


**FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION**

**DIVISION OF LAW ENFORCEMENT
GENERAL ORDERS**

COLONEL JULIE JONES



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ACCIDENT INVESTIGATIONS AND DEATH NOTIFICATION	May 11, 2009
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**1
POLICY**

A Accident Investigations and Investigative Referrals to other Law Enforcement Agencies

- (1) It is the policy of the FWC Division of Law Enforcement to investigate boating collisions or accidents and hunting accidents in accordance with Florida Statutes.
- (2) It is the policy of the FWC Division of Law Enforcement to refer vehicle crash and hazardous material spill investigations to the appropriate law enforcement agency having jurisdiction.

B Death Notification

- (1) It is the policy of the FWC Division of Law Enforcement 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) The section shall receive, process and review copies of boating accident reports originating with other agencies and from within the Division.
- (2) The section shall compile and publish annual statistical data concerning boating accidents.

B Special Operations Coordination Section

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

A Preliminary Duties of the Investigating Sworn Member

- (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) If available and applicable, flares, reflectors, barricades and traffic cones should be used to establish a safe traffic pattern and to protect the scene of an accident. Sworn members directing traffic shall wear reflective vests.
 - (c) Use vehicle or vessel emergency lighting to maximize visibility and warning.
 - (d) 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.
 - (e) The sworn member shall maintain the incident scene and preserve the evidence.
 - (f) The sworn member shall 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) The sworn member shall refer vehicle crash investigations to the appropriate law enforcement agency having jurisdiction.

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) will 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 will 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 section 406.11 and 406.12, Florida Statutes, which states that every death be investigated by the medical examiner of the district in which the death occurred and any person who becomes aware of any death to 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 fax or 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	fax to (850) 488-9284
(b) Hunting Accident	Field Operations	fax to (850) 921-6453
(c) Alligator Incident	Field Operations	fax to (850) 921-6453
- (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 will 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 (FWC/DLE-045).
 - (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 whether such materials were produced using Division or personally owned equipment and supplies.
 - (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 not give the operator a self-reporting form.
 - (b) All Boating Accident Investigation Reports will be reviewed and approved by the investigating sworn member's immediate supervisor.
 - (c) Boating Accident Investigations will 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 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. 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 will 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 Special Operations Coordination 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 law enforcement officer has probable cause to believe that a vessel operated by a person under the influence of alcoholic beverages, any chemical substances, or any controlled substances has caused the death or serious bodily injury of a human being, a law enforcement officer shall require 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. The law enforcement officer may use reasonable force if necessary to require the person to submit to the administration of the blood test. The blood test shall be performed in a reasonable manner. Notwithstanding s. 327.352, Florida Statutes, the testing required by this paragraph need not be incidental to a lawful arrest of the person. (Section 327.353 (1)(a), Florida Statutes)
 - (a)** 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.
 - (b)** 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 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, medical assistance or other requested family or friends.
 - (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 of 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 a death of a suspect in the process of an arrest or during custody. This includes death of 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, a telephone call will suffice.
 - (c)** The sworn member shall document confirmation of the outside agency's notification. If possible, the confirmation should include the name of initial person making contact, whom they contacted, the relationship to the deceased, and 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 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 will immediately notify the appropriate Deputy Director at GHQ.
- (d) The Deputy Director at GHQ will notify the Division Personnel Manager for employee assistance guidance.
- (e) The Director will 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, Bureau 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 will 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 will be removed from all reports distributed pursuant to a public records request.

4 FORMS

FWC/DLE-002	Line of Duty Death Information
FWC/DLE-045	Incident Summary Report
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)