



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

INVESTIGATIONS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
37	June 09, 2020	July 16, 2012	All Sworn Members

References

S. 257.36 & 379, F.S.; GO 2, 16, 38, 40; 58; CFA 15.01, 15.06, 15.07, 15.10

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to provide guidance to Division members on the conduct and coordination of criminal, non-criminal and regulatory investigations.
- B** It is the policy of the FWC Division of Law Enforcement to adopt procedures that provide for effective and efficient detection, documentation and prosecution of those who violate laws.
- C Definitions**
 - (1) Preliminary investigation** – The activities undertaken by a sworn member (usually an officer) who responds to the initial report of a crime.
 - (2) Follow-up investigation** – The activities undertaken by a sworn member that requires additional investigative work beyond the officer’s preliminary investigation.
 - (3) Complex or protracted investigation** – The activities undertaken by a sworn member that require extensive investigative work.
 - (4) Environmental crimes** – incidents which constitute a felony or serious misdemeanor and/or involve the illegal disposal, storage, and/or transportation of hazardous, industrial, bio-medical, toxic, and/or solid waste which poses a significant threat to human life, could have a significant environmental impact, involves organized crime or involves illicit economic gain.

2 RESPONSIBILITIES

A The Division will:

- (1)** Adopt procedures for the prevention and suppression of criminal activities.
- (2)** Ensure all sworn members have the proper training and equipment to effectively perform their duties and to complete assigned tasks.
- (3)** Ensure that criminal investigations are conducted in compliance with the United States Constitution, Florida Constitution, all applicable laws, and the General Orders of the FWC Division of Law Enforcement.

- (4) Fully cooperate in criminal investigations and intelligence operations.

B Responsibilities of sworn members who encounter or respond to the scene of alleged criminal activity:

- (1) Render first aid and obtain medical assistance for the injured if required, noting all conditions such as the position of victims or injured subjects, remarks, unusual actions, events or activities, and remaining alert for spontaneous statements and dying declarations.
- (2) Determine if a crime has been committed.
- (3) Initiate enforcement action to include arresting or pursuing the offender (if applicable) and/or dispatching apprehension information.
- (4) Secure the crime scene, arrange for the collection and protection of evidence, limit access, locate, identify and isolate witnesses. If warranted, collection of evidence can be completed by the appropriate partner agency.
- (5) Determine the need for investigative specialists and/or supervisory members to respond to the scene and notify the Communications Center of such need.
- (6) Refer those tasks identified in section C below to the Investigations Section. Other tasks that are not listed but may become protracted and/or complex in nature should be referred to the Investigations Section and/or the Division's Intelligence Unit (see General Order 58, *Law Enforcement Intelligence*) using the Criminal Intelligence Report (FWC/DLE-622IV).
- (7) Initiate an investigation to include the arranging for the collection and preservation of evidence, photography, crime scene diagrams and interviewing the complainant, witnesses, victim(s) and suspect(s).
- (8) Compile a thorough and accurate report of activities – data recorded should be sufficient to:
 - (a) Identify evidence, witnesses and elements of offenses. Documentation shall be in the format described in section 3 (Procedures) of this General Order.
 - (b) Facilitate effective prosecution (if applicable).
- (9) Recognize that nothing stated herein relieves any sworn member from the specific responsibility for taking immediate and positive enforcement action in each situation that comes to their attention where laws relating to criminal activity are being violated. However, when the circumstances existing at the scene clearly exceed the scope of the investigative authority delegated to the sworn member, the member will immediately notify a supervisor.
- (10) FWC Law Enforcement Officers will NOT use authority under Chapter 379, Florida Statutes to enter property to work or investigate environmental crimes. The appropriate investigative techniques shall be utilized and the appropriate resources (warrants) must be obtained prior to entering the property. (See also General Order 2, Warnings, Arrests, Traffic Enforcement and Interviews)

C The Investigations Section is responsible for follow-up and complex/protracted investigations. These responsibilities may include but are not limited to:

- (1) Provide investigative support to uniformed sworn members.
- (2) Investigation of boating accidents that involve fatality or great bodily harm as defined.
- (3) Investigation of all hunting accidents as defined.
- (4) Investigation of all alligator attacks.
- (5) Background investigations.
- (6) Regulatory inspections of captive wildlife.
- (7) Commercial wildlife, fishery and resource investigations.

- (8) Investigations relating to Endangered and Threatened Species.
- (9) Investigation of environmental crimes as defined.
- (10) Investigation of other non-specific traditional crimes.
- (11) Investigation of all natural resource crimes.
- (12) Review and analyze all previous reports prepared in the preliminary or initial phases of transferred investigations.
- (13) Conduct undercover and covert operations.
- (14) Conduct surveillance operations.
- (15) Conduct computer forensics investigations.
- (16) Review agency and confidential records.
- (17) Collect blood and tissue samples for laboratory analysis.
- (18) Identify, document and utilize informants, anonymous sources and unknowing/unwitting witnesses.
- (19) Handle evidence as outlined in General Order 16, *Collection, Preservation and Documentation of Evidence and Property*.
- (20) Review of results from laboratory examinations.
- (21) Arrange for dissemination of information and intelligence as appropriate.
- (22) Train sworn members in investigative procedures.
- (23) Plan, organize, and execute approved arrest and search warrants.
- (24) Prepare investigative case files for court presentation.
- (25) Assist in prosecutorial efforts.
- (26) Assist federal, state and local law enforcement agencies.
- (27) Identify and apprehend suspects and fugitives.
- (28) Utilize approved tracking and surveillance devices.
- (29) Review and analyze external sources of information.
- (30) Check criminal history of suspects and determine involvement of suspects in other crimes.

D Responsibilities of an Investigator 1 include but are not limited to the following:

- (1) Work both independently and as a member of a team conducting the full range of FWC Division of Law Enforcement investigations.
- (2) Conduct background investigations.
- (3) Assist Investigator 2s as directed by supervisor.
- (4) Conduct referred investigations.
- (5) Collect and disseminate intelligence with uniformed patrol.
- (6) Other duties as directed by supervisory members.
- (7) Conduct major boating accident investigations.
- (8) Conduct hunting accident investigations.
- (9) Conduct vessel theft and title fraud investigations.
- (10) Conduct alligator attack investigations.

(11) Conduct and coordinate investigations on state lands.

E Responsibilities of the Investigator 2 designated as a Captive Wildlife Investigator include but are not limited to the following:

- (1) Inspect all wildlife held in captivity to ensure compliance with State laws and rules regulating humane treatment and safe housing of wildlife.
- (2) Inspect ports of entry and common carriers to detect violations of state and federal laws relating to the importation, transportation, and exportation of wildlife and aquatic life.
- (3) Inspect all entities involved in the commercialization of fish and wildlife.
- (4) Maintain competency in remote chemical immobilization techniques.
- (5) Maintain competency in the handling of wildlife.
- (6) Conduct fatality and injury investigations relating to captive wildlife.
- (7) Mentor and train sworn members in captive wildlife regulation.
- (8) Serve as a Point of Contact for media in cases relating to captive wildlife.
- (9) Other duties as directed by supervisory members.

F Responsibilities of the Investigator 2 designated as an Environmental Crimes Investigator include but are not limited to the following:

- (1) Investigation of environmental crimes.
- (2) Assisting the DEP Office of Emergency Response with on-site evidentiary sampling.
- (3) Support Regional Domestic Security Task Forces with any environmental threats as needed.
- (4) Provide support to regulatory programs as needed.
- (5) Mentor and train sworn members in environmental crime investigations.
- (6) Serve as a point of contact for media in cases relating to environmental crimes.
- (7) Other duties as directed by supervisory members.

G Responsibilities of an Investigator 2 designated as a Resource Investigator include but are not limited to the following:

- (1) Conduct, coordinate and monitor undercover operations and investigations.
- (2) Utilize tracking, electronic and surveillance devices.
- (3) Mentor and train sworn members in conducting covert investigations.
- (4) Assist with the management of informants and confidential informant files.
- (5) Support sworn members with undercover/surveillance elements of their investigations.
- (6) Conduct investigations of commercial fish and wildlife trafficking
- (7) Conduct port inspections.
- (8) Conduct Internet based crimes investigations.
- (9) Other duties as directed by supervisory members.

H Responsibilities of Lieutenants supervising investigative personnel include but are not limited to the following:

- (1) Supervise, direct and approve all investigative activities.
- (2) Review the reports of subordinates.

- (3) Review all tasks referred by the Uniform Patrol Section and provide a recommendation to the appropriate Captain on those that may be declined.
- (4) Supervise and coordinate the response to any boating or hunting accident resulting in great bodily harm or fatality.
- (5) Supervise and coordinate the response to any major environmental crime resulting in significant impact to the environment.
- (6) Supervise the execution of search warrants.
- (7) Track investigations to ensure that they are being conducted in a timely and professional manner.
- (8) Evaluate and prioritize investigative cases and make the necessary assignments or adjustments based on available personnel and probability of successful prosecution.
- (9) Coordinate and monitor undercover operations and investigations worked jointly between Environmental Crimes Investigators and Resource Investigators.

I Responsibilities of Captains supervising investigative personnel include but are not limited to the following:

- (1) Coordinate multi-agency investigations.
- (2) Maintain the readiness and inventory of all specialty equipment under his command.
- (3) Ensure that Lieutenants supervising investigative personnel monitor all investigative activities of their subordinates.
- (4) Review all fatality investigations prior to submission to the State Attorney's Office.
- (5) Provide in writing to the Regional Commander and the affected Uniform Patrol Captain the rationale for any declined referred Investigations.
- (6) Provide and ensure cooperation and coordination on all investigations.
- (7) Serve as records custodian for regional investigative files.
- (8) Serve as Evidence and Information funds custodian for the region.
- (9) Develop and maintain up-to-date intelligence information.
- (10) Coordinate with the Training Section to provide specialized training regarding investigations for Division members.
- (11) Advise the Regional Commander of the status of investigations.
- (12) Refer Investigations as appropriate – An initial report of a crime may be referred to another agency if a Captain, or above in rank, determines the other agency is more appropriate to investigate.

J Responsibilities of the Investigations Section at General Headquarters (GHQ) include but are not limited to the following:

- (1) Investigations
 - (a) Coordinate, monitor and supervise undercover and covert investigations.
 - (b) Coordinate and document specialized investigative training and equipment.
 - (c) Document and manage fictitious identities and identifications.
 - (d) Administer Evidence & Informant funds.
 - (e) Receive, analyze and disseminate statewide intelligence as requested.
 - (f) Informant documentation, record keeping and other duties as outlined in General Order 40, *Confidential Informants, Files and Funds*.

- (g) Administer Statewide Investigative Case Management System relative to Investigations.
 - (h) Ensure that investigative intelligence complies with all applicable state and federal regulations.
 - (i) Monitor and/or coordinate Inter-Regional, Out of State or Multi-Agency cases.
 - (j) Conduct liaisons with federal, state, and local partners.
- (2) Captive Wildlife Office
- (a) Maintain licensing/permitting records repository for captive wildlife.
 - (b) Submit inspection requests to Regional Investigative Captains or designee.
 - (c) Conduct final review and approval of captive wildlife permits and licenses.
 - (d) Coordinate captive wildlife training.
 - (e) Conduct liaison with other federal, state and local agencies.
- (3) Forensics Program
- (a) Coordinate laboratory analysis and examinations relating to wildlife.
 - (b) Coordinate with the Training Section and the Investigations Section to provide training on evidentiary processes and procedures.
 - (c) Ensure that the Investigations Section possesses the necessary crime scene-related equipment to properly secure and process evidence.
- (4) Internet Crimes Unit
- (a) Designated investigators will be trained and assigned to conduct internet crimes investigations requiring the use of clean investigative computers and specialized investigative techniques.
 - (b) Designated internet crimes investigators will coordinate all internet crimes investigations to preserve officer safety, prevent duplicate investigations and determine investigative province.
 - (c) Designated internet crimes investigators may reassign Internet investigations that do not require the use of clean investigative computers or specialized investigative techniques.

3 PROCEDURES

A Reporting and Case File Maintenance

- (1) If a sworn member has not been trained, or has not been provided access to the Statewide Investigative Case Management System they shall:
- (a) Within five (5) days after initiation of an investigation, or within (5) days after the completion of a significant case action, complete an Incident Summary Report (FWC/DLE-045) and the accompanying Incident Narrative (FWC/DLE-045A).
 - (b) Complete other required documents as requested by supervisor, including but not limited to the Criminal Intelligence Report (FWC/DLE-622).
- (2) If a sworn member has been trained and provided access to the Statewide Investigative Case Management System they shall:
- (a) Within five (5) days after initiation of an investigation, or within (5) days after the completion of a significant case action, enter all investigative and informational findings into the Statewide Investigative Case Management System.
 - (b) Complete other required documents as requested by supervisor.

- (3) Sworn members with training in the use of and access to the Statewide Investigative Case Management System may use the system to file a report for instances that require the completion of an Incident Summary Report (FWC/DLE-045) in accordance with General Order 35, *Division Reports and Records* with the approval of a supervisor and if appropriate to do so.
- (4) All open criminal investigations shall be maintained and secured to prevent the unauthorized access, removal or destruction of such files.

B Information Development – Sources of information can be obtained from many different areas. The following guidelines should be followed:

- (1) Interviews
 - (a) Witness statements should be recorded or written on a Sworn Written Statement (FWC/DLE-208).
 - (b) Suspect interviews shall be conducted in accordance with established state and federal law. No attempt will be made to obtain confessions or statements by force, coercion, threat, or promise. A sworn member shall:
 - (1) Not deny suspect necessities such as water, food, or use of toilet facilities.
 - (2) Not subject a suspect to physical abuse or the threat thereof
 - (c) Field Interviews – If a sworn member observes circumstances that arouse suspicion or cause alarm, they should investigate. Sworn members shall stop and detain individuals in accordance with section 901.151, Florida Statutes, “Stop and Frisk.” Field interviews conducted of criminal suspects shall be documented on Criminal Intelligence Report Form (FWCDLE 622IV). Those persons detained under section 901.151, Florida Statutes, may be required to submit to a photograph at the discretion of the sworn member. In instances where reasonable suspicion of criminal activity is suspected the subject’s name, date of birth, photograph shall be recorded and documented. The information is to be disseminated to appropriate sworn members for investigative intelligence and future records.
- (2) Interrogation
 - (a) All persons undergoing a custodial interview will be advised of their Miranda Warnings.
 - (1) Miranda Warnings should be fully read from an agency approved format.
 - (2) Once a suspect invokes the right to counsel, the suspect may not be approached or questioned about ANY offense, even unrelated ones, until the suspect either initiates the discussion, or until there has been a break in custody.
 - (b) The burden of proof is on the state to establish that the suspect has waived his/her constitutional rights. Whenever feasible, the waiver should be recorded and/or obtained in writing through use of the Miranda Rights Signature Form (FWC/DLE-207) or the use of the Sworn Written Statement with Miranda Rights (FWC/DLE-209).
- (3) Collection, Preservation, and Use of Physical Evidence – Physical evidence is helpful in identifying the suspect and events leading to the crime. See General Order 16, *Collection, Preservation and Documentation of Evidence and Property* for additional evidence procedures.
- (4) Undercover and Surveillance Operations are useful in obtaining information concerning the identities or activities of subjects. It is especially useful when little or no advantage can be obtained by further questioning.
 - (a) This section refers to the targeted surveillance of a criminal suspect whom is related to an active criminal investigation. This section does not refer to opportunistic surveillance conducted during the course of routine patrol activities.
 - (b) Undercover and surveillance operations will be conducted in accordance with General Order 38, *Undercover, Surveillance and Decoy Operations*.

- (5) Criminal Background Investigations (Criminal Dossier)**
 - (a)** Criminal background investigations shall be entered into the Statewide Investigative Case Management System.
 - (b)** Documents obtained from outside sources as hardcopies will be included as attachments, or maintained as “hard copies.” These documents may include, but are not limited to the following:
 - (1)** Public record files to include; motor vehicle and vessel registrations, driver license, social security number, occupational licenses, and fishing/hunting licenses.
 - (2)** Agency files that have not already been entered into the Statewide System.
 - (3)** Investigative or incident summary cases from other officers/investigators.
 - (4)** Reports from other agencies.
 - (5)** Newspaper and credit files.
 - (6)** Statements from law enforcement officers and informants who have knowledge of the suspect’s activities.
 - (7)** Bank accounts and financial records.
 - (8)** Local, state, and federal arrest records.
- (6) Applicant Background Investigations**
 - (1)** Sworn and non-sworn Division applicant background investigations shall be completed in accordance with General Order 61, *Employee Background Investigations*
- (7) Polygraph or Computer Voice Stress Analyzer (CVSA)**
 - (a)** If a polygraph or CVSA test is desired by a sworn member it must be approved by the Regional Commander or Section Leader.
 - (1)** If approved, scheduling will be between the investigating sworn member, the person to be examined, and the polygraph or CVSA examiner.
 - (2)** The investigating sworn member shall be available prior to the test date for file review and when the test is administered, unless excused by the polygraph or CVSA examiner.
 - (3)** The investigating sworn member shall be available in the event a confession is obtained during the examination.
 - (b)** When the polygraph is used for investigative purposes, the following guidelines will be used:
 - (1)** The examiner shall be highly trained in the interview techniques and the interpretation of psychological and emotional responses recorded on the machine.
 - (2)** All polygraph or CVSA examinations shall be administered only by examiners who have completed the academic requirements, training and have a certificate in Forensic Psychophysiology or CVSA.
 - (c)** If trained and certified polygraph or CVSA examiners are not available within the Division, assistance from the Florida Department of Law Enforcement or the appropriate local agency shall be requested.

C Investigative Documentation

- (1)** Investigative reports will be completed and submitted to a supervisory Lieutenant.

- (2) Reviewed and approved reports concerning fatalities or forfeiture proceedings should be forwarded to the appropriate office at GHQ within five (5) work days.
- (3) Open investigations shall be updated regularly by the investigating sworn member and reviewed by the member's supervisor.
- (4) A Case File Check List (FWC/DLE-566) shall be included in all hard copy files of open investigations.
- (5) Any hard copy files of open investigations shall be kept secure in a locked file cabinet. A Records Check-Out Log (FWC/DLE-560) shall be maintained to document access to the file cabinet and to track the location of case files. Members may keep a "working copy" in their custody and control while conducting their investigations.
- (6) When updating an investigation include the following:
 - (a) A "Narrative" entry describing the status of the investigation.
 - (b) Attachment of any court orders, property receipts, or other documents.
 - (c) A description of the investigative activities planned for the next 30 days.

D Investigation Disposition

- (1) Each investigation submitted for disposition must be reviewed and approved by a Lieutenant or higher.
- (2) Each investigation submitted for disposition shall contain a summary that includes court and sentencing information.
- (3) Each investigation will be submitted to the appropriate Captain.

E Investigation Closure

- (1) No investigation will be closed until it is properly classified and resolved.
- (2) Properly classified is considered one of the following:
 - (a) Closed, cleared by arrest.
 - (b) Closed, cleared exceptionally.
 - (c) Suspended.
 - (d) Unfounded.
 - (e) Closed, Juvenile.
- (3) Properly resolved consists of:
 - (a) Filing information with the State Attorney's Office for review for possible criminal charges with no further investigative activity required to support the successful prosecution; or
 - (b) Referring the investigation to another law enforcement agency if continued investigation by the other agency is more appropriate; or
 - (c) Issuance of a citation or warning and immediate corrective action.
- (4) When reporting the closure of an investigation, any hard copies of original forms or documents are to be maintained in the originating regional office.
- (5) A summary report should be completed and submitted with the case file to the sworn member's immediate supervisor within 15 days of the investigation's conclusion.
- (6) Investigative File Maintenance – Closed investigative files containing hard copies of original statements and other documents shall be maintained by the Regional Investigative Captain.

- (7) Active criminal intelligence/information and hardcopies of active criminal investigative files are exempt from public disclosure and shall not be disseminated to the public.
- (8) Criminal investigative files and information/intelligence shall be available for review by Division members, crime analysts and other law enforcement officers for investigative and other legitimate purposes, as directed and/or approved by a supervisor.
- (9) Criminal investigative files may be purged and destroyed as outlined in chapter 119, Florida Statutes, and are subject to the consent of the Records and Information Management Program of the Division of Library and Information Services of the Department of State in accordance with section 257.36, Florida Statutes.
- (10) Information/intelligence records and files relating to active vice and organized crime investigations are to be maintained separately from all other files.

F Investigation Clearance Standards

- (1) An investigation will be considered cleared by arrest if an arrest or citation is made for the offense.
- (2) An investigation will be considered exceptionally cleared if the identity and location of the offender is known, enough information exists to support an arrest, and he/she can be taken into custody but one of the following prevents an arrest:
 - (a) The State Attorney's Office declines to prosecute the offender even though sufficient information exists to support an arrest and prosecution;
 - (b) If the investigation is a felony and the victim refuses to cooperate in the prosecution or cannot be located and the State Attorney's Office declines to prosecute;
 - (c) The State Attorney's Office advises that the offender will be prosecuted on another violation;
 - (d) The investigation is referred to another agency; or
 - (e) The offender is deceased.
- (3) An investigation will be considered suspended if:
 - (a) The follow-up investigation has been unsuccessful in producing sufficient information regarding the suspect(s);
 - (b) Ninety (90) days has elapsed since a capias, warrant, or summons was issued for the arrest of a suspect, but the suspect has not been arrested or served; or
 - (c) The State Attorney's Office declines to prosecute due to a lack of evidence or there is a lack of information to support an arrest.
- (4) An investigation will be considered unfounded when a sworn member's investigation reveals that the offense never actually occurred.

G Natural Death Investigations – Sworn members shall secure the scene and notify the Communications Center, which will then contact the local Sheriff's Office or other appropriate law enforcement agency having jurisdiction, and a sworn supervisor.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-045	Incident Summary Report
FWC/DLE-048A	Incident Summary Report Narrative
FWC/DLE-207	Miranda Rights Signature Form
FWC/DLE-208	Sworn Written Statement
FWC/DLE-209	Sworn Written Statement with Miranda Rights
FWC/DLE-560	Records Check-Out Log
FWC/DLE-566	Case File Check List
FWC/DLE-622IV	Criminal Intelligence Report