or Regional Commander.
 - (b) Post, transmit, or otherwise disseminate any public record exempt from release pursuant to Florida State Statute(s), including photographs or videos, related to Division training, activities, or work-related assignments, unless approved by the Director, Deputy Director, or Regional Commander.

B Division Member Personal Use of Social Media

- (1) Division members are free to express themselves as private citizens while utilizing social media to the degree that their speech does not impair working relationships of the Commission or Division, compromise confidentiality, or impede the performance of duties.

- (2) Members shall not utilize Division equipment to participate in any personal and/or off duty social media or social networking activities.
- (3) Members shall not post, transmit, or otherwise disseminate any information which they have access to as a result of their employment. This includes, but is not limited to:
 - (a) Any information which divulges law enforcement tactics
 - (b) Locations of active law enforcement operations, investigations or details.
 - (c) Photos or descriptions of evidence or potential evidence.
 - (d) Any other information which could possibly compromise law enforcement operations.
- (4) As public employees, Division members are cautioned that speech on or off duty, made pursuant to their official duties (speech that owes its existence to the employee's professional duties and responsibilities) may form the basis for Division discipline. Members are advised that their speech and related activity on social media may reflect upon their employment with the Division.
 - (a) The United States Supreme Court in their 2006 decision in the case of Garcetti v. Ceballos has held that speech made by public employees pursuant to their official duties is not protected by the First Amendment from employer discipline.
 - (b) Members shall not use social media to create, comment, disclose, post, transmit, or otherwise disseminate any information which ridicules, mocks, derides, disparages, or otherwise expresses bias against any race, sex, religion, or protected class of individuals.
- (5) Grievances and/or negative comments on the internal operations of the Division, or specific conduct of Division members, are not protected by the First Amendment from employer discipline.
 - (a) The United States Supreme Court in their 1983 decision in the case of Connick v. Myers has held that speech made by public employees which affect the good order of the agency is not protected by the First Amendment from employer discipline.
- (6) Division members shall not use social media to depict the Division uniform, badge, patch, vehicle, or any other Division or Commission graphic mark or emblem in any manner which reflects a lack of good moral character, or may negatively affect the public's perception of the Division or Commission.


C Recommended Precautions

- (1) When using social media, Division members shall be aware that their speech becomes part of the public domain. Social media is utilized by private citizens, public officials, government, businesses, media, defense attorneys, criminals, etc. Content and/or information posted using social media has been used to discipline employees, and impeach law enforcement testimony.
- (2) For safety and security reasons, Division members should use caution if/when disclosing their employment with the Division on personal social media.
 - (a) As a matter of officer safety and to foster protection provided under Florida Statute Chapter 119, it is recommended that sworn members not intentionally use a photo of themselves in uniform as a profile photograph.
- (3) Division members should be aware that they may be subject to civil litigation or criminal prosecution for:

- (a) Publishing or posting false information which harms the reputation of another person, group, or organization.
 - (b) Publishing or posting private facts and/or personal information about someone without their permission that has not been previously revealed to the public, which is not of legitimate public concern, and would be offensive to a reasonable person.
 - (c) Using another person's name, likeness, or other personal attributes without that person's permission.
 - (d) Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- (4) Division members should be aware that privacy settings and social media security features are constantly changing, and should never assume that personal information which is disclosed, posted, transmitted, or otherwise disseminated using social media is protected and private.

4 FORMS

FORM NUMBER	FORM TITLE
	N/A

Florida Fish and Wildlife Conservation Commission – Division of Law Enforcement		
	TITLE	GENERAL ORDER 67
	CRIMINAL JUSTICE INFORMATION SERVICES	EFFECTIVE DATE January 11, 2017
	APPLICABILITY	RESCINDS/AMENDS
	ALL MEMBERS	N/A
<p>REFERENCES</p> <p>Florida Information Technology Resource Security Policies and Standards FDLE Criminal Justice User Agreement FBI Criminal Justice Information Services (CJIS) Security Policy FWC IMPP Manual; IMPP 3.2, 3.3, 3.4, 3.7</p>		

1 POLICY

A It is the policy of the Division of Law Enforcement to establish the Division’s procedures for compliance with all aspects of the Criminal Justice Information Services (CJIS) Security Policy.

B Definitions:

- (1) **Federal Bureau of Investigation (FBI) Criminal Justice Information Services Division (CJIS)** – The FBI division responsible for the collection, warehousing, and timely dissemination of relevant Criminal Justice Information (CJI) to the FBI and to qualified law enforcement, criminal justice, civilian, academic, employment, and licensing agencies.
- (2) **Criminal Justice Information (CJI)** – Criminal Justice Information is the term used to refer to all of the FBI CJIS provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to, biometric, identity history, biographic, property, and case/incident history data.
- (3) **User Agreement** – An executed agreement between the Florida Department of Law Enforcement (FDLE) and the Florida Fish and Wildlife Conservation Commission (FWC) stating the FWC will abide by all policies and procedures in the use of the CJI terminal and the information obtained from the CJI system.
- (4) **Physically Secure Location** – A facility, a law enforcement vehicle, or an area, a room, or a group of rooms, within a facility with both the physical and personnel security controls sufficient to protect CJI and associated information systems.

2 RESPONSIBILITIES

A It is the responsibility of Fleet and Technical Services section to:

- (1) Ensure all members maintain current and appropriate CJIS certifications.
- (2) Ensure that members in the Office of Information Technology (OIT) and the Office of Inspector General (OIG) maintain current and appropriate CJIS certifications, as required.
- (3) Develop and implement training as required by CJIS.
- (4) Maintain a list of all members and their CJIS system authorization and level of certification.

B It is the responsibility of all members to:

- (1) Obtain and maintain the appropriate CJIS certification needed according to their job function.

3 PROCEDURES

A CJIS Certification

- (1) All members who have access to CJIS or CJI as part of their assigned duties or may access or overhear CJI shall have the appropriate certification from FDLE. Members who are required to maintain current CJIS certification and levels are:
 - (a) Sworn members (including Reserve Officers) – Limited Access Certification.
 - (b) Duty Officers, Duty Officer Supervisors and Non-Sworn Technology Services Staff that support the Regional Communications Centers – Full Access Certification.
 - (c) Non-Sworn members assigned to the Intelligence or Investigations sections that perform queries or background checks – Limited Access Certification.
 - (d) Non-Sworn members – CJIS Security Awareness Training.
- (2) New sworn members shall complete their Limited Access training prior to graduating from the FWC Academy.
- (3) Duty Officers and Duty Officer Supervisors shall complete the CJIS certification class within six months of employment. During the initial six-month period, the member may access the system utilizing a temporary access status and must be under the supervision of a certified user.
- (4) Non-Sworn employees shall complete the appropriate CJIS certification within six months of employment.
- (5) Members shall renew their CJIS certification every two years.

B Security

- (1) Members shall take precautions to ensure that CJI is secure at all times. Before information is released to the public or other agency personnel, the member shall ensure that the receiving entity is permitted by CJIS standards to receive the information.
- (2) Only agency owned and managed computers shall be authorized to access, process, store or transmit CJI unless FWC OIT has approved specific terms and conditions for access or use from personal devices.
- (3) CJI shall not be stored on personally owned or unencrypted electronic physical media such as USB thumb drives, removable memory cards, etc. All electronic storage of CJI should be done on a member's issued computer or the member's "U" drive. For instructions on properly encrypting electronic physical media please see the Technology Services Section Share Point site.
- (4) Any CJI that is printed shall be stored in a secure location (i.e. locked patrol vehicle, locked filing cabinet, desk drawer, or office). When the printed document is no longer needed, it shall be shredded. CJI documents shall not be maintained as part of a case file.
- (5) Members shall escort visitors that are not CJIS certified to their work areas to prevent unauthorized view or access to CJI. Members in that work area shall be made aware that there is an uncertified visitor present and to operate accordingly to maintain the confidentiality of the system.

C Uses

- (1) Members shall not use CJI for any non-criminal justice purposes without approval from the Division Director.

4 FORMS

FORM NUMBER	FORM TITLE
	N/A

FWC Division of Law Enforcement Interim Policy Memorandum IPM 09-05

July 1, 2009

TO: All Division members

FROM: Colonel Julie Jones
Director, Division of Law Enforcement

SUBJECT: Snorkeling/Skin Diving Policy

This Interim Policy Memorandum (IPM) establishes the Division of Law Enforcement's policies and procedures on Snorkeling/Skin Diving. Upon successful evaluation of the policies and procedures contained in this IPM, the Division may issue a General Order governing Snorkeling/Skin Diving or incorporate this IPM into an existing General Order.

Section 1 (Policy)

- A** The FWC Division of Law Enforcement recognizes that occasionally it is necessary to engage in snorkeling/skin diving for the purpose of evidence recovery, damage assessment, surveillance, and rescue. This IPM establishes procedures on snorkeling/skin diving to ensure member safety.
- B** For the purposes of this IPM only, the term skin diving will also include snorkeling.
- C** Nothing in this IPM shall preclude a member from entering the water to perform a rescue if the demands of the rescue are within the member's abilities.

D Definitions

- (1) Snorkeling** – Swimming at the surface of the water with a mask and with or without a snorkel.
- (2) Skin diving/free diving** – Swimming at or below the surface of the water with a mask and with or without a snorkel.
- (3) Regional Dive Supervisor** – A member appointed by the Regional Commander as being qualified to instruct and oversee regional skin diving operations. The Regional Diver Supervisor should at a minimum possess a valid certification as an Advanced Open Water Scuba Diver.

Section 2 (Responsibilities)

- A** Prior to engaging in snorkeling or skin diving, members shall complete the Division's Snorkeling/Skin Diving Course conducted by the Regional Dive Supervisor or an equally qualified designee. The course consists of a lecture and exam followed by swimming pool skills to determine the member's ability to skin dive safely.
 - (1)** A scuba diver certification from a recognized diving organization may be substituted for the Division's Snorkeling/Skin Diving Course.

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B When snorkeling/skin diving, members shall not:

- (1) Free dive (descend) beyond 30 feet regardless of the water depth.
- (2) Snorkel in water when the visibility is less than 3feet.
- (3) Snorkel in high vessel traffic areas without appropriate law enforcement vessels present for safety.
- (4) Snorkel in areas with underwater hazards such as intakes, thick aquatic plants and spillways.
- (5) Snorkel in other hazardous environmental conditions such as heavy seas or lightening storms.
- (6) Snorkel without a lookout on scene.

Section 3 (Procedures)

- A** Prior to entering the water, the member shall notify the Regional Communications Center of their exact location, including the GPS coordinates, and the reason for entering the water.
- B** Prior to entering the water, the member will ensure their weapons are secure and locked in a vessel compartment.
- C** Member(s) skin diving must wear an approved snorkel vest with emergency CO₂ activation, and display a dive flag from their vessel and/or have a dive flag in tow.
- D** Any time a member enters the water, another member shall be present to serve as a lookout or snorkel buddy.
- (1) When suspects are present, the lookout shall remain aboard the patrol vessel or another patrol vessel to serve as an observer at all times.
- E** The patrol vessel shall be properly anchored prior to any member entering the water.
- (1) If necessary for safety reasons, a patrol vessel may be operated by another member.
 - (2) If a vessel is in operation while a member is in the water, the engine/engines shall be in NEUTRAL whenever the skin diver is below the surface, and the engine/engines shall not be put into gear until the operator has received the OK signal from the member at the surface.
 - (3) The vessel engine/engines shall be turned off anytime a member is in the water at the stern of a vessel.
- F** Division vessels used for skin diving shall be equipped or designed so that members can safely re-board the vessel.
- G** All Members shall notify the Regional Communications Center upon exiting the water.
- H** When a member has a need to enter the water and the prevailing conditions are beyond the scope of this IPM, the member shall contact an in-service supervisor to request authorization before entering the water to skin dive.

JJ/asg

FWC Division of Law Enforcement Interim Policy Memorandum IPM 10-01

May 18, 2010

TO: All Division members

FROM: Colonel Jim Brown
Director, Division of Law Enforcement

THROUGH: Major Brett Norton
Field Services Section Leader

SUBJECT: Rapid ID Devices Policy and Procedures

This Interim Policy Memorandum (IPM) establishes the Division of Law Enforcement's policies and procedures on the use of the Rapid ID Device, a handheld digital fingerprint reader. This IPM will provide guidance on the issuance and use of the Rapid ID Device until these policies and procedures are incorporated in an existing General Order.

Section 1 (Policy)

- A** The issuance and use of the Rapid ID Device (RIDD) is intended to provide members with a specialized tool to assist in the positive identification of individuals under appropriate circumstances.
- B** A Rapid ID Device may be used in a variety of situations and circumstances; however, the FWC Division of Law Enforcement prescribes specific requirements and procedures regarding its use.
- C Definitions**
 - (1) Rapid ID Device (RIDD)** – A RIDD is a handheld digital fingerprint reader that communicates with the Florida Department of Law Enforcement's Rapid ID (FALCON) system via the Mobile Computer Terminal (MCT). The device checks two fingerprints obtained from suspects encountered in the field or on the water against outstanding warrants and can provide positive identification and a criminal history if electronic prints exist in FDLE's system.

Section 2 (Responsibilities)

- A** Only the Field Services Section Leader or his/her designee has the authority to approve or issue Rapid ID Devices to Division members.
- B** Only devices that conform to the standards set forth by the Florida Department of Law Enforcement will be approved.
- C** The Field Services Section Leader or his/her designee shall be responsible for overseeing the development and administration of the training process for assuring proficiency of instructors and operators with the Rapid ID Device. This shall include but not be limited to:
 - (1)** Ensuring lesson plans and any necessary forms are developed and maintained based

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on manufacturer's recommendations, Florida Department of Law Enforcement guidelines, and appropriate legal mandates.

- (2) Maintaining Training Records:
 - (a) Ensuring that proficiency training is received by each user and;
 - (b) Training is documented and training records are forwarded to the Division's Training Section for entry in the member's official training record.
- (3) Reviewing and revising all applicable training criteria on an as needed basis.
- D Supervisors shall ensure that members follow established policies and procedures for the use and maintenance of the Rapid ID Device.
- E Members, whose Rapid ID Devices are in need of repair or replacement, shall inform their immediate supervisor and coordinate repair and replacement with the Division's Field Services Section.
- F Members are responsible for using and maintaining their assigned Rapid ID Devices in accordance with the established RIDD policies and procedures.

Section 3 (Procedures)

A Issuance of the Rapid ID Device:

- (1) A Rapid ID Device will be issued only to members that have had training on the operation of the unit. Training shall include considerations and requirements for use of the device under various circumstances.
- (2) All Rapid ID Device units must be properly maintained in accordance with the manufacturer's recommendations as detailed in the training provided prior to use.

B Training

- (1) Prior to issuance of a Rapid ID Device, members will complete a Division-approved Rapid ID Device course and demonstrate proficiency on the unit.
- (2) Training will be based on manufacturer's recommendations and suggestions from the Division's Field Services Section Leader and Training Section Leader.
- (3) Training will include at a minimum:
 - (a) Setup and maintenance procedures;
 - (b) Proper use guidelines;
 - (c) Legal issues involved with the use of the Rapid ID Device;
 - (d) Reporting requirements;
 - (e) Other issues as deemed necessary and established by the Division's Field Services Section Leader and Training Section Leader.

C Guidelines for Use of the Rapid ID Device

- (1) The Rapid ID Device may be used in situations where the subject to be fingerprinted has given a knowing and willing voluntary consent or permission for the member to use the device. This may include consent given during lawful encounters, such as traffic stops, etc.

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- (a) As with other forms of consent, the consent can be limited or withdrawn at any point by the subject.
 - (b) If consent is withdrawn, use of the Rapid ID is **not** authorized and its use must stop immediately. Members shall not force or coerce anyone to submit to the scan.
- (2) The Rapid ID Device may be used in situations where reasonable suspicion can be articulated that the subject to be printed has committed, or is about to commit a criminal act, when there is a justifiable and reasonable belief that such printing via the Rapid ID will either establish or nullify the subject's connection with that crime. The key here is that the use of the Rapid ID Device is used as quickly as possible after reasonable suspicion is established.
 - (a) Failure to comply with the request to provide a Rapid ID scan under these circumstances may constitute a form of obstruction; however, it may be more appropriate to use the failure to comply as further evidence of suspicion for the suspect crime and simply proceed with the investigation without the scan.
 - (b) The Rapid ID may be used in situations where the subject to be printed would otherwise be required to give traditional fingerprint samples. Some examples are:
 1. Probable cause criminal arrest situations.
 2. Required sentencing fingerprints for court.
 3. When a subject is issued a citation (if the citation requires fingerprint(s) to be affixed), a Rapid ID might be used to rapidly ensure the identity given by the subject matched his prints, since proof of his correct identity is already in question and is the cause for placing the print on the citation in the first place.
- (3) The Rapid ID may be used in situations where the use of the device has been specifically authorized pursuant to a valid subpoena; however, if the subpoena is not for immediate compliance, the subject should be allowed to appear for fingerprinting at the future time indicated on the subpoena.
 - (a) Members should be aware that the subject may be able to move to quash the subpoena.
 - (b) Failure to honor a subpoena for Rapid ID use should be addressed in court and not be handled by attempting to force compliance via enforcement actions at the time of the refusal to comply.
- (4) The Rapid ID may be used in situations where the use of the device has been specifically authorized pursuant to a valid court order.
 - (a) Where a court order requiring the use has been ordained, reasonable and safe efforts to gain compliance may be employed.
 - (b) Failure to comply may constitute contempt of court and may constitute obstruction of justice.
- (5) Use of the Rapid ID Device for random or generalized investigative or intelligence gathering, with no focused case or other reason is **not** authorized. Special care should be taken to ensure devices are not used for purposes that may lend themselves to the inference of improper "profiling" or biased policing.
 - (a) Any specialized non-standard use of the Rapid ID Device shall require notification and authorization by the member's immediate supervisor. If the

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immediate supervisor is not available, the request will be forwarded to the next available supervisor.

- (b) Examples of non-standard use may include, but are not necessarily limited to:
1. Request from an outside agency to fingerprint a suspect in custody. (As long as the requesting agency complies with the procedures set forth in this policy.)
 2. Attempts to identify an unconscious or otherwise incapacitated subject who cannot be identified by any other means.
 3. Death investigations in which there is no other identifying paperwork or other evidence that may assist in the identification of the victim.
- (6) Guidelines cannot be written to encompass every possible application for the use of a Rapid ID Device. Members, therefore, should keep in mind the guidelines set forth in this IPM to assist them in deciding whether the device may be used or not.
- (7) Members are expected to be able to justify, based on these guidelines, their training, experience, and assessment of the circumstances, how they determined that use of the Rapid ID Device was justified under the circumstances.
- (8) Members shall document the use of the Rapid ID Device in the appropriate place, i.e. Incident Summary Report (FWC/DLE-045) or the comment section of a citation.

JB/BN/CS/asg

**FWC Division of Law Enforcement
Interim Policy Memorandum
IPM 12-01**

DATE: February 8, 2012

TO: All Division members

FROM: Colonel Jim Brown
Director, Division of Law Enforcement

SUBJECT: Use of GPS Tracking Devices

This Interim Policy Memorandum provides guidance to Division members by establishing policies and procedures on the use of GPS Tracking Devices. This IPM shall remain in effect until these policies and procedures are incorporated in an existing General Order.

- (1) Authorization from a Major or higher-ranking sworn member shall be required prior to the installation or use of any GPS tracking device.
- (2) Prior to installation, the lead investigating member shall document the following information using the Incident Summary Report Narrative (FWC/DLE-045A):
 - a. A synopsis of the suspected criminal activity articulating probable cause,
 - b. Suspect information,
 - c. Vehicle information, and
 - d. An event log documenting activities related to the investigation, including documentation of supervisory approval.
- (3) A court order supported by probable cause issued by a court having jurisdiction will be obtained prior to installation of the device.
- (4) Only personnel familiar with the equipment will be authorized to install or use a GPS tracking device. This would include training provided by the manufacturer or familiarization training provided by another member, or representative of another local, state, or federal agency. Prior to installation, members should practice a mock install on similar equipment to improve efficiency.
- (5) A cover team will be in place and available during the installation, maintenance, and removal of a GPS tracking device.
- (6) GPS tracking devices will not be loaned out to other agencies without approval from the Regional Commander or the Investigations Section Leader.
- (7) Regardless of the outcome of the criminal investigation, members will complete an investigative report documenting:
 - a. The date and time of installation, the date and time of removal of the device, and any maintenance access to the tracking device while in use (e.g. battery replacement, etc.),
 - b. Any detection or confrontations by suspects or other persons during the installation, removal, or maintenance, and
 - c. A summary and analysis of the data, including documentation of the evidentiary value of the GPS tracking data.

**FWC Division of Law Enforcement
Interim Policy Memorandum
IPM 12-02**

DATE: February 8, 2012

TO: All Division members

FROM: Colonel Jim Brown
Director, Division of Law Enforcement

SUBJECT: Special purpose permit to buy, sell, take, possess or transport fish and wildlife for law enforcement purposes

This Interim Policy Memorandum (IPM) establishes the Division of Law Enforcement's policies and procedures associated with a Florida Fish and Wildlife Conservation Commission-issued Special Purpose Permit to buy, sell, take, possess or transport fish and wildlife for law enforcement purposes. This IPM shall remain in effect until the Division issues a General Order to replace it, integrates this IPM into an existing General Order, or until the special purpose permit is suspended, revoked, or not renewed for just cause, pursuant to 68A-5.004, Florida Administrative Code and Chapter 120, Florida Statutes.

Section 1 (Policy)

- A** The Florida Fish and Wildlife Conservation Commission (FWC) recognizes that it is occasionally necessary for members of the FWC Division of Law Enforcement to buy, sell, take, possess or transport fish and wildlife for law enforcement purposes. Therefore the Commission authorizes members of the Division to buy, sell, take, possess or transport freshwater fish, marine life, and wild animal life, including species listed by the state as threatened and species of special concern (excludes Federally listed species), for law enforcement purposes, subject to the conditions and provisions listed in the Special Purpose Permit (Permit Number LSSP-11-00001) and in this IPM.
- B** Only sworn law enforcement officers of the Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, or other Commission employees assisting such law enforcement officers in a coordinated effort shall buy, sell, take, possess or transport wildlife, marine fish, or freshwater fish pursuant to the Special Purpose Permit.
- C** It is the policy of the FWC Division of Law Enforcement to make available, upon request by the Executive Director, a full and complete list of all State listed threatened species bought, sold, taken, possessed or transported under this permit. This list shall indicate the number and species of all those threatened species bought, sold, taken, possessed or transported under the Special Purpose Permit and shall be confidential under Chapter 119, Florida Statutes, to the extent allowable under the law.

Section 2 (Responsibilities)

- A** Members are responsible for obtaining approval from a Major or higher-ranking sworn member prior to taking fish and wildlife for law enforcement purposes under the Special Purpose Permit.
- B** Members are responsible for obtaining supervisory approval prior to buying, selling, possessing or transporting fish and wildlife for law enforcement purposes under the Special

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Purpose Permit.

- C** Members are responsible for complying with the conditions and provisions of the Special Purpose Permit.
- D** Prior to conducting any activities involving the take of any State listed threatened species, members are responsible for obtaining approval from a Deputy Director or higher-ranking sworn member and coordinating these activities with the Protected Species Permit Coordinator in the Division of Habitat and Species Conservation, Species Conservation Planning Section, and the Section Leader of the Investigations Section.
- E** Prior to conducting any activities involving the purchase, sale, take, possession, or transport of any federally listed species, members are responsible for obtaining approval from a Deputy Director or higher-ranking sworn member and coordinating these activities with the appropriate federal agency (i.e. United States Fish and Wildlife Service (FWS), National Oceanic and Atmospheric Administration (NOAA), United States Coast Guard, etc.), and the Section Leader of the Investigations Section.

Section 3 (Procedures)

- A** If a species bought, sold, taken, possessed or transported under the Special Purpose Permit is a State listed threatened species, the member shall, as soon as practical, document the number and the species in an Incident Summary Report Narrative (FWC/DLE-045A) and submit the completed form via the chain of command through the Regional Commander to the Investigations Section Leader.
 - (1)** If a State listed threatened species is bought, sold, taken, possessed or transported as part of a Class I investigation, the investigating member shall submit the completed Incident Summary Report Narrative to the Investigations Section Leader or designee.
- B** The Investigations Section Leader or designee shall summarize the information on State listed threatened species bought, sold, taken, possessed or transported under the permit, and report the information annually in December, or when requested, to the Division Director or designee.

Section 4 (Forms)

Form Number	Form Title
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FWC/DLE-045A	Incident Summary Report Narrative
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Appendix

Special Purpose Permit – Permit Number LSSP-11-00001

**FWC Division of Law Enforcement
Interim Policy Memorandum
IPM 12-03**

Date: February 8, 2012

TO: All Division members

FROM: Colonel Jim Brown
Director, Division of Law Enforcement

SUBJECT: SCUBA Dive Policy and Procedures

This Interim Policy Memorandum replaces IPM 03-04, *SCUBA Dive Policy*, and provides guidance on the Division's approach, policies and procedures concerning dive operations using a Self-Contained Underwater Breathing Apparatus (SCUBA) and associated gear. This IPM does not affect, alter or rescind IPM 09-05, *Snorkeling/ Skin Diving Policy*. This IPM shall remain in effect until these policies and procedures are rescinded, incorporated in an existing General Order, or promulgated in a new General Order.

- A** It is the policy of the FWC Division of Law Enforcement to prohibit its members from engaging in SCUBA diving activities and operations, unless specifically trained, authorized, and tasked to do so under the Florida Keys National Marine Sanctuary Joint Enforcement Agreement (JEA) between the National Marine Fisheries Service Office of Law Enforcement.
- (1)** Members of the Division's Boating and Waterways Section, Boating Access Unit are exempt from this IPM, but shall comply with all applicable standards promulgated by the Occupational Health and Safety Administration (OSHA) on Commercial Diving Operations (29 CFR 1910, Subpart T)
- B** Any diving activities and operations conducted under this JEA shall be conducted in accordance with the rules, regulations, and requirements of the diving program of the National Oceanic and Atmospheric Administration (NOAA).
- C** Members engaging in SCUBA diving activities under the JEA are required to achieve and maintain the appropriate certifications through the NOAA Diving Program (NDP).
- D** The dive supervisor shall notify the Regional Communications Center of any diving activities and operations, noting purpose of dive, vessel location, number of divers, and beginning and end time of the dive operation.
- E** The dive supervisor shall notify the area supervisor via email prior to any diving operations and activities, including diving for vessel maintenance.
- F** If required, diving activities and operations shall be suspended in a safe manner in order to respond to law enforcement or public safety calls for service.

**FWC Division of Law Enforcement
Interim Policy Memorandum
IPM 14-06**

TO: All DLE Personnel

FROM: Colonel Calvin L. Adams, Jr.
Director, Division of Law Enforcement

DATE: June 2nd, 2014

SUBJECT: Policies and Procedures for Florida and National Crime Information Center
(FCIC/NCIC) Entries

This Interim Policy Memorandum establishes policies and procedures governing entries of stolen or abandoned property into the Florida and National Crime Information Center (FCIC/NCIC) computer terminals located in the Florida Fish and Wildlife Conservation Commission (FWC) Regional Communication Centers (RCC) throughout the state. This IPM shall remain in effect until these policies and procedures are rescinded, incorporated in an existing General Order, or promulgated in a new General Order.

1 Policy

- A. It is the policy of the FWC Division of Law Enforcement to comply with all policies established by FDLE which govern the entry of stolen or abandoned property into FCIC/NCIC.
- B. It is also the policy of the Division that the appropriate RCC will have immediate access to the officer's case file/records in all cases involving stolen or abandoned property.
- C. It is also the policy of the Division that all reports that involve stolen or abandoned property will be completed using the Mobile Forms application.
- D. It is also the policy of the Division that each RCC will have a central location to house all active case files so that duty officers will have 24/7 access when processing hit confirmations.
- E. It is also the policy of the Division to take necessary steps to ensure that the information entered into FCIC/NCIC is valid to the best of our member's ability, validated as required by FDLE, and removed when no longer valid or obsolete.
- F. Definitions
 - 1) **FCIC/NCIC** - Florida and National Crime Information Center
 - 2) **RCC** - Regional Communications Center
 - 3) **TAC** – Terminal Agency Coordinator. Each RCC has an assigned TAC which is generally the DOS or designee
 - 4) **DOS** – Duty Officer Supervisor
 - 5) **BOLO** – Be On the Lookout

2 Responsibilities

- A. Sworn Members and their supervisors are responsible to ensure that the report and any supporting documentation are provided to the appropriate RCC in a timely manner.
- B. The Duty Officer and Duty Officer Supervisor are responsible to ensure that the information is entered into FCIC/NCIC correctly as received and updated if new information is received.

3 Procedures

- A. Sworn Member takes initial report using Mobile Forms to ensure that all required information is captured.
- B. Sworn Member notifies the duty officer that a person or property needs to be entered in the FCIC/NCIC system.
- C. Member faxes, emails, or hand delivers the report to the duty officer at the first possible opportunity, and no later than the end of their shift. *Entries cannot be made in the system until supporting documents are on file with the appropriate RCC.*
- D. Duty officer enters the person or property into FCIC/NCIC.
- E. A printed copy of the report will be kept in a central location at the RCC for Duty Officers to use when confirming hits. The DOS and TAC is responsible for maintaining a current electronic copy of all case files in the appropriate case file folder on the Communications SharePoint site.
- F. Once a sworn supervisor approves and signs the officer's report, the supervisor will forward a final copy to the DOS notifying them of any additional details.
- G. DOS reviews the final copy and modifies the FCIC/NCIC entry if new information has become available.
- H. The TAC or designee is responsible for all validations for their assigned RCC to include but not limited to:
 - 1 Review monthly validation report to ensure all active cases are listed.
 - 2 Review the electronic copy stored on the Communications SharePoint site to ensure it's up to date.
 - 3 Checking entries for accuracy by comparing the Hot File entry to the original and subsequent documentation in the case file.
 - 4 Contacting the victim, complainant or the court to determine if the record is still active.
 - 5 Documenting in the case file as to how the contact takes place (e.g. by phone, certified mail, in person or on-line).
 - 6 Modifying the record if needed and including the reviewer's name.

**FWC Division of Law Enforcement
Interim Policy Memorandum
IPM 14-09**

TO: All DLE Personnel

FROM: Colonel Calvin L. Adams, Jr.
Director, Division of Law Enforcement

DATE:

SUBJECT: Policies and Procedures for Self-Dispatch

This Interim Policy Memorandum establishes policies and procedures governing the use of the self-dispatch functionality of the Mobile Computer Terminal (MCT). This IPM shall remain in effect until these policies and procedures are rescinded, incorporated into an existing General Order, or promulgated in a new General Order.

1 Policy

- A. It is the policy of the FWC Division of Law Enforcement to leverage existing technology in the MCT to use the self-dispatch functionality.
- B. It is also the policy of the Division that self-dispatch will not replace the use of the radio for the transmission of urgent or emergency traffic as defined in General Order 26.
- C. It is also the policy of the Division that the main goal of self-dispatch is to move routine radio traffic off the radio system so that emergency traffic will not be impeded.
- D. It is also the policy of the Division that the status checks (10-13) will still be conducted using the radio.
- E. It is also the policy of the Division that the current instructions for self-dispatch use will be maintained on the Mobile Computer Share Point Site located at:
<http://portal2.fwc.state.fl.us/sites/le/computer/SitePages/Home.aspx>
- F. Definitions
 - 1) **AVL** – Functionality of MCT that shows the location of all MCTs that are logged on with a valid latitude/longitude.
 - 2) **CAD** – Computer Aided Dispatch Software provided by CTS America
 - 3) **MCT** – Mobile Computer Terminal Software provided by CTS America
 - 4) **Self-dispatch** - Functionality of the MCT that allows the user to perform functions similar to Duty Officers in the CAD System

2 Responsibilities

- A. Sworn members are responsible for ensuring that their MCTs and AVLs are working properly while using self-dispatch. If the MCT or AVL stops working, they must switch to using the radio for all communications with dispatch.
- B. Sworn members will use self-dispatch whenever possible to replace routine radio traffic.
- C. Sworn members need to confirm that any commands they enter are accepted by the system as indicated by the pop-up above the “CAD STATUS”, in the lower right hand corner of the screen.
- D. Sworn members will ensure that all required information they enter is correct.
- E. Sworn members will advise dispatch via radio as their zones change during their shifts.

- F. Duty Officers will monitor the Unit Status screen, Active Calls screen, and map to be aware of changes in officer status and created calls.
- G. Duty Officers will ensure all incidents are validated whenever possible.
- H. Field Supervisors will monitor radio traffic and CAD to ensure that sworn members are using self-dispatch appropriately.
- I. Duty Officer Supervisors will conduct periodic reviews to ensure that information is being entered correctly and consistently.

3 Procedures

- A. The following commands are available for use with self-dispatch
 - a. Setting Unit Busy
 - b. Setting Unit Available
 - c. Setting Unit Enroute to a incident
 - d. Setting Unit On-Scene at an incident
 - e. Releasing Unit from an incident
 - f. Creating a new incident
 - g. Creating a Quick Traffic and Vessel Stop
 - h. Closing an incident
 - i. Adding Notes/Persons/Vehicles/Vessels/Property to an incident
 - j. Logging Off-Duty
 - k. Mode of Transportation
 - l. Secondary Activities
- B. The following types of calls will continue to be performed over the radio
 - a. Any emergency situation or when the sworn member feels the radio is the most efficient means of communication
 - b. When a sworn member changes zones, he or she shall notify dispatch by radio
 - c. When a sworn member logs on duty for his or her assigned shift
 - d. When two or more sworn members are working together (10-12), they shall notify dispatch by radio at the beginning and end of their 10-12 times.
- C. When a member is working extra-duty employment at the beginning or end of his or her shift, he or she must log off-duty and back on duty between shifts. Self-dispatch can be used during extra-duty employment.

4 Training

- A. The below power users are available to conduct any training that is necessary
 - a. Northwest Region – Ofc Heath Nicols
 - b. North Central – Lt Paul Arkin
 - c. Northeast – Lt Byron Smith
 - d. Southwest – Inv Joe Brooks
 - e. South A and B – Inv Steve Serphos and Ofc Brian Coffin

FWC Division of Law Enforcement Interim Policy Memorandum IPM 15-02

DATE: February 19, 2015

TO: All Division members

FROM: Colonel Curtis Brown
Director, Division of Law Enforcement

SUBJECT: Division Issued Cellular Phone Use

This Interim Policy Memorandum establishes policies and procedures for Division members with an agency-issued cell phone or smart phone. The guidance provided herein shall remain in effect until these policies and procedures are revised, rescinded, incorporated in an existing written directive, or promulgated in a new written directive.

1 Policy

- A** Members issued cellular phones shall have issued phones available while on duty and shall check voicemails, minimally, at the beginning and end of each shift.
- B** Use of agency cellular phones for personal communication is prohibited except when other communication devices are not available and it is impractical to delay making the call. All costs incurred due to personal calls shall be reimbursed to the agency.
 - (1)** Members shall contact the Division's Financial Management Section for instructions on reimbursement.
- C** Members shall take due care to protect issued phones against damage, including damage from exposure to adverse environmental conditions (e.g. phones shall be stored in dry area during water patrol). Members shall utilize Division-provided protective cases and holsters to secure and protect the assigned cell phone.
- D** Smart phones shall be password protected in accordance with IMPP Chapter 3, *Information Technology*.
- E** Only agency-approved smart phone applications shall be used. The download and installation of unapproved applications may disable the device. Requests for installation of additional applications shall be sent to the Division's Technology Services Section for review and approval.
- F** For security purposes, all smart phones shall be configured to automatically lock after 15 minutes or less of inactivity.
- G** Loss or theft of any cell phone shall be reported as soon as practicable through the chain of command to the Division's Support Services Section Leader and in accordance with IMPP 5.8.7, *Lost, Stolen, Missing or Destroyed Property*.
- H** Email use and access of the Internet via smart phone is subject to the policies and procedures described in IMPP 3.7, *Information Technology Resource Usage Policy* and all provisions described therein shall be applicable to members with an issued smart phone.
- I** Short Message Service (SMS) text messaging is enabled on certain agency issued phones.

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Text messaging is only permitted for messages with content of a transitory nature. Text messaging shall not be used for any information that might be considered a public record and thus subject to disclosure as per Ch. 119, F.S.

- J** Any photographs or video taken for evidentiary purposes shall be collected and stored in compliance with General Order 16, and shall not be stored on the phone.
- K** Any photographs or video taken with an agency phone may be a public record subject to disclosure as per Ch. 119, F.S.

FWC Division of Law Enforcement Interim Policy Memorandum IPM 16-01

DATE: June 24, 2016
TO: All Division Members
From: Colonel Curtis Brown
Director, Division of Law Enforcement
Subject: Interviews of Subjects with Autism or an Autism Spectrum Disorder

This Interim Policy Memorandum establishes policies and procedures for Division members regarding interviews of subjects with autism or an autism spectrum disorder. The guidance provided herein shall remain in effect until these policies and procedures are revised, rescinded, incorporated in an existing written directive, or promulgated in a new written directive.

1 Policy

- A** It is the policy of the Division to adhere to the requirements of applicable United States and Florida laws, rules and regulations.
- B** It is the policy of the Division to provide guidance to Division members on the conduct and coordination of criminal, non-criminal and regulatory investigations.

2 Responsibilities

- A** Sworn members shall ensure that subjects with autism or an autism spectrum disorder are provided information regarding their rights as stated in FSS 943.0439; "The Wes Kleinert Fair Interview Act".

3 Procedures

- A** Upon the request of an individual diagnosed with autism or an autism spectrum disorder or his or her parent or guardian, sworn members shall make a good faith effort to ensure that a psychiatrist, psychologist, mental health counselor, special education instructor, clinical social worker, or related professional is present at all interviews of the individual. This applies to an individual who is the victim, a suspect, or a defendant formally accused of a crime.
- B** All expenses related to the attendance of the professional at interviews shall be the responsibility of the requesting parent, guardian, or individual.
- C** Failure to have a professional (as described in 3(A) above) present at the time of the interview shall not be a basis for suppression of the statement or the contents of the interview, or for a cause of action against the sworn member or the Division.

**FWC Division of Law Enforcement
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- D** Members may refer the subject or his or her parent or guardian to the Center for Autism and Related Disabilities (CARD) at 1-800-928-8476 (1-800-9-AUTISM) for assistance if needed.

**FWC Division of Law Enforcement
Interim Policy Memorandum
IPM 18-01**

DATE: May 7, 2018

TO: All Sworn Members

FROM: Colonel Curtis Brown
Director, Division of Law Enforcement

SUBJECT: Bicycle Patrol

This Interim Policy Memorandum replaces IPM 12-05 - *Bicycle Patrol* and provides guidance to Division members by establishing policies and procedures for the use of bicycles in support of the Division's law enforcement patrol mission. The guidance provided herein shall remain in effect until these policies and procedures are revised, rescinded, incorporated in an existing written directive, or promulgated in a new written directive.

Policy

- A** The Division recognizes that the ability to patrol state parks, greenways and trails, wildlife management areas, and other public and private lands by bicycle creates distinct advantages for the agency, among them:
 - (1) Ability to move quickly and quietly through various terrains not easily accessed by other means (walking trails, dim roads, firebreaks, locked gates, piers, beaches, etc.)
 - (2) Effective tool for search and rescue and disaster response when foot or vehicle-based patrol is impractical
 - (3) Opportunity for an enhanced use of a member's senses (sight, smell, and hearing) while on patrol
 - (4) Additional opportunities for community-oriented policing interaction with constituents and stakeholders
- B** It is the policy of the Division to encourage the use of a bicycle for patrol when appropriate and in accordance with all applicable written directives.
- C** It is the policy of the Division that only those members who received the appropriate training are permitted to conduct bicycle patrols.
- D** Bicycles shall be operated in accordance with S. 316.2065, F.S.

Responsibilities

- A** Members are responsible for maintaining bicycles and all associated equipment and accessories in accordance with General Order 33, Operation of Division Equipment.
- B** Supervisors are responsible for utilizing and deploying available bicycles for patrol and special details as necessary to meet operational requirements. This includes the use of bicycles as part of Resource Protection Service (RPS) details and in support of covert investigations when appropriate.
- C** Members and supervisors shall exercise discretion in determining whether or not to use a bicycle on patrol when excessively high or low temperatures or other weather conditions may make the use of bicycles inadvisable or hazardous.

**FWC Division of Law Enforcement
Interim Policy Memorandum
IPM 18-03**

DATE: October 23, 2018

TO: All Members

FROM: Colonel Curtis Brown
Director, Division of Law Enforcement

SUBJECT: Beards

This Interim Policy Memorandum provides guidance to Division members by establishing procedures for wearing authorized facial hair, including beards. The guidance provided herein shall remain in effect until these policies and procedures are revised, rescinded, incorporated in an existing written directive, or promulgated in a new written directive.

Policy

A It is the policy of the FWC Division of Law Enforcement that all members, while in the performance of their official duties, present a professional appearance consistent with this Interim Policy Memorandum, General Order 23, and any other applicable Commission policies.

Responsibilities

- A** A supervisor shall monitor the appearance of facial hair for applicable personnel under his or her command.
- B** Sworn members shall wear authorized facial hair in a manner which enhances the public image of a professional law enforcement officer and in compliance with this Interim Policy Memorandum.

Procedures

- A** Members shall notify their immediate supervisor in writing (e-mail is sufficient) of their intention to grow authorized facial hair.
- B** A member must start the growth of facial hair while on the members days off (two days minimally); members shall not be permitted to maintain an unkempt appearance because of a simple failure to shave.
- C** Unless otherwise approved, mustaches, goatees, and beards shall be kept neatly trimmed. The wearing of facial hair shall not interfere with the use of a respirator/mask and shall be modified to accommodate Division equipment when operationally required.
- D** Facial hair shall not be colored or dyed in an unnatural shade or color.
- E** If a member cannot grow facial hair in areas of the face to meet the requirements of this policy, then the member shall not be allowed to have facial hair.
- F** Authorized facial hair shall not exceed ½ inch in length.
- G** Authorized facial hair is defined as:
 - (1)** A mustache that does not protrude below the top of the upper lip or more than ½ inch past the corner of the mouth on the side,

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- (2) A goatee that meets the guidelines for a mustache and covers the chin, but does not extend back more than $\frac{3}{4}$ inch toward the throat,
 - (3) A beard that meets the guidelines for a goatee and follows the jaw line but does not extend down more than $\frac{3}{4}$ inch from the crease of the neck toward the throat/neck or up onto the cheek under the eye.
- H** Authorized facial hair shall always be kept neatly trimmed and clean with the remainder of the face kept clean-shaven.
- I** The growing of variations of the above, i.e. chin curtain, soul patch, handlebar mustache, mutton chops, thin beard lines, odd designs, and other similar styles is prohibited.

**FWC Division of Law Enforcement
Interim Policy Memorandum
IPM 19-01**

DATE: January 25, 2019

TO: All sworn Division members

FROM: Colonel Curtis Brown
Director, Division of Law Enforcement

SUBJECT: Extra-Duty Commercial Vehicle Escort Services

This Interim Policy Memorandum replaces IPM 12-08 – *Policies and Procedures for Vehicle Escort Services* and establishes policies and procedures for Division members conducting authorized extra-duty escort services for commercial vehicles. This IPM shall remain in effect until these policies and procedures are rescinded, incorporated in an existing General Order, or promulgated in a new General Order.

1 Policy

A It is the policy of the Division to promulgate administrative procedures for approval/denial of any proposals for extra-duty employment by Division members pertaining to the escorting of over-dimensional commercial vehicles or toxic/hazardous carriers.

B Definitions

- (1) **COMMERCIAL VEHICLE** – Any self-propelled or towed vehicle used on public highways to transport passengers or cargo, if such vehicle:
- (a) Has a gross vehicle weight rating of 10,000 pounds or more.
 - (b) Is designed to transport more than 15 passengers, including the driver; or
 - (c) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 USC ss.1801 et seq.).
- (2) **OVER-DIMENSIONAL VEHICLE** – Any commercial vehicle which exceeds specifications for width, length, or height stated in Section 316.515, Florida Statutes, or weight as defined in Section 315.535, Florida Statutes.

2 Responsibilities

A Except as noted below, any person, firm, or corporation, that proposes to arrange for services involving escorting any commercial vehicle which exceeds dimensional specifications, or which contains any toxic or hazardous substance(s), must prepare and submit a plan outlining measures which will be initiated to ensure public safety, in conjunction with any request for such escorts involving any member of the Division.

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B Members who:

- (1) Engage in extra-duty employment involving the escorting of over-dimensional/hazardous/toxic substance carriers shall assume responsibility for notifying such firms of requirements necessary to achieve compliance with the provisions of this written directive.
- (2) Propose to provide such escorts, must obtain written authorization from their Regional Commander or Section Leader in accordance with this written directive before such services may be provided.

C Responsibilities of Regional Commanders and Section Leaders or their designees shall be limited to reviewing and approving/denying requests for escorts which are initiated pursuant to the provisions of this written directive and for retaining copies of documents submitted for their approval for at least four anniversary years in accordance with the State of Florida *General Records Schedule GS2 for Law Enforcement, Correctional Facilities, and District Medical Examiners*.

3 Procedures

A Planning and Approval

- (1) Members shall be permitted to engage in extra-duty employment involving the escorting of commercial vehicles which exceed weight or dimensional restrictions or which contain hazardous or toxic substances, provided written approval for each escort undertaken is obtained from the member's Regional Commander or Section Leader or the appropriate designee.
 - (a) Individual Regional Commanders are at liberty to approve/deny extra-duty escorts and accompanying safety plans (if applicable) without prior consultation with other command staff. However, if the route of the approved escort request extends beyond the geographical limits of any region, copies of the safety plan shall also be supplied to the Regional Commanders along the path taken by the escorted vehicle.
 - (a) The Regional Commander may delegate the review and approval process for escorting commercial vehicles to a Captain or grant blanket approval for such extra-duty employment opportunities if the remaining requirements of this written directive are met.
- (2) Members may only engage in extra-duty employment involving the escorting of commercial vehicles using the agency vehicle if the location at which the member commences the escort is within a 50 mile radius from the member's normal assigned patrol area.
 - (a) Reimbursement for mileage will be in accordance with General Order 06 – *Off-Duty, Extra-Duty, and Hire-Back Employment*.
- (3) Unless exigent circumstances prevail, requests for approval should be submitted at least five working days prior to the date on which the proposed escort is projected to take place. The following documents must accompany each such request:
 - (b) The Request for Approval of Dual Law Enforcement Employment Form (FWC/DLE-150) for each participating member, bearing appropriate notation and conspicuously marked "Commercial Vehicle Escort" in the uppermost margin of the form.

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- (c) Copies of any permits issued by the Florida Department of Transportation or by any component of county or municipal government.
- (d) A completed Release of Liability for Vehicle Escort Services (FWC/DLE-354AR), bearing the signature of an officer of the firm or corporation or the person who contracts for the services of escorting officers.
- (e) Proof of current liability insurance as required per General Order 06, *Off-Duty, Extra-Duty, and Hire-Back Employment*.
- (f) For toxic or hazardous cargo only, a Safety Plan for Vehicle Escort Services (FWC/DLE-355) prepared by the person, firm, or corporation requesting escort services. Such plan shall at minimum include:
 - 1. A description of the material to be transported.
 - 2. The dimensions of the load bearing vehicle, including:
 - 3. Length.
 - 4. Width.
 - 5. Height.
 - 6. Minimum vertical body or load clearance.
 - 7. Gross Weight.
- (b) For toxic or hazardous cargo only, the following additional documentation shall be submitted for review:
 - 1. A map depicting/listing or outlining the route to be taken.
 - 2. A timetable outlining the approximate time when the escorted vehicle is expected to pass through each city (over 10,000 populations) along the route.
 - 3. Appropriate documentation proving that appropriate county and municipal authorities along the route have been contacted and advised of the time and date the escorted vehicle will pass through their respective jurisdictions.
 - 4. A list of telephone numbers for emergency service agencies including fire, police and ambulance along the route (unless "911" service is available), and telephone listings for the Florida Division of Emergency Management, the Chemical Transportation Emergency Center (CHEMTREC) and the National Response Center (NRC) must also be obtained.
 - 5. A listing of any safety apparatus installed on the load-bearing vehicle.
- (4) Multiple escorts involving cargoes, routes, and load vehicle dimensions that are scheduled to take place on the same day or at successive intervals during any 90 day period may be summarized on a single Request for Approval of Dual Law Enforcement Employment Form (FWC/DLE-150), provided it is marked with a "multiple escorts" note and a proposed timetable reflecting respective times and dates when escorts are to take place is attached. If two or more members are to share escort duties, Request for Approval of Dual Law Enforcement Employment Forms (FWC/DLE-150) for each participating member must be submitted.

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B Other Provisions

- (1) Members may only provide vehicle escort services within the boundaries of the State of Florida.
- (2) At no time are escorts permitted to exceed the posted speed limit.
- (3) If applicable, copies of the safety plan shall be maintained in each Division vehicle assigned to the escort.
 - (a) At least two marked Division vehicles shall be assigned to each escort. Escorting vehicles shall generally keep station no more than 300 feet in front of/behind the load-bearing vehicle. At least one of the escorting vehicles must be equipped with a cellular telephone which must be supplied by the member at his/her own expense or by the person, firm or corporation which requests the escort.
 - (b) House trailers (or equivalent units) may be escorted by a single Division vehicle provided a second vehicle bearing appropriate warning devices is operated in trail behind the load bearing vehicle.
- (4) Breakdowns or other unforeseen occurrences may disrupt escorts. When such circumstances prevail, the firm which requested the escort services will develop an adjusted timetable. Members shall advise the Regional Commander of these modifications to the original safety plan and obtain approval for any changes for any escorts of vehicles carrying toxic or hazardous substances. Members shall also initiate measures designed to ensure that county and municipal authorities are acquainted with timetable revisions and that utility and railroad companies and other private entities that will provide assistance or authorization for access are notified as well, if appropriate.
- (5) No part of this written directive shall be construed as restricting the ability of command staff or law enforcement officers in the field to address threats to public safety or to respond to emerging public safety emergencies.

4 Forms

FWC/DLE-150	Request for Approval of Dual Law Enforcement Employment
FWC/DLE-354	Release of Liability for Vehicle Escort Services
FWC/DLE-355	Safety Plan Template for Vehicle Escort Services

FWC Division of Law Enforcement Interim Policy Memorandum IPM 19-02

DATE: January 25, 2019

TO: All Division members

FROM: Colonel Curtis Brown
Director, Division of Law Enforcement

SUBJECT: Body Cameras

This Interim Policy Memorandum replaces IPM 17-01 – *Policies and Procedures for Use of the Portable Video Recording System* and establishes policies and procedures for Division members on the deployment and use of the body cameras. It is not the intent of the Division to utilize body cameras to seek out disciplinary issues.

In adopting the use of body cameras, the Division seeks to enhance officer safety, document evidence during the course of law enforcement encounters, to enhance the members' ability to document and review recordings for both internal reporting requirements and for courtroom preparation/presentation, to preserve recordings for use in current and future investigations, and to provide a tool for self-critique and field evaluation during field training. This IPM shall remain in effect until these policies and procedures are rescinded, incorporated in an existing General Order, or promulgated in a new General Order.

1 Policy

- A** The Division is committed to providing its members with tools to increase officer safety, improve accountability, and enhance the delivery of law enforcement services. Therefore, the Division may issue a body camera to members which will document events while on patrol.
- B** The use of body cameras is intended to enhance the members ability to document and review body camera recordings for both internal reporting requirements and for courtroom preparation/presentation, to preserve recordings for use in current and future investigations, and to provide a tool for self-critique and field evaluation during field training. It is not the intent of the Division to utilize body camera recordings to seek out disciplinary issues.
- C** Any member who wears, uses, maintains, or stores a body camera shall be trained in the Division's policies and procedures concerning the body camera. The Fleet and Technical Services Section shall be responsible for providing the body camera and the associated training.
- D** Only the body camera issued by the Fleet and Technical Services Section or other recording systems approved by the Fleet and Technical Services Section Leader shall be used by Division members while on duty and conducting official business.
- E** This General Order directive does not govern the use of cameras during covert investigations.

F Definitions

- (1) Division Administrator** – The Section Leader of the Fleet and Technical Services Section or his/her designee shall serve as the Division's system administrator for the

IPM 19-02

Body Camera recording system with full access to user rights.

- (2) **Body Camera** - A portable electronic recording device that is worn on a member's body and records audio and video data in the course of the member performing his or her official duties and responsibilities.
- (3) **Encounter** – Any officer-initiated contact or request for assistance from the public.

2 Responsibilities

- A Members are responsible for using the body camera in accordance with this General Order, in conjunction with agency training and all applicable state statutes and rules governing the recording of conversations and encounters.
- B Safety of sworn members and citizens is paramount; at no time should a sworn member disregard safety for the purpose of video and/or audio recording.
- C Members shall document the use of the body camera when completing Incident Summary Reports.

3 Procedures

A Storage, Inspection, Maintenance

- (1) When not in use, the system components shall be securely stored against incidental loss in the sworn members residence or locked in a Division vehicle.
- (2) Prior to each shift, members shall visually inspect the system components to ensure the system is in working order.
 - (a) Members shall contact the OIT field tech or Tallahassee Help Desk for assistance with damaged and/or inoperable units as soon as possible.
 - (b) Members shall immediately notify their supervisor of a damaged and/or inoperable unit.
- (3) Members shall ensure the body camera is fully charged prior to the start of their next shift.
- (4) The body camera and any assigned accessories shall be maintained by the individual member in accordance with the manufacturer's instructions.

B Modes of Operation

- (1) Normal (Buffering) Mode – At the beginning of the member's shift, the body camera shall be turned on. The system continuously loops video-only recording for 30 seconds. No audio is recorded in this mode.
- (2) Record Mode – To activate the video record mode, press the button on the front of the body camera for one second. To deactivate the video record mode, press and hold the button on the front of the camera for 3 seconds.
- (3) Audio Only Recording Mode – to activate audio only record mode, press and hold the button on the front of the camera for 5 seconds. To deactivate the audio only record mode, press and hold the button on the front of the camera for 3 seconds.

C Use

- (1) The body camera, if issued, shall be worn at all times when a member is in uniform including while working extra duty employment.

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- (a) Members are not required to obtain consent from individuals to record. Members are not required to inform individuals that they are being recorded. If the member determines that informing an individual may de-escalate a situation, or if asked whether the member is recording, the member shall disclose whether he/she is recording.
 - (b) In locations where individuals have a reasonable expectation of privacy, such as a private residence, or a health care facility, a member shall stop recording unless the recording is being made pursuant to a criminal investigation, an arrest, or search of the residence of the individuals.
 - 1. The member may elect to use the audio only record mode to capture statements if necessary.
 - (c) Members may elect to turn the body camera off while intelligence gathering or to obtain information for a criminal investigation when an individual refuses to provide any information on video or audio.
- (2) Members shall ensure the video and audio recording functions remain on at all times during the following circumstances:
 - (a) Vehicle/vessel stops
 - (b) All encounters to include license/bag checks, etc.
 - (c) Searches, seizures and physical arrests
 - (d) Use of force situations
 - (e) All pursuits
 - (f) All nonconsensual encounters
 - (g) Miranda rights/requests for consent to search
 - (h) Members should activate the body camera during the course of any encounter with the public which becomes adversarial after the initial contact if/when it is safe to do so; or in advance of such an encounter if the member has reason to believe the encounter may become confrontational
 - (i) Witness or victim interviews
 - (1) If a witness or victim refuses to provide a statement if recorded, and the encounter is nonconfrontational, the member may turn the body camera off to obtain the statement.
 - (j) Short duration public assistance transportation, prisoner transport, and emergency situations.
 - (k) Self-initiated contacts/activities where reasonable suspicion and/or probable cause exists that a crime is being committed, has been committed, or is about to be committed, or that evidence of a crime is present.
 - (l) Other investigative or enforcement activities where, in the members judgment, a recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later investigation or review.
 - (m) All encounters where the subject is believed to be involved in criminal activity.

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- (n) Pedestrian stops (to include member initiated consensual encounters).
- (3) Members shall start recording with the body camera as soon as practical during a given situation. Member safety shall not be compromised to record an event.
- (4) Members may elect to mute the audio during an event to discuss the situation with other members or other law enforcement personnel.
- (5) Once in the record mode, except as provided in Section 3, subsection C(1)(b-c) above, members shall continue to record until the completion of the event, or they have left the scene (this includes recording of statements).
- (6) Additional members who are equipped with a body camera arriving at a scene of an encounter shall place their camera in the record mode as soon as practical and continue to record until the completion of the encounter, or they have left the scene except as provided in Section 3, subsection C(1)(b-c) above.
- (7) The body camera shall not be used to record:

 - (a) Internal investigations (unless expressly authorized by the Division Director);
 - (b) Members shall avoid capturing video of sensitive human areas such as exposed breast, groin, etc., when possible;
 - (c) Events in changing rooms, restrooms or any other place where there would be a reasonable expectation of privacy, except as noted above in Section 3, subsection (C)(2)(h);
 - (d) Administrative functions;
 - (e) Any general or performance related discussions with employees/supervisors;
 - (f) Members shall not use the body camera to record any personal conversation of, or between, another member/employee without such members/employee's knowledge or permission except pursuant to an approved investigation.
- (8) Members shall not edit, alter, or delete/erase any body camera recordings.
- (9) Members shall not make copies of any recordings and are prohibited from using any recording device (such as a phone, camera, or secondary video camera) to record any video or audio captured by the body camera recording system.

 - (a) Authorized members (regional public records designee or other designee as assigned by the Fleet and Technical Services Section) shall be allowed to make copies for official use and/or to comply with public record requests.
- (10) Body camera recordings shall be uploaded daily. Exceptions due to exigent circumstances shall be approved by a Captain or above.
- (11) Supervisors shall ensure their subordinates utilize the body camera in accordance with this General Order. Supervisors may review recordings of subordinates for the following purposes:

 - (a) To investigate a complaint against a member;
 - (b) To assess a member during the member's probationary period;
 - (c) When a member has a pattern of allegations of verbal or physical abuse;
 - (d) When a member is on a Remedial Action Plan (RAP);

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- (e) With Regional Commander approval to assess performance issues or treatment of the public outside of official allegations, etc.
- (12) Training captains and above may approve Training staff to review body camera recordings for training purposes and use of force review.
- (13) **Plain Clothes Officers and Investigators 1**
 - (a) Shall comply with Section 3, subsection C(2)(a-l).
- (14) **Investigator II Resource/Captive Wildlife/Environmental**
 - (a) Members shall use the body camera for recording video and/or audio interviews of suspects or witnesses in criminal investigations.
 - (b) Members shall use the body camera when conducting inspections of facilities or other areas when not working in a covert capacity. The body camera may be turned off during these inspections at the request of the person/facility of the inspection unless a violation is observed, at which time the body camera shall be turned back on.
 - (c) Members shall use the body camera when executing search or arrest warrants.
- (15) **Special Operations Group (SOG)**
 - (a) Members shall use the body camera when conducting SOG operations unless the SOG Commander dictates that the camera will be turned off or not worn.
 - (b) Members shall use the body camera when executing search or arrest warrants.
- (16) **Pilots**
 - (a) Shall comply with the sections of this General Order which apply to members on uniformed patrol. Pilots are not required to wear the body camera while engaged in flight operations.

D Critical Incidents

- (1) Members equipped with a body camera may encounter situations where critical incidents are recorded. These situations may include, but are not limited to:
 - (a) Member-involved shooting;
 - (b) In-custody death;
 - (c) Member-involved traffic crash with a fatality or serious injury;
 - (d) Member suffers serious injury or death in the line of duty.
- (2) After these situations, members equipped with a body camera shall stop recording and power down the device at the conclusion of the event. The body camera shall remain affixed to the member(s) in the same position as it was affixed throughout the event and shall not be handled unless emergency medical attention is necessary, requiring the body camera be removed. A supervisor will immediately take physical custody of the body camera, personally maintain chain of custody of the device and handle it according to Division evidence protocols found in General Order 16, *Collection, Preservation, and Documentation of Evidence*. The camera shall not be downloaded until approved by the Regional Commander or Section Leader.

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- (3) A photograph or video or audio recording that depicts or records the killing of a law enforcement member who was acting in accordance with his or her official duties shall be locked by the Fleet and Technical Services Section Leader or designee.
- (a) The custodian of the record, or his or her designee, may not permit any other person to view or copy such photograph or video recording, or listen to or copy such audio recording without a court order. A criminal or administrative proceeding is exempt from this section. Any custodian who willfully and knowingly violates this section commits a felony of the third degree per Section 406.136 Florida Statutes.

E Storage and Use of Recordings

- (1) The body camera shall be connected to the member's laptop for charging and uploading of data. The data is stored on a CJIS compliant server maintained by the vendor.
- (a) The member shall assign the appropriate video or audio storage category and tag(s) for every recording, with the incident number (if available) and the name of the subject or other unique title during the upload process.
- (b) Florida law requires that body camera records be retained for specific minimum periods determined by the content of the record. It is extremely important that members take great care in categorizing the body camera records.
- (c) The video or audio storage categories are:

Video or Audio Storage Categories	Days	Anniversary Years
Incidental	90	
Misdemeanor		5
Felony		13
Capital / Life Felony		100

1. Incidental – To include citizen encounters, no violation, issued warnings and issued non-criminal infraction citations.
 2. Misdemeanor – To include all issued misdemeanor citations or physical arrests and assisting other agencies where a misdemeanor citation was issued or physical occurred and all pursuits which result in other than felony arrest and body camera recordings where degree of crime is unknown, or no charges were filed.
 3. Felony – To include physical arrests for felony violations or assisting other agencies where the defendant was arrested for a felony
 4. The longer retention period shall be used for each event when categorizing videos.
- (d) The member may decide to manually extend the retention period of the body camera recording for investigative purposes, court extension, etc.
- (2) Recordings captured via the body camera shall be used and/or shared for official purposes only.

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- (3) Recordings captured via the body camera for evidentiary purposes shall be handled in accordance with GO 16 - *Collection, Preservation and Documentation of Evidence and Property*.
- (4) Members may use recordings captured via the Body Camera to assist with an investigation and complete reports.
- (5) Members shall be permitted to review body camera recordings upon his or her own initiative before writing a report or providing a statement regarding any event arising within the scope of his or her official duties. This provision may not apply to an officer's inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses. Field Training Officers may use video captured via the body camera to provide immediate training to probationary officers and to assist with the completion of the FTO Daily Observation Report (FWC/DLE_902FTO).

F Public Records

- (1) Members shall not allow citizens to review recordings on scene, however, the member shall comply with all public records request.
- (2) A member shall immediately forward via e-mail any request by the public (public records request) for body camera recordings to the regional public records designee or other designee as assigned by the Fleet and Technical Services Section. The requester has the option to remain anonymous, however, contact information shall be required to fulfill the request.

4 Forms

FWC/DLE_902FTO	FTO Daily Observation Report
	Incident Summary Report