

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

OFFICE OF INSPECTOR GENERAL

2009-2010

ANNUAL REPORT





General Information

The Florida Fish and Wildlife Conservation Commission (FWC), [Office of Inspector General \(OIG\)](#) is located in the Farris Bryant Building in Tallahassee, Florida. The Inspector General Act 1994 created an Office of Inspector General in each state agency. The purpose of the OIG is to act as a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government. Section 20.055, Florida Statutes, defines the duties and responsibilities of each Inspector General.

The FWC OIG actively participates in the [Florida Inspectors General \(FIG\)](#) network, which was established by the Office of the Chief Inspector General, Executive Office of the Governor. This organization is composed of the Office of Inspectors General throughout Florida government. The mission of the FIG is to provide leadership in the promotion of accountability and integrity of the state government. The vision of the FIG is enhancing public trust in government.

The FWC OIG has adopted the generally accepted principles and quality standards approved by the Association of Inspectors General (formally approved on May 16, 2001). These principles and standards have been adopted insofar as they do not conflict with statute, regulation, executive order, or other policy of the office.

Statutory Requirement

Section 20.055, F.S., requires that each state agency Office of Inspector General submit an annual report of significant activities during the preceding state fiscal year to the agency head. The report must include, but is not limited to, the following:

- A description of significant abuses and deficiencies relating to the administration of programs and operations of the agency disclosed by investigations, audits, reviews, or other activities during the reporting period.
- A description of recommendations for corrective action made by the Inspector General during the reporting period with respect to problems, abuses, or deficiencies identified.
- The identification of each significant recommendation described in previous annual reports on which corrective action has not been completed.
- A summary of each audit and investigation completed during the reporting period.

OIG Staff Information

The FWC OIG prides itself on maintaining a highly trained and motivated staff. The professional staff of the OIG includes the Inspector General, a Director of Investigations (law enforcement Major), two investigative Captains, a management analyst (certified crime analyst), the Director of Auditing, an Internal Auditor II/computer forensic examiner, and two part time administrative assistants. One hundred percent of the seven full-time positions in the OIG possess college degrees from an accredited college or university, and three of those possess graduate degrees as well. The three law enforcement sworn positions have a total of over 65 years of law enforcement experience. The two administrative assistants are both undergraduates at a college or university.

The staff members of the OIG are active in professional organizations including the National Association of Inspectors General, the Institute of Internal Auditors, the Association of Certified Fraud Examiners, the National Internal Affairs Investigators Association, the Florida Bar, Infragard, the American Institute of Certified Public Accountants, and the Florida Association of Police Attorneys. Staff members also possess the following professional certifications: Certified Inspector General, Certified Internal Auditor, Certified Government Auditing Professional, Certified Fraud Examiner, State of Florida sworn law enforcement officer, Certified Inspector General Investigator, and Certified Law Enforcement Analyst. Some of these certifications are mandated by Florida law in order to be employed in the OIG. Virtually all certifications require regular mandatory training courses, such as annual in-service training for law enforcement officers, and continuing education courses for the Certified Internal Auditor certification and membership in the Florida Bar (Florida attorney).

Our internal audit staff have years of accounting and auditing experience, as well as Information Technology and computer forensics experience. They possess extensive training accomplishments in the fields of accounting, auditing, fraud, risk assessment, financial management, and computer forensics.



Staff Picture

From Left to Right: Amanda Beck, Shannon Wright, James Knight, Magen Naret, Trevor Phillips, Donna Helm, Andrew Stertzler, Cindy Johnson, and Sarah Bajoczky

Review of Audit Activities

Audit Section

The Audit Section of OIG exists to promote accountability, integrity, and efficiency in the Commission by performing internal financial, compliance, information technology and performance audits. The auditors also provide fraud detection, computer forensic services and consulting/advisory services, sometimes after the receipt of complaints from staff personnel or the public. The primary objective of the internal audit function is to assist management in the effective discharge of their responsibilities, providing them with analysis, recommendations, counsel and information concerning activities reviewed. The Audit Section consists of two full-time employees, the Director of Auditing and an Internal Auditor II. A part-time OPS Administrative Assistant is shared with the Investigations Section.

In the Fiscal Year 2009-10, the Audit Section completed one audit, one Information Technology Resource (ITR) Compliance Review, and three audit advisory or management reviews. A brief summary of each project follows:



Review of Audit Activities

Purchasing Card Audit IA-0903

The audit disclosed considerable fraudulent purchasing activity, which was investigated in coordination with the Florida Department of Law Enforcement (FDLE). The results of the audit and investigation were referred to the Attorney General's Office of Statewide Prosecution, resulting in the February 3, 2010, arrest of four Fish and Wildlife Research Institute (FWRI) employees and one vendor on racketeering charges. One other FWRI employee was previously arrested in March 2009 on charges of fraudulent purchasing card usage and falsification of related documentation. He was terminated from Commission employment the day after his arrest. All of the accused employees arrested in February 2010 have either resigned or have been terminated from employment with the Commission, and all await trial including the vendor. Total potential losses uncovered by the audit and investigation could exceed \$500,000.

The audit concluded that FWC had not provided either the level of control necessary to enforce compliance with purchasing card rules and regulations, or the level of control necessary to monitor purchasing card activity. Multiple recommendations were provided, including the strengthening of operational control measures and improving training methodologies. The coordination activities with FDLE consumed forty-five percent of the internal audit activity's budgeted hours for the fiscal year.



Florida Single Audit Act (FSAA) – Annual Certification Review IA-1001

At the request of the Department of Financial Services (DFS), we reviewed all FWC state projects included in the *Catalog of State Financial Assistance* for accuracy and completeness. We coordinated proposed changes with DFS for inclusion on the FSAA website.



Performance Measure Assessment – Advisory Opinion IA-1002

The Office of Inspector General reviewed draft performance measures throughout the development process of the Long Range Program Plan (LRPP) for FY 2010-2011 through 2014-2015. The performance measures submitted by FWC to the Executive Office of the Governor were, to the best of our knowledge, reliable and valid.

Review of Audit Activities

Risk Readiness Review of Federal Stimulus Funding IA-1003

The objective of the review was to assess the status of the implementation of internal controls designed to help mitigate the risk of fraud, waste, or abuse, in programs receiving funds under the American Recovery and Reinvestment Act of 2009. Our review program concluded that internal controls were functioning as intended.

Information Technology Resource Compliance Audit IA-1004

In coordination with an ongoing investigation, we performed a forensic examination of an employee's computer hard drive. The evidence collected from the examination will be used in criminal proceedings brought against an FWC employee.

Other Audit Section Activities

Some of the advisory services undertaken by the Audit Section are ongoing projects where no reports are issued. These activities include the review of certain proposed contracts to identify risks and ensure compliance with both the state and federal Single Audit Act requirements. We also provide consulting services where necessary, assist in the design of internal controls, and review proposed fiscal policy relating to such areas as trust fund management, new system development, financial accounting, and the IMPP. The Director of Auditing also coordinates with external auditors, where appropriate, during their review of Commission programs.

Audit Plan and Risk Assessment IA-1101

The Audit Section prepared an audit plan and risk assessment for Fiscal Year 2010/2011, and a long term audit plan through Fiscal Year 2013/2014. The main purpose and benefit of conducting this report was to plan audit activities (through a risk-based process and in consultation with management) to provide the most effective audit coverage of the Commission's programs given the resources allocated. The report was also to inform Commission management, staff and stakeholders of our mission, activities and planned audit coverage.



Review of Audit Activities

Review of Outstanding Corrective Actions

With the exception of the following listed issue, all of the major internal audit findings over the past three fiscal years have either been appropriately addressed by management in their corrective action plans, or management has considered our recommendation and elected to accept the identified risks. We consider those findings to be closed.

One major issue remains incomplete from the IA-0702 report, and we will continue to follow-up during the new fiscal year.

Finding: *FWC had not established procedures for response strategies to be followed if personal identification information was compromised in a security breach.*

Recommendation: *FWC should establish and maintain a management-approved written response strategy, consistent with the requirements of Florida law, to be followed if the security over confidential information is breached.*

Status: *New statewide security rules have changed the direction of agencies response to this issue. A new FWC-OIT strategy regarding the protection of personal information is in development, and formal adoption is planned for fiscal year 2010-2011.*



Investigative Findings for Fiscal Year 2009-2010

Investigations Section

The Investigations Section of the Office of Inspector General (OIG) investigates allegations of misconduct by Commission employees, monitors field investigations and reviews Use of Force Reports. The OIG also investigates alleged violations of Florida's Whistle-Blower Act and serves as the Commission's Ombudsman to address concerns of employees that cannot be resolved through the normal chain of command. The OIG supervises investigations of sexual harassment allegations in coordination with the Commission's Human Resources Office.

Allegations of employee misconduct constitute major or minor complaints depending on established criteria, and the OIG will decide the appropriate level of investigation. Minor misconduct complaints include allegations of rudeness, use of obscene or profane language, personal appearance, improper operation of a state vehicle or vessel; a citizen complaint that can be resolved in the initial contact; and routine disciplinary action by a supervisor which results in an oral or written reprimand. The originating Division/Office/Institute (DOI) can conduct the field investigations of a minor complaint after notifying the OIG of the complaint. The OIG will provide supervisory investigative assistance to the DOI throughout the investigation and completion of the investigative report.

The OIG Investigations Section will conduct investigations of all major complaints. Major complaints are allegations of criminal misconduct by an employee, misconduct that will result in suspension or dismissal, violation of the Florida Whistle-Blower Act, misconduct that crosses DOI lines; or the Commission's Executive Director or Inspector General determines that an investigation is warranted.

The Investigations Section consists of a Director of Investigations (law enforcement Major), two full-time law enforcement investigative Captains, one full-time Analyst and one part-time Administrative Assistant. The Inspector General is James T. Knight III.



Investigative Findings for Fiscal Year 2009-2010

Divisions

DFFM- Division of
Freshwater Fisheries
Management

DHGM-Division of
Hunting and Game
Management

DLE-Division of Law
Enforcement (Not
Use of Force
Reviews)

DHSC-Division
Habitat and Species
Conservation

FWRI- Fish and
Wildlife Research
Institute

FBO-Office of
Finance and Budget

OIT- Office of
Information
Technology

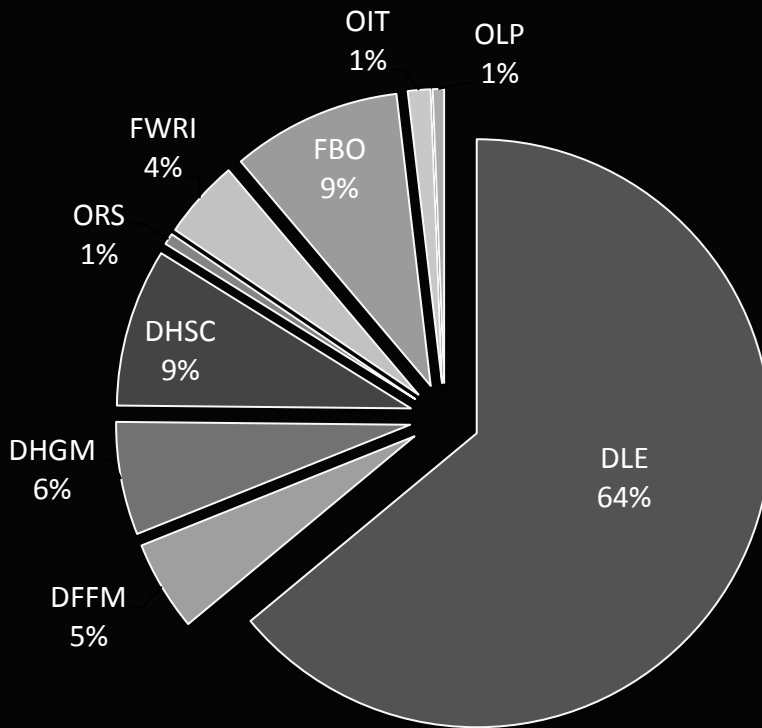
OLP - Office of
Licensing and
Permitting

ORS- Office of
Recreation Services

Investigations Section

The Investigations Section closed 161 investigations of employee misconduct and reviewed 62 Use of Force Incident Reports during the Fiscal Year 2009-2010. Investigations included in this study closed between the dates of July 1, 2009 through June 30, 2010. The information was obtained from the OIG Master Case Log. The following charts illustrate investigation activity during the reporting period.

Allegation Distribution by DOI Fiscal Year 2009-2010

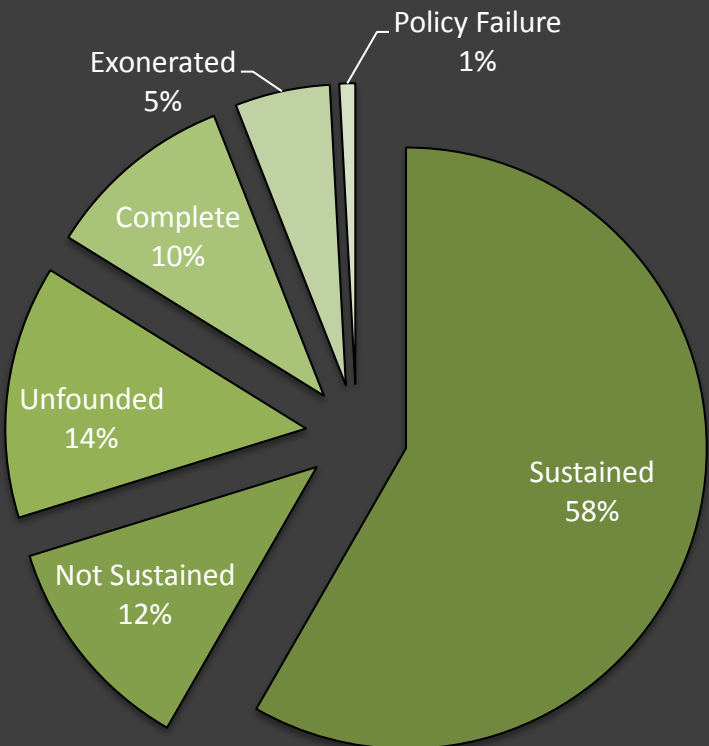


Investigative Findings for Fiscal Year 2009-2010

Investigations

Many investigations during the fiscal year involved FWC law enforcement officers. This is understandable because these positions account for about 40% of the total positions in the agency. This is compounded by the fact that law enforcement officers are highly visible and the nature of their duties sometimes includes detention and arrest. When a citizen is the subject of such action, even the slightest act may be misconstrued or misunderstood. The chart to the right breaks down the total number of investigations by the outcome of the investigation. "Sustained," for example, means there was sufficient evidence produced during the investigation to conclude that the allegation did in fact occur.

Investigative Findings Fiscal Year 2009-2010



Classifications of Closed Cases

Sustained: The allegation was supported by proper and sufficient evidence.

Not Sustained: There was insufficient evidence to prove or disprove the allegation.

Unfounded: There was no evidence identified in the investigation to support the allegation in the complaint.

Complete: Used for instances where no specific wrongdoing was alleged (i.e. information reports, Critical Incident Reviews, Etc.)

Exonerated: The alleged conduct occurred, but was lawful and proper.

Policy Failure: The alleged action occurred and caused harm; however, the actions were not inconsistent with Commission policy.

Investigative Findings for Fiscal Year 2009-2010

Investigations

The OIG investigates all major complaints. Supervisory investigations are completed by the Division/Office/Institute while being monitored by an OIG investigator.

Routine disciplinary actions from the Division/Office/Institute are also supervisory investigations. There were 48 cases of routine discipline in the fiscal year 2009-2010.

Supervisory Investigations vs. Investigations by an OIG Investigator Fiscal Year 2009-2010



Inquiries

In addition to the formal investigations assigned case numbers, the OIG received 72 other complaints during the fiscal year.

These were analyzed by the OIG and forwarded back to the appropriate field office to handle as "inquiries."

In many cases, these were resolved by contacting the person who filed the complaint and discussing it with them. The inquiries are usually found to have no agency policy violation.



Investigative Summaries for Fiscal Year 2009-2010

Case Number	Allegations
09-14	Supervisor directed subordinates to place seized evidence in an unauthorized location
09-27	Employee harassment and hazing
09-35	Officer was unreasonable while issuing a citation
09-48	An officer accused citizens of trespassing on sovereign lands
09-51	Allegation of an employee impersonating an FWC officer
09-52	Officers were working extra-duty assignments while on-duty for FWC
09-59	Complainant was detained illegally by an officer and was treated unfairly
09-60	Report of being denied a wildlife rehabilitation permit
09-61	Allegation of officer being unprofessional and disrespectful
09-78	Employees involved in a physical confrontation
09-79	Report of officer being disrespectful
09-80	Allegation of a lieutenant having no people skills and instructing officers to write frivolous and unwarranted citations
09-81	Failure to request approval of dual employment non-law employment work
09-83	Allegation of employee verbal abuse and insult by a fellow employee
09-84	Employee claimed sick leave while working dual employment
09-87	Report of theft, allowed a non-FWC employee access to state computers and networks, and Improper Authorization of Activity
09-88	Employee brought pornographic literature to work
09-89	Allegations of age discrimination, harassment and a hostile work environment
09-90	Report of racially motivated behavior that was inappropriate
09-96	Allegation of harassment by an officer
09-97	Employee conduct has been observed as loafing, lying or failure to give truthful information, and failure to obtain approval for absences from work
09-100	A complainant alleged driver of an FWC vehicle was driving erratically while leaving a drinking establishment parking lot
09-101	Allegation of speeding in an FWC vehicle
09-102	Employee was helping friends get contract awards by telling them the quote they need to be under
09-103	Report of reckless driving by an employee in an FWC vehicle
09-104	Officer was rude while issuing a traffic citation
09-110	Falsification of Records
09-111	Officer damaged assigned patrol vehicle
09-113	Report of employee inefficiency
09-114	Unacceptable workplace behavior
09-115	Allegation of Insubordination
09-117	Employee used abusive language directed at another employee

Investigative Summaries for Fiscal Year 2009-2010

Case Number	Allegations
09-118	An employee used FWC property for personal use
09-119	Officer failed to comply with directives
09-120	Officer failed to comply with instructions
09-121	Officer was insubordinate
09-124	Report of employee insubordination
09-125	Report of taking plants from the roadside
09-126	An employee damaged an FWC vehicle
09-127	Report of employee making false statements and exhibited unacceptable workplace conduct
09-128	Employee was unprofessional and had a lack of civil behavior to a fellow employee
09-129	Failure to meet expectations for job performance
09-130	Officer showed a lack of respect and was rude
09-131	Report of excessive absenteeism and tardiness
09-133	Officers were rude and discourteous
09-134	Failure to meet expectations for job performance
09-135	Allegation of harassment, use of profanity, and refuse of identify by officers
09-136	An employee was observed purchasing and transporting liquor in an FWC vehicle
09-137	Officer was verbally abusive, insulting, violent, and rude while issuing a traffic citation
09-138	Officer failed to secure his assigned rifle in his patrol vehicle's retention device
09-139	Officer was unprofessional and used profane language toward the public, took a citizen on board an FWC vessel without approval
09-146	Officers were operating an FWC boat at full speed without navigation lights
09-147	Report of falsification of records
09-149	Officer gave conflicting information on a job application and psychological evaluation for employment
09-150	Careless use of a Commission vehicle, which resulted in damage
09-151	An FWC lieutenant allegedly bad-mouthed one of his subordinates
09-152	Officer was rude and unprofessional while stopping individuals on jet skis
09-153	Officer allowed a non-FWC employee to operate his FWC patrol vessel in a careless or improper manner
09-157	Careless use of a Commission vehicle, which resulted in damage
09-158	Officer failed to report damage to a Commission vehicle, which resulted in damage
09-159	Report of inappropriate language and harassment to fellow employees
09-160	Complainant alleges officers used excessive force when stopping his group for trespass
09-161	Use of inappropriate comments, falsified record, improper authorization of activity, possessed or consumed alcohol while on duty

Investigative Summaries for Fiscal Year 2009-2010

Case Number	Allegations
09-162	Report of inefficiency, inability to perform assigned duties and substandard performance of duties
09-163	Officer followed improper procedure, conducted an illegal search, demonstrated conduct unbecoming an officer and was rude
09-172	Failure to maintain a permit to keep venomous reptiles
09-173	Careless use of commission equipment, which resulted in damage to an FWC vehicle
09-175	Officer was submitting fraudulent time sheets and showed excessive absences
09-176	Employee showed excessive absences and/or tardiness which lead to poor work performance
09-177	Officer operated his FWC vessel in a reckless manner
09-178	Officer lied about possession of rifle duty ammo
09-179	Officer practiced racial profiling when stopping citizens for a safety inspection
09-180	Review of Public Records Request
09-181	Report of misuse of state agency equipment
09-183	Officer pushed and shoved the complainant while off duty
09-184	Failure to properly seize evidence
09-185	An Officer sexually harassed two citizens
09-189	An employee did not complete an incident report for damage on his assigned vehicle
09-190	An employee failed to properly document and assign an "in-progress" complaint from a citizen
09-191	Officer used excessive force
09-192	An officer's actions were unprofessional, unsafe and insubordinate
09-197	Careless use of a Commission vehicle
09-198	A report of abusive, threatening or offensive language
09-200	Failure to meet expectations for job performance
09-201	An employee was rude when responded to an email
09-202	Failure to complete tasks that are assigned
09-203	Careless use of a Commission vehicle that resulted in damage
09-204	Officer failed to remain awake while on duty
09-205	A duty officer failed to properly document an Officer's status and location
09-206	Report of harassment
09-207	The quota hunt permit site experienced numerous problems
09-208	Officer testified for the defense in a civil case without notifying the Regional Commander
09-209	Employees were intimidating students, soliciting and training customers (while on duty) for a firearms instruction business and violated other numerous Commission policies
09-210	Failure to give accurate information to a supervisor
09-211	Employee failed to meet basic job expectations

Investigative Summaries for Fiscal Year 2009-2010

Case Number	Allegations
09-212	Officer demonstrated unprofessional conduct and used profanity
09-213	Officer displayed unacceptable behavior, communicated in an unprofessional manner, and treated people in an inferior manner
09-219	Allegation of an employee impersonating an FWC officer
09-220	Failed to take appropriate safety precautions when moving a vessel into a work area
09-221	A duty officer failed to create a CAD record and properly document a call
09-222	An employee took annual leave without prior approval
09-225	Report of discrepancies on timesheets
09-226	An officer used an FWC patrol vehicle for personal errands
10-03	Officers seized weapons and damaged them while in the officers' possession
10-05	An employee operated an FWC vehicle and equipment in an unsafe manner with negligence and carelessness
10-06	Officer used insulting language and was unprofessional
10-08	Careless use of a Commission vehicle that resulted in damage
10-12	Allegations and previous reprimands for substandard job performance
10-13	The complainant felt harassed by an FWC officer
10-14	Officer was being rude, unprofessional and behavior was unacceptable
10-16	Careless use of a Commission vehicle, which resulted in damage
10-17	An officer's assigned vehicle caught fire and there was no fire extinguisher in the vehicle
10-18	Complainant felt entrapped by providing a written statement
10-19	Employee was arrested for conspiracy to commit racketeering
10-20	Employee was arrested for conspiracy to commit racketeering
10-22	Careless use of a Commission vehicle
10-23	Failure to disclose a complete employment history on an FWC application and lied to a background investigator
10-24	Failure to report to work
10-25	A pattern of unplanned absences and excessive absenteeism and tardiness
10-26	Failure to report damage on a patrol vehicle
10-28	Officer gave untruthful information on a job application and violated Division policy during former employment
10-29	Officer gave untruthful information on a job application and during a pre-employment interview
10-30	Employee harassment and hazing
10-41	Failure to perform assigned duties
10-43	Officer failed to identify himself as an officer
10-44	Report of officer rudeness and conduct unbecoming

Investigative Summaries for Fiscal Year 2009-2010

Case Number	Allegations
10-45	An employee threw away items that were not suppose to be discarded
10-52	An employee was drinking alcohol while on duty
10-53	Officer did not utilize proper judgment
10-55	Officer was acting in an improper manner
10-57	Officer was involved in a traffic accident while on patrol
10-58	Failure to obey a direct and lawful order
10-64	Officer damaged assigned patrol vehicle
10-68	Failure to complete the required forms for incurring travel
10-72	A report of an employee's continual violation of Commission policies
10-79	A review of the process for admission to the FWC Academy
10-83	An employee allowed a prescribed burn to get out of control
10-84	Officer failed to report lost equipment
10-85	Officer failed to comply with instructions
10-86	A pattern of tardiness and a failure to perform assigned duties
10-87	Employee used excessive, unauthorized time away from work station and failed to follow established work schedule
10-88	Employee used excessive, unauthorized time away from work station and failed to follow established work schedule
10-89	Employee used excessive, unauthorized time away from work station and failed to follow established work schedule



Recommendations Resulting From OIG Investigations

OIG Case No. 09-14

A law enforcement supervisor directed officers to store seized stone crab traps in an unauthorized evidence storage facility.

During the investigation, the term “constructive seizure” was referred to several times. After careful review of General Order (GO) 16, the actual term is not defined. Constructive seizure is used in conjunction with storage of seized live evidence or property (GO 16(3)(F)(2)) as well as procedures for a vessel, vehicle, outboard motor, trailer, aircraft or cash found on public property (GO 16(K)(1)). GO 16 does not address the procedures to follow when making a constructive seizure in instances other than listed above.

Therefore, the OIG recommended that a review of GO 16 be made for the purpose to define constructive seizure and its usefulness in situations other than what is currently listed in policy.

OIG Case No. 09-52

An anonymous complainant alleged that two law enforcement officers working extra-duty employment at Port Canaveral violated General Order 6 regarding extra-duty employment. It was also alleged their supervisor had knowledge of the violation.

It was recommended that clarification be given to the officers working the Port detail. Although the Port detail is a core mission, the officers must abide by GO 6, which states members must receive verbal approval from their Regional Commander or Section Leader and it must be noted in the Remarks section of the Bi-Weekly Report of Off-Duty and Extra-Duty Employment Activities form. Additionally, the OIG recommends that all verbal procedures relating to the Port detail be documented in writing.

During an interview, it was advised that some officers live fairly close to their vessels, and may not turn their laptops on if they drive directly from their residence to the boat ramp. The OIG recommends that officers in the field be reminded of the General Order 53 requirement to turn on and log on to their laptop at all times when operating their Commission vehicle.

OIG Case No. 09-84

During the course of a separate investigation (OIG case no. 09-52), discrepancies were discovered in timesheets submitted by an FWC administrative assistant.

It is the recommendation of the OIG that in order to prevent any confusion in the future relating to Division of Law Enforcement employees who work Other Personal Services’ (OPS) positions, the Division should consider incorporating similar language in General Order 6 that addresses the following:

Individuals who work OPS positions are State of Florida employees; therefore, they are not subject to off-duty and/or extra-duty policies and procedures; or include OPS positions in the definitions of both off-duty and extra-duty employment.

Recommendations Resulting From OIG Investigations

OIG Case No. 09-118

It was alleged an employee violated a supervisor's written directive related to the use of FWC equipment, and the employee asked a subordinate to conceal his misconduct.

During the course of the OIG investigation, several matters were discovered, many of which related to the employee's use of FWC equipment prior to the supervisor's directive. Since the supervisor had a staff meeting, the majority of these issues have been resolved; the remainder failed to rise to the level of a violation.

However, one of the issues discovered relates to the employee's possession of a firearm in an FWC vehicle. Current agency policy (Internal Management Policies and Procedures 6.1.2, Section 26) does not address the possession of weapons (i.e. firearms) by non-sworn employees in FWC facilities or vehicles. Therefore, it is the recommendation of the OIG that the agency seek to provide clarification as to such possession, and provide guidelines.

OIG Case No. 09-146

An anonymous complaint alleged two unidentified law enforcement officers operated a vessel without navigation lights at night on Lake Tohopekaliga.

After conducting a review of the information relating to this complaint as well as agency policy, the OIG determined the officers violated no agency policies. Although their actions followed policy, it is the suggestion of the OIG that the Division review General Order 33, and consider incorporating language for lights-out vessel operations similar to that of vehicles operating without headlights.

OIG Case No. 09-149

A law enforcement officer falsified the employment application.

It is recommended to review the application process and implement an instrument solidifying updated applications and information. There should also be penalties or disqualifiers for not complying.



Recommendations Resulting From OIG Investigations

OIG Case No. 09-153

A law enforcement officer allowed a civilian to operate an FWC patrol vessel in a careless or improper manner.

A recommendation is made to review Internal Management Policies and Procedures 5.3 and General Order 33, and to consider language addressing the issue of a non-employee operating Commission equipment. Also, take into consideration the non-employee's operational training of a vessel or other specialized equipment when allowed to operate the equipment.

OIG Case No. 09-160

Two law enforcement officers used excessive force when arresting a citizen for trespass.

The OIG investigation determined that the officers violated no agency policy. The level of force used by the officers was the level required to gain control of the situation. In hindsight, the officers could have handled the situation differently.

The Division of Law Enforcement should consider requesting their officers contact their chain-of-command to determine the best course of action when dealing with a similar situation.

OIG Case No. 09-179

An FWC officer cited the incorrect subsection of the Florida statute when he wrote a citation. The complainant felt the officer practiced racial profiling.

It is the recommendation of the OIG that in order to prevent similar instances from occurring in the future, the officers be provided with training on the Cops More system used by Duval County.

OIG Case No. 09-175

A duty officer falsified timesheets for more than two years.

Remind all duty officers of the importance to log off the CAD system when going off-duty. Duty officers should also be mindful of logging back on-duty if their assistance is needed after they went off-duty, despite the amount of time they think the situation may take.



Recommendations Resulting From OIG Investigations

OIG Case No. 09-184

A complainant alleged an FWC officer deleted photographs from a wildlife game camera, repeatedly tossed the camera against a feeder, and failed to seize the camera and photographs as evidence.

OIG completed an investigation (Case No. 08-12) similar in nature to this investigation. The previous investigation noted the lack of policy addressing the legal issues associated with the deletion of images on a game camera. The OIG recognizes that confusion still exists among the officers in the field as to what is permissible regarding game cameras. Because of the similarities between Case No. 08-12 and 09-184, the OIG reiterates its previous recommendation that the Division of Law Enforcement (DLE) implement policy specifically addressing the issue of game cameras.



OIG Case No. 10-03

An officer seized a rifle after receiving inaccurate information through dispatch that the rifle owner was a convicted felon.

The use of FCIC/NCIC to determine criminal history is not completely reliable. The officers should be reminded that their decisions to seize evidence or make an arrest should not be based solely on information obtained from FCIC/NCIC, and they need to confirm the information through the court system.

OIG Case No. 09-225

An FWC officer's timesheets did not accurately reflect actual working hours.

The officer explained that People First (PF) does not allow the officers to claim sick leave on the weekends; this issue can easily be corrected by changing the officer's PF timesheet to a flex schedule. Because of the similarities between Case No. 09-52 and 09-225, the OIG reiterates its previous recommendation that DLE address this particular matter.

Lastly, there were sixty-eight inconsistencies when comparing the officer's PF timesheets and Activity Reports with CAD records for 2009. Due to the possibility of human error on the part of dispatch, it is unfeasible to determine who specifically was at fault for each inconsistency. The Division of Law Enforcement should consider amending General Order 26(3)(D)(1), which states that the CAD system shall be the primary method of documenting and recording law enforcement activity.

Recommendations Resulting From OIG Investigations

OIG Case No. 10-79

A law enforcement academy recruit lied to the background investigator about a previous employer and failed to disclose this same employer on the State of Florida employment application (OIG case no. 10-23). OIG case no. 10-79 was conducted to determine why the recruit was hired even though the background investigator noted “discrepancies.”

The volume of background investigations to be reviewed over a short period could be the reason this application made it through the process. The Division of Law Enforcement has undertaken a review of the background investigation and hiring process for sworn officers. That review should include a close look at the screening process to determine if there is a procedure to ensure applications are more closely reviewed. To terminate a recruit after 15 weeks of training was costly, both financially for the agency, and emotionally for the recruit.



FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION OFFICE OF INSPECTOR GENERAL



Florida Fish and Wildlife Conservation Commission Office of Inspector General

620 South Meridian Street
Tallahassee, FL 32399-1600

Phone: (850) 488-6068

Fax: (850) 488-6414

www.myfwc.com