



Florida Fish and Wildlife Conservation Commission  
Division of Law Enforcement

## DOMESTIC AND SEXUAL VIOLENCE INTERVENTION/REFERRAL OF SEXUAL OFFENDERS AND PREDATORS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
10	June 09, 2020	March 28, 2013	All Members

### References

S. 775.082 and 775.083, and s. 794.052, F.S.; CFA 15.09M, 15.10M

## 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](http://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