



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

ACCIDENT INVESTIGATIONS AND DEATH NOTIFICATION

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
29	June 09, 2020	October 8, 2018	All Members

References

S. 327.301, 327.352 and 327.353, 406.11 and 406.12, 877.111, and Ch. 893; F.S.; 68A-1.004, F.A.C.; GO 36; CFA 14.13M, 18.03M, 18.04M, 18.05M

1 POLICY

A Accident Investigations and Investigative Referrals to other Law Enforcement Agencies

- (1) It is the policy of the Division to investigate boating collisions or accidents and hunting accidents in accordance with Florida Statutes.
- (2) It is the policy of the Division to refer vehicle crashes not occurring on state managed lands or crashes involving serious bodily injury or death and hazardous material spill investigations to the Florida Highway Patrol or the appropriate law enforcement agency having jurisdiction.

B Death Notification

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

B Investigations Section

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

3 PROCEDURES

A Preliminary Duties of Investigating Sworn Members

- (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) Use flares, reflectors, barricades and traffic cones, if available and applicable, to establish a safe traffic pattern and to protect the scene of an accident.
 - (c) Wear reflective vests, if directing traffic.
 - (d) Use vehicle or vessel emergency lighting to maximize visibility and warning.
 - (e) 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.
 - (f) Maintain the incident scene and preserve the evidence.
 - (g) 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) Sworn members shall refer vehicle crash investigations involving serious bodily injury or death to the Florida Highway Patrol.
- (5) Hit and Run
 - (a) If a vehicle involved in a crash has left the scene, the crash may be categorized as a hit and run criminal act. If possible, information should be collected describing the fleeing vehicle, the driver, or both. Any identifying information obtained shall be provided to the regional communications center (RCC) so that a BOLO can be issued. The RCC shall also notify the local law enforcement agency having jurisdiction.
 - (b) If a vessel involved in a crash has left the scene, the crash may be categorized as a hit and run criminal act. If possible, information should be collected describing the fleeing vessel, operator, or both. Any identifying information obtained shall be provided to the RCC so that a BOLO can be issued. The RCC shall also notify the appropriate law enforcement agencies for possible assistance.
 1. Vessel crashes determined to meet the reportable accident criteria provided in section 3(F) of this General Order shall be reported on the Boating Accident Investigation form (FWCDLE-146 or via mobile forms) as required by Florida Statute 327.301.

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) shall 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 shall 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 sections 406.11 and 406.12, Florida Statutes, which state that every death shall be investigated by the medical examiner of the district in which the death occurred, and any person who becomes aware of any death shall 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 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 BoatingAccident@myfwc.com
 - (b) Hunting Accident Investigations HuntingIncident@myfwc.com
- (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 shall 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.
 - (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.
 - (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 shall not give the operator a self-reporting form.
 - (b) All Boating Accident Investigation Reports shall be reviewed and approved by the investigating sworn member's immediate supervisor.
 - (c) Boating Accident Investigations shall 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 reporting deadlines in paragraph 3(c) shall be documented on an Incident Summary Report. The report shall contain at a minimum the accident number, date of accident, and the reason for extension. All extension notifications shall 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 shall 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 Investigations 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 sworn member has probable cause to believe that a vessel which has caused the death or serious bodily injury of a human being was operated by a person under the influence of alcoholic beverages, any chemical substances, or any controlled substances, a sworn member shall ask for voluntary consent from 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. Notwithstanding section 327.352, Florida Statutes, the testing requested by this paragraph need not be incidental to a lawful arrest

of the person. (section 327.353 (1)(a), Florida Statutes)

- (a) If the person refuses or is unable to consent due to injuries, then the sworn member shall obtain a search warrant.
 - (b) Absent consent, or issuance of a search warrant, the sworn member shall not cause the blood to be taken unless exigent circumstances are present. Only those individuals listed in section 316.1932, Florida Statutes, shall be authorized to draw blood. Exigent circumstances must be fully detailed, and should only be considered present when either:
 - 1. An ongoing emergency at the scene of the accident would require such a large amount of the sworn member's time that, following rendering of aid for the emergency, the person's blood-alcohol level would be so altered as to prevent the blood-alcohol test from accurately allowing the determination of the amount of alcohol present at the time immediately following the accident; or
 - 2. In locating and communicating with a prosecutor to review the search warrant and a judge to sign and issue the search warrant, the sworn member would encounter a great enough delay that the person's blood-alcohol level would be so altered as to prevent the blood-alcohol test from accurately allowing the determination of the amount of alcohol present at the time immediately following the accident.
 - (c) The potential natural metabolization of alcohol in the bloodstream of the person does not create an exigency by itself justifying warrantless, nonconsensual blood testing in all BUI/DUI cases, though it is a relevant consideration in determining if exigent circumstances exist. Law enforcement officers may not categorically collect a blood sample without a warrant simply because alcohol is leaving the bloodstream of the person.
 - (d) If a blood test will be conducted as required by a search warrant or due to exigent circumstances sworn members may use reasonable force, if necessary, to require the operator to submit to the administration of the blood test.
 - (e) If an operator is being treated at a hospital and medical blood is drawn, the results of the medical blood test may be obtained by warrant or subpoena at a later date.
 - (f) 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.
 - (g) 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

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, Office 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 shall 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 shall be removed from all reports distributed pursuant to a public records request.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report
FWC/DLE-002	Line of Duty Death Information
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)