



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 09, 2020	June 16, 2017	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, 10.04M

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 stationary 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