


**FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION**

**DIVISION OF LAW ENFORCEMENT
GENERAL ORDERS**

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TITLE	INTERNAL INVESTIGATIONS	EFFECTIVE DATE	August 26, 2009
CHAPTER	GENERAL ORDER 27	RESCINDS/AMENDS	March 18, 2009
APPROVED		PAGES	4

**1
POLICY**

- A** It is the policy of the FWC Division of Law Enforcement 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 FWC Division of Law Enforcement 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 FWC Division of Law Enforcement 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 FWC Division of Law Enforcement 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 FWC Division of Law Enforcement 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 FWC Division of Law Enforcement 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 on complaint related matters and be responsible for:
 - (a) Coordinating complaints and investigations with the Commission's Office of Inspector General.
 - (b) Ensuring the security of complaint investigative files while the case is being investigated.
 - (c) Coordinating with the Commission's Office of Inspector General to ensure that all closed investigative case files are stored in a secure manner.
 - (d) Forwarding all records of disciplinary action to the Office of Inspector General with a copy being forwarded to the Commission's Personnel Office.
 - (e) Reviewing 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.
 - (f) Coordination of the Division's Disciplinary Committee.

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 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 provide 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 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.

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) Only the Executive Director can suspend or dismiss a member. The Executive Director may delegate to the Division Director the authority to sign the final suspension or dismissal letters.

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 Complaints/Concerns

- (1) The supervisor should attempt to resolve complaints/concerns regarding normal operational issues.
- (2) Supervisors shall document written complaints or any complaint requiring further investigation on the Division's Complaint Form (FWC/DLE-500).
- (3) The Regional Commander shall forward the completed Complaint Form to the appropriate Deputy Director who shall forward to the Coordinator.
- (4) The Coordinator will review incoming complaints, determine the appropriate level of the investigation and coordinate investigations with the Commission's Office of Inspector General.
- (5) The Coordinator in conjunction with the Inspector General shall determine who is to conduct the investigation. If an investigation is assigned at the regional level, information regarding the investigation shall remain confidential and will be coordinated through the Office of Inspector General. The Coordinator shall serve as a resource to both the member who is assigned to conduct the investigation at the supervisory level and to the Office of Inspector General.
- (6) Investigations that may result in suspension or dismissal should be handled by the Commission's Office of Inspector General.
- (7) A case number will be assigned by the Commission's Office of Inspector General.
- (8) 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.
- (9) The Coordinator in conjunction with the Commission's Office of Inspector General will review the investigative report, the member's personnel file and the recommended disposition to ensure the appropriate action is taken.
- (10) 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.
- (11) 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, and was lawful and proper.
 - (b) **UNFOUNDED** There was no evidence identified in the investigation to support the allegation in the complaint.
 - (c) **NOT SUSTAINED** Insufficient evidence to prove or disprove the allegation(s).
 - (d) **SUSTAINED** Allegation(s) supported by a preponderance of the evidence to prove that the actions occurred and were violations.

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, Florida Administrative Code, the Division Director 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 Personnel Office 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 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, a case involving a sworn member is not a matter of public record until a recommended finding has been presented to management.

4 FORMS

FWC/DLE-500

Complaint Form