



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

EMPLOYEE BACKGROUND INVESTIGATIONS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
61	November 30, 2017	May 21, 2012	All Members

References

S. 110.1127, 943.13 (7) & 943.133, F.S.; 11B-27.002, 11B-27.0011 & 11B-27.0022, F.A.C.; GO 07; FWC IMPP 6.46; CFA 9.05 and 10.15

1 POLICY

- A** It is the policy of the Division to conduct background investigations on all sworn and non-sworn members considered for employment with the Division.
- (1) For purposes of this General Order, all Division of Law Enforcement employees are assigned to one of three categories for background investigations:
- (a) Sworn candidates
 - (b) Non-sworn candidates with standard access
 - (c) Non-sworn candidates with access to sensitive and/or confidential law enforcement information
- B** Background investigations for sworn candidates shall be conducted in accordance with the requirements of Sections 110.1127, F.S., 943.13 (7), F.S., Rule 11B-27.002, F.A.C., Rule 11B-27.0011, F.A.C., Rule 11B-27.0022, F.A.C, FWC IMPP 6.46 and the Criminal Justice Standards and Training Commission (CJSTC) guidelines. Background investigations for sworn members shall be coordinated through the Division's Training Academy.
- C** Background investigations for non-sworn candidates shall be conducted and completed in accordance with FWC IMPP 6.46 and this General Order.
- D** All members (sworn and non-sworn) conducting background investigations shall receive training prior to collecting the required background information.
- E** Only members trained in completing background investigations are authorized to conduct background investigations.
- F Definitions**
- (1) **Authentication** – An assessment of the validity and reliability of data obtained from the Internet.
 - (2) **Non-Sworn Candidate** – The term “non-sworn candidate” describes any person not considered a law enforcement officer as defined in Section 943.13, Florida Statutes, and employed or seeking employment with the Division of Law Enforcement. This includes employees in the Senior Management Service (SMS), the Selected Exempt Service (SES) and the Career

Service, as well as persons employed in Other-Personal-Services (OPS) positions, persons completing an internship with the Division, and persons serving as volunteers.

- (a) **Standard access** – Access to information which is not considered sensitive or confidential in nature.
 - (b) **Sensitive and/or confidential access** – Regular and unsupervised access to criminal or law enforcement informational databases including, but not limited to, NCIC/FCIC, DAVID, and the Divisions Records Management System. This would also include any information regarding crime intelligence analysis and/or any information relating to domestic security.
- (3) **Sworn Candidate** – The term “sworn candidate” describes any person considered to be a law enforcement officer as defined in Section 943.13, Florida Statutes, including members in the Division Reserve / Auxiliary Program and any candidate for a sworn position.

2 RESPONSIBILITIES

- A** For sworn candidates the Training Section staff shall send all candidate information to include any supplemental applications or supporting documents to the designated regional Background Investigations Supervisor to conduct the background investigation.
- B** For non-sworn candidates, hiring supervisors are responsible for determining the appropriate background investigation based on the type of access the position will have.
- (1) **Standard access** - hiring supervisors are responsible for completing the Criminal History and Local Records check on the Employment Background Investigation Report (FWC/DLE-049). The Criminal History and Local Records Check shall be completed either prior to or within the first 30 days of employment.
 - (2) **Sensitive and/or confidential access** - hiring supervisors are responsible for completing the Criminal History and Local Records Check on the Employment Background Investigation Report (FWC/DLE-049). The Criminal History and Local Records Check shall be completed prior to employment.
 - (a) Upon completion of a Criminal History and Local Check, the hiring supervisor shall request approval through the chain of command to issue a conditional offer of employment to the candidate.
 - 1. For duty officer candidates, a satisfactory Criminal History and Local Check is required to participate in pre-hire assessments.
 - 2. Discrepancies discovered during the Criminal History and Local Check shall be reviewed by the candidate’s chain-of command. Final decision to continue the process is at the discretion of the Division Director or designee.
 - (b) Hiring supervisors are responsible for ensuring that the Non-Sworn Supplemental Application (FWC/DLE-063IV) is completed and sent to the appropriate investigative Captain within 3 business days.
 - 1. Hiring supervisors are responsible for coordinating through the chain of command with the appropriate investigative Captain and ensure the Employment Background Investigation Report (FWC/DLE-049) is completed within 60 days.
 - 2. Discrepancies discovered during the full background investigation shall be reviewed by the candidate’s chain-of command. The Division Director or designee shall render the final decision.
- C** Regional Captains/Statewide Investigations Captain or their designees are responsible for ensuring background investigations are completed within established timeframes.

- D** Members assigned to conduct a background investigation are required to complete the investigation within 60 days from the date of assignment for non-sworn members and by the deadline set by the Training Center Director for sworn members.

3 PROCEDURES

A A Candidate Profile on the State of Florida's People First system shall be completed by each candidate and all information listed shall be verified as part of the background investigation. The appropriate background investigation report shall be completed for each background investigation conducted. If certain educational requirements are listed for a position, those requirements must be confirmed. A copy of an educational diploma or degree and transcript may be requested to confirm these requirements.

B For both sworn and non-sworn candidates undergoing a background investigation, the Investigations/Intelligence section shall review and verify any existing entries in the following:

- (1) Statewide Investigative Case Management System
- (2) National Crime Information Center (NCIC)
- (3) Florida Crime Information Center (FCIC)
- (4) Comprehensive Case Information System (CCIS)
- (5) Juvenile Justice Information System (JJIS)
- (6) International Police Organization (INTERPOL)
- (7) Consolidated Lead Evaluation and Reporting (CLEAR)
- (8) National Sex Offender Database
- (9) National Decertification Index (NDI)
- (10) Social Media

C The Training Section staff shall forward the necessary information to the Investigations/Intelligence Section for sworn candidates; the hiring supervisor shall be responsible for forwarding the necessary information for non-sworn candidates.

D Background Investigations

- (1) Sworn candidates shall have a background investigation conducted to determine if the candidate is of good moral character, as outlined in Rule 11B-27.0011, Florida Administrative Code.
 - (a) Investigators conducting the background investigation for sworn candidates shall complete the appropriate sections of the Employment Background Investigation Report (FWC/DLE-049).
 - (b) Research using NCIC/FCIC, public information databases, driver license, credit checks, etc., shall be performed by the appropriate personnel and documented on the Employment Background Investigation Report (FWC/DLE-049).
 - (c) After review and approval of a sworn candidate's background investigation report by the appropriate Regional Captain, a copy shall be forwarded to the Training Section for further review and processing. Additional review may take place at GHQ. If the candidate is hired as a sworn member, the background report is confidential and the records shall be transferred to the employee's official personnel file and maintained per records retention requirements in a secure manner by the Commission. If the candidate is not hired, the background report is confidential and the records shall be maintained for a minimum of four years by the Training Section.

- (6) Trained members conducting the background investigation for non-sworn candidates shall complete the appropriate sections of the Employment Background Investigation Report (FWC/DLE-049) with standard access or for candidates with access to sensitive and/or confidential law enforcement information.
- (7) Research using the National Crime Information Center (NCIC), Florida Crime Information Center (FCIC), public information databases, driver license, credit checks, etc., shall be documented in the Statewide Investigative Case Management System by the investigator.
- (8) FCIC/NCIC criminal history checks may only be conducted by the Division's FCIC/NCIC certified personnel for "criminal justice purposes," including background investigations of candidates for Division of Law Enforcement employment.
 - (a) Division background investigators are not authorized to conduct criminal history checks for any other purpose, including employment background checks of non-Division of Law Enforcement candidates, or criminal history checks on permit applicants, alligator trapper applicants, and non-DLE interns and volunteers. These kinds of criminal history checks must be requested from the Florida Department of Law Enforcement (FDLE) and are available for a fee.
 - (b) Investigators may perform Division-internal record checks for non-DLE candidates.
- (9) The background investigation report for a non-sworn candidate is confidential and, if hired, the original report shall be sent to the FWC Office of Human Resources to be included in the candidate's personnel file. If not hired, the Region shall retain the report in accordance with record retention requirements.

E Review of Candidate Social Media Activity

- (1) The Intelligence Section shall conduct internet searches for social media activity such as Facebook, Instagram, and Twitter and forward the information to the appropriate background investigator for review.
- (2) Any publicly available information on past behavior by a candidate discovered as part of an internet search shall be considered when determining whether a candidate's past behavior may conflict with General Order 07, *Code of Conduct, Code of Ethics and Oath of Office*, or whether a sworn candidate's past behavior may be in violation of the good moral character standard as outlined in Rule 11B-27.0011, Florida Administrative Code.
- (3) The background investigator shall review the information gathered from the internet search and document any results on the appropriate background investigation report. A follow up interview or research of other sources to provide authentication of information discovered by internet searches may be required.

F An investigator may ask what social media sites a candidate uses, but cannot ask for their log in credentials (i.e. username and password, etc.). Asking for a password constitutes a violation of the Federal Stored Communications Act.

G Fingerprints

- (1) All sworn candidates must be fingerprinted using the LiveScan system. LiveScan results shall be reviewed by authorized FWC Training Center staff.
- (2) Non-sworn employees shall be fingerprinted by using the LiveScan system.
 - (a) If permitted by the hiring supervisor, candidates may also be fingerprinted at a local law enforcement agency.
 - (b) Results of the fingerprint check shall be reviewed by authorized personnel management staff.
 - (c) Confirmation of fingerprinting shall be updated in the People First System by the Office of

Human Resources and maintained in the member's personnel file.

H Training

- (1) Only members trained in background investigations are authorized to conduct background investigations and collect the required information. Training may be received by any of the following methods:
 - (a) Complete a background investigations training course offered by the Criminal Justice Standards and Training Commission (CJSTC), or the Institute of Police Technology and Management (IPTM).
 - (b) Complete a background investigations course offered by the Division's advanced training section.
 - (c) Complete the background investigations training within PowerDMS.

4 FORMS

FORM NUMBER	FORM TITLE
FWC/DLE-049	Employment Background Investigation Report
FWC/DLE-063IV	Non-Sworn Supplemental Application