


**FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION**

**DIVISION OF LAW ENFORCEMENT
GENERAL ORDERS**

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<p>TITLE</p> <p>DOMESTIC VIOLENCE ALLEGATIONS AND INJUNCTIONS AGAINST DIVISION MEMBERS</p>	<p>EFFECTIVE DATE</p> <p>July 21, 2008</p>
<p>CHAPTER</p> <p>GENERAL ORDER 11</p>	<p>PAGES</p> <p>4</p>
<p>APPROVED</p> 	<p>RESCINDS/AMENDS</p> <p>October 16, 2000</p>

**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.
- 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)** 18 USC, Section 925 (a) (1), provides an exception to the firearm prohibitions with respect to the transportation, shipment receipt, possession, or importation of any firearm or ammunition imported for, sold or shipped to, or issued for the use of the United States or any department or agency thereof or any state or any department, agency, or political subdivision thereof.

- (c)** 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) Convictions

- (a)** 18 USC, Section 922 (g) (9), makes it unlawful for any person who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

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 immediately respond.
- (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) 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 a sworn supervisor for safekeeping.
 - (c) Authorizations to carry off-duty or secondary weapons are revoked.
 - (d) Authorizations to work off-duty police employment are revoked.
- (2) Based on the circumstances which led up to the injunction being filed, a sworn member may be assigned to alternate duties. 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 Regional Evidence Custodian for secure lockup in the region's or other approved law enforcement facility's firearm locker or safe.

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**

N/A