

Conservation Officer Service Enforcement Resourcing Model PROPOSAL



Analysis, Findings and Recommendations

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Executive Summary

This proposal is the result of a research project to determine a revised Enforcement Resourcing Model and staffing requirements of the Ministry of Environment (MOE) Conservation Officer Service (COS).

The minimum deployable strength is the number of available officers that are needed in a given location, to answer calls for service and respond to hazardous situations, pursuant to the COS mandate.

Numerous reports, studies, anecdotal evidence, statistics, geography, population and public expectations were reviewed. The Senior Management Team of the COS provided recent and historical evidence, as did the COS' Provincial Continuous Improvement Team members.

The study suggests an increase of 40 positions is required in order to have a prudent minimum deployable strength for the COS.

The mandate of the COS remains consistent with the MOE's goals and objectives. There have been changes to legislation which have increased expectations that COS will respond to increased work pressures. Consequently, a revised Enforcement Resourcing Model is proposed.

The key drivers behind this proposal are public safety, officer safety and effective compliance and enforcement for government.

Table of Contents

Introduction	P. 1
Aim and Scope	P. 2
Minimum Deployable Strength Concepts	P. 3
WorkSafe BC Issues	P. 4
Mandatory Training Issues	P. 4
Minimum Deployable Strength Analysis	P. 5
Single Officer Posts & Risk Management	P. 6
Additional Responsibilities	P. 7
Future Considerations	P. 8
Redeployment of Personnel	P. 8
Findings and Recommendations	P. 9
Conclusions	P. 10
Reference List	P. 11

Introduction:

The MOE COS is a Tier 1 Environmental Law Enforcement Agency, that specializes in human-wildlife conflict response, commercial environmental investigations, and statutory compliance and enforcement.

A Tier 1 Law Enforcement agency requires officers to be selected, trained and empowered to deal with a variety of situations where there are likelihoods of spontaneous confrontations. The COS traditionally responds to calls for service involving human-wildlife conflicts, such as bear attacks on humans and other large carnivores threatening human health and safety. Consequently, Tier 1 officers are required to be armed with sidearms, rifles and shotguns in order to respond to the high risk threats to public safety.

The law enforcement mandate of Tier 1 Law Enforcement requires Conservation Officers (COs) to make contact with people from all walks of life. The majority of public contact with COs involves elements of risk, such as checking hunters or anglers. Most people that are hunting and fishing are in possession of firearms. Furthermore, when COs are required to conduct verifications or take enforcement actions, some people respond in a negative or confrontational manner. The reality is that in this capacity, COs are in harm's way as spontaneous confrontations do occur in law enforcement encounters with some members of the public.

For example, in an officer initiated vehicle stop, the risk to the CO is classified as an "unknown risk" vehicle stop. The officer may be stopping a potential violator's vehicle under the *Wildlife Act* provisions, only to actually encounter a person armed with a firearm, transporting a large quantity of illegal drugs or other contraband. Therefore, an unknown risk vehicle stop is by necessity, a Tier 1 Law Enforcement officer's responsibility only.

Tier 1 Law Enforcement officers require training in more than 30 provincial and federal statutes and regulations. COs are trained and equipped with defensive weapons and tactics, and must conform to the high standards established by the *BC Police Act* and *Criminal Code of Canada*, in terms of their powers of arrest, search and seizure, and use of force.

All COs are sworn-in as "Special Provincial Constables (SPCs)" and are empowered to enforce the laws and regulations entrusted to them. With this responsibility comes the obligation to provide annual firearms training and re-certification, and scheduled force options training and evaluation. The re-qualifications and ongoing training are mandatory and must be at standards set by the BC Police Academy Use-of-Force co-ordinator, which is consistent for all police and law enforcement personnel that have SPC appointments and use of force authorities. This is also consistent with the Federal Use of Force model, and is the standard for all provincial and federal law enforcement officers as the power to use force is derived from Section 25 of the *Criminal Code of Canada*.

Tier 2 law enforcement activities are primarily regulatory and inspection activities that do not reasonably give rise to the likelihood of spontaneous confrontation. Examples include pesticide inspection, industry compliance inspections and related activities where administrative sanctions are the means for ensuring compliance.

There have been changes to the mandate and scope of the COS core duties over time, and we are now at the point where government and public expectations are exceeding our capabilities, and capacity to deliver on our mandate. Environmental law enforcement has evolved over time, in terms of complexity and accountability. The COS is expected to be the lead agency of this current mandate; however the full scope of this mandate has not been defined in its entirety.

Aim and Scope:

The aim and scope of this report will identify deficiencies in staffing levels throughout the province, and identify the risks to COs, the public and government based on our current deployable strength, which is below minimum levels.

The anticipated changes to the COS' core mandate have not as yet been formalized. However, the expectations have been changed to focus more on the enforcement mandate of the Natural Resource ministries. The expectations are that if voluntary compliance within various Natural Resource industries is not achieved, the COS will then provide a leadership role with respect to the law enforcement sanctions required. An example would be industry causing significant environmental damage, with intent to be out of compliance with statute or regulatory law, thus necessitating enforcement action.

The recent amendments to the *Wildlife Act* regulations regarding "Controlled Alien Species (CAS)" has been and will continue to add strain on the COS' resources. There are many issues to address here, suffice to say that the new *CAS Regulation* has more complex issues stemming from the enforcement of those regulations. For example, in the 17 CAS investigation deployments since April 2010 to March 31, 2011, the costs to the COS have exceeded \$52,000. This is based on the Major Case Management model that tracks all expenses tied to an investigation. There were seizures and transfers of: 2 tigers, 2 lion cubs, 1 lemur, 2 pythons, 1 caiman, 1 panther, 2 alligators and 20 snakes.

The recent CAS investigations have also shown there are increased risks to COs by virtue of the "subjects" our officers have dealt with. Some of the subjects are S15
S15 COS and police. Some of these subjects are violent and listed as dangerous offenders, with criminal records and histories of conflicts with law enforcement officers.

The re-prioritization of Tier 1, or high-risk law enforcement work for the COS is not realistically viable. Human health and public safety matters are all priority functions for the COS, however,

there are insufficient COS personnel available to meet current and future expectations of the MOE and the Ministry of Forests, Lands, Natural Resources (FLNRO).

The reality of eliminating proactive compliance checks in favour of responding to strictly enforcement work is not feasible, and creates more disruption and non-compliance in the future. The COS will still need to conduct hunter and angler checks in order to maintain the public's voluntary compliance. Conversely, industry will need to be inspected and checked regularly with the understanding that non-compliance will result in enforcement action or administrative sanctions, in a predictable and timely manner. Compliance can be achieved primarily through effective monitoring and enforcement presence.

This report will recommend where staffing levels should be in order to risk manage the concerns for officer safety, public safety and government responsibility.

This report does not address the previous Ministry of Forests and Range (MoFR) - Special Investigations Unit amalgamation process currently underway within the COS Provincial Investigations Unit.

Minimum Deployable Strength Concepts:

The current sworn officer compliment throughout BC is 147; from newest recruit up to Chief Conservation Officer. These are authorized positions, as required to fulfill our public safety mandate. Uniform officers, namely first-response COs and Supervisors, are the primary call-response officers. To support the uniform branch, there is a section of provincial plainclothes investigators. These officers are distributed throughout 44 offices in BC. There are Senior Officers and Executive Officers (ranked as Inspectors, Chief-Superintendents and the Chief Conservation Officer) that operate in a para-military law enforcement supervision and management structure. This structure is effective and efficient in terms of general supervision and accountability within the COS. This chain-of-command structure is essential in order to maintain professional standards, accountability and responsibility to government and the public.

The expectations and current budget levels support minimum deployable strength at 7 hours per day, 5 days per week availability, per officer position. There are currently 14 "single-officer" posts in remote locations in several regions of BC, which is inherently dangerous and at the extreme of our risk management spectrum.

The kernel issue for minimum deployable strength in the field is two-fold. First, in a single officer post, if the officer is off-duty, or otherwise away from duty on mandatory training or holidays, then another officer needs to be available at that post for primary service response. Leaving a post vacant for periods of time creates a risk management issue which is non-defensible. Single officer posts are exposing COs and the public to risks that are inherently dangerous and expose government to liability, by not having minimum response capability.

Second, single officer posts are putting COs at personal risk, as they are performing dangerous tasks while alone, such as setting grizzly bear traps or dealing with multiple armed humans involved in illegal activities. This exposes the COS to risk, and knowingly puts COs in dangerous work environments on a prolonged basis. This deficiency is contrary to sound personnel deployment principles, and is non-defensible in current times.

WorkSafe BC Issues:

It is incumbent upon employers to provide safe work environments for employees under the provisions of the *Workers Compensation Act (sec 115. (1)(2))*. It would appear that the single officer deployment model within the COS contravenes this provision, and exposes officers and the government to risk. Under section 117, supervisors are responsible for the health and safety of workers. Therefore, it is prudent for COS management to reduce risk by no longer deploying single officer posts. Further review of the *Canada Labour Code, Part II*, confirms this single officer deployment model is obsolete, and needs to be addressed.

It should be noted that similar situations exist within the Royal Canadian Mounted Police (RCMP), and unfortunately they had officers killed at isolated detachments in recent years. The RCMP and Federal Government revised their policies and no longer have single officer posts; for similar reasons applicable to the COS. This benchmark is instructive and should be given considerable weight for MoE and Government.

The modern reality is that COs are regularly encountering criminals, and coming across criminal activities in progress. This type of criminal contact in remote areas of the province has been increasing and is significant. For example, it is not unusual for COs to search a vehicle and occupants, only to find they belong to the S15 or some other organized criminal group. There have been numerous cases where COs have recovered multiple firearms, illegal drugs, as well as illegally harvested animals, and so on. It is not uncommon for criminals to cultivate large crops of marijuana in remote locations of BC, and also conduct criminal “business” in the bush. Recently, a CO came across a group o S15 S15 who were armed with a multitude of weapons, having a “meeting”. The CO properly disengaged and called upon the RCMP for assistance, however, this demonstrates how simple good luck was the deciding factor in terms of risk to the officer who encountered the subjects while alone.

Mandatory Training and Re-Certification:

This issue of understaffing is exacerbated by the COS’ mandatory annual training and re-qualifications that are necessary for our law enforcement agency. CO’s are “Special Provincial Constables” by virtue of the *BC Police Act*. CO’s are trained in the use of defensive weapons, firearms and in defensive tactics that accompany powers of arrest, search and seizure and

investigative responsibilities that are required for a Tier 1 Law Enforcement Agency. The re-qualifications are mandatory and cannot be reduced or deferred.

Mandatory training requires all officers to re-qualify and re-certify with firearms annually and defensive tactics every third year. Not only will officers leave their posts for several days at a time to receive their training, but other officers have been designated as “in-service instructors”. This compounds vacancies created during the mandatory training cycles by putting additional pressure on sparse staffing levels. Current single officer posts have no redundancy or extra capacity to cover off vacancies; therefore calls-for-service are being left unanswered or unattended. The ability to have the RCMP or other government agencies cover for vacant COS posts is not feasible in the long term.

The apparent consequence of the COS not having a minimum deployable strength model is approximately 30 percent of calls-for-service are left unanswered, and 40 percent of Problem Wildlife Occurrences cannot be attended to. This is a general statement based on provincial statistics collected.

The following is a statistical overview of COs workload. These numbers are averages only and fluctuate by region, over a one-year period.

<u>Table 1</u>	
Average Problem Wildlife Occurrence Reports (PWORs)	24,000
Average cases received at the call centre for investigation	4,700
Estimated number of PWORs, threats to public safety that cannot be attended	4,000
Average cases not attended, not investigated	1,500
Average investigative cases assigned per officer	105
Average PWORs per officer	329

These statistics demonstrate the demands on officer’s time are significant, particularly the investigative cases. Some require considerable time to investigate to conclusion, while concurrently more calls for service continue to be received. This necessitates individual COs to decide which public safety call is more of a pressing matter than another. The risk to “prioritizing the priorities” is significant and carries with it liability on the COS and MOE.

Therefore, due to risks to officer safety, public safety and the COS’ inability to meet our core mandate in certain areas, a new deployment model is required.

Minimum Deployable Strength Analysis:

There is a need to address the immediate deficiencies in COS personnel throughout BC in order to meet the current expectations and core duties. This is based on the premise of each officer providing 5 days per week, 7 hours per day coverage. Overtime, stand-by pay and expanded

scope of duties are not factored here. These limitations are driven by the number of officers and budget realities.

It should be noted that research was conducted using statistical collection tools available to the COS, input from all members of the COS Senior Management Team, the COS' Provincial Continuous improvement Team, and several documents, reports and internal studies over the past 8 years (see reference list).

This study also reviewed the "RCMP Policy regarding remote detachment staffing operational availability and call-out", the "*Worker's Compensation Act*", the MOE Service Plans for COS and other internal government risk assessment documents. Of equal weight was the anecdotal historical evidence from all levels of CO's who described close calls with dangerous wildlife, dangerous terrain, and dangerous humans that could have led to tragic outcomes, were it not for simple good luck. Furthermore, the known hazards have increased over time, with criminal activities expanding into rural and remote areas of the Province. S15 as been confirmed in numerous villages and towns throughout BC, and CO's are increasing their contacts with those individuals, on an increasing basis.

Single Officer Posts and Risk Management:

The specific methodology to address the immediate risk to human health and safety, and officer safety, is the matter of single-officer posts.

Currently, due to staffing changes since 2002, there are 14 single-officer posts in BC. This can be remedied immediately by doubling these posts.

The formula for 7 days per week, 14 hours per day coverage, in order to adequately meet public expectations, is 1.5 officers per position. Therefore, a single-officer post should in reality be staffed by 3 officers. This rationale conforms to operational readiness and operational availability, in order to keep COs engaged and perform their duties safely.

There are safety protocols in place that require single officers to double-up when releasing grizzly bears. In practice, COs who are alone and do not have the ability to call in other COs, are releasing grizzly bears on their own at great risk and counting on good luck. This practice is dangerous and unacceptable; however, the lack of adequate staffing necessitates officers breaching safety protocol.

Further methodology examined the size of population centres, geography and calls for service relating to human-wildlife conflict, human health and safety issues brought on by industry as well as accessibility by road.

Current workload analysis suggests that some areas of the province are more demanding than others. However, volume alone cannot be the sole determining factor. Single-officer posts do not allow officers to have any "time-off". In small communities, an officer will generally make

him or herself available on scheduled days off, as they have a duty to their community, and public perception is they should be available at all times. Unfortunately, as officers grow fatigued, they are predisposed to make mistakes, and those mistakes can be significant in their consequences.

For example, in Bella Coola, we no longer have officers posted to that community. From April 1 – November 17, 2010, there were 8 calls for investigation and 95 calls for problem wildlife. The wildlife calls were for grizzly bears, black bears and cougars which are a serious threat to human health and safety. The CO responsible for that small community had to respond from Williams Lake, approximately 6 hours away. This risk management approach is not entirely satisfactory, however, operational needs in Williams Lake are greater overall.

The community of Castlegar has 2 COs assigned, and for the same time period, they responded to 154 calls for service and 1165 problem wildlife files involving large carnivores. These officers had worked long hours and many consecutive days without rest, thus becoming fatigued at peak times. The risk to public safety and officer safety was high, and will likely be repeated in the future. There are many similar examples around BC.

The re-deployment of COs from less busy posts to cover busier posts is not practical simply due to geography. Distances and road conditions during the year are unpredictable and therefore back up cannot be counted on. To exacerbate matters, the COS has been advised that re-deployment of existing single-officer posts, or shutting down remote offices and consolidating officers in larger communities, is not permitted pursuant to government direction.

Therefore, given all of the rationale and research, it is necessary to immediately increase CO staff by 14 more officers to address human health and safety, public safety and officer safety concerns, and to double up and eliminate single officer posts.

Additional Responsibilities:

In April 2010, the COS took on the responsibility to investigate offences relating to the new “Controlled Alien Species (CAS) Regulation”. There were no additional officers added to the COS, consequently a Quick Response Team and Incident Management System was organized.

The COS has implemented a “Major Case Management” approach to the CAS investigations, deployment and follow up process which effectively tracks all human resources effort and costs. This added legislated responsibility has diverted uniform and plainclothes officers from their regular duties, in order to deploy during CAS files. Based on current experience, two full-time officers will need to be assigned to tracking and co-ordinating CAS files. There is intelligence being developed that will identify potential investigations that will need to be conducted in the next few years.

Since April 2010, there have been 17 CAS deployments involving COS personnel, Permit Authorization Service Bureau and other police agencies. Due to operational security reasons, specific details are not described in this proposal.

It should be noted that lions, tigers, poisonous snakes, alligators, lemurs and other exotic and dangerous creatures have been encountered by COs during CAS investigations. Using the Incident Command Response model and Major Case Management processes, the cases have been resolved to a satisfactory level thus far. However, it is known that most of the human subjects of these case investigations are known criminals, involved in organized crime activities, and are dangerous people. These investigations are labour intensive and must be adequately staffed from beginning to conclusion, and take considerable time and resources.

The gathering of intelligence on CAS files is time consuming, yet critical to the safe planning and implementation of response and follow up investigation. This reality appears to be new to MOE, COS and indeed government, and is showing to be a significant draw on our resources, presently and for the years to come. CAS files require professional training, tactics and response in order to meeting this new government mandate.

Future Considerations:

In the event that new “Off Road Vehicle (ORV) Regulations” are enacted, it is likely the enforcement responsibility will be assigned to the COS. The COS is the only Tier 1 natural resources law enforcement agency within government that is trained, equipped and properly able to respond to violators in the field. This is by acknowledging that all vehicle stops are by their very nature, “Unknown Risk” violator stops, where the likelihood of spontaneous confrontations can occur. This requires Tier 1 officers to be assigned these duties. (It should be noted that there is an additional needs analysis being conducted by other branches of government currently). These numbers are estimates only based on scarce objective data for off road vehicle enforcement.

Preliminary needs analysis suggests that initially an additional 20 officers would be required to be dedicated ORV enforcement within the COS. These resources are in addition to the minimum deployable strength model. This is based on 10 areas of BC where ORV usage is apparently quite common, and officers will need to work in pairs conducting vehicle stops and enforcement.

Re-Deployment of Personnel:

The parameters within this study were; a) there is no additional funding for new staff, b) existing natural resource personnel could be re-assigned or re-aligned, and c) government transfer vacant FTE positions and budget to COS, not people.

Through “Order in Council #651” dated October 25, 2010 the MoFR “Special Investigations Unit” was transferred to the MOE COS. This amalgamation of 17 Investigations officer

positions into the “Provincial Investigations” unit increased COS’ capacity and scope for natural resources violations and crime investigations. There were many issues to resolve with re-assigning FTE’s from another ministry, which are still not fully concluded.

Findings and Recommendations:

The COS does not have adequate uniformed officers deployed throughout BC.

The study suggests an increase of 40 officers is necessary, in the short and medium term.

The approach to increase authorized staffing will be to phase-in sustainable growth:

- A. Re-alignment of 17 plainclothes investigators positions from the former Ministry of Forests and Range “Special Investigations Unit” into the COS “Provincial Investigations Unit” has occurred.
- B. As soon as practicable, increase the authorized strength for the uniform branch by 14 positions. These positions would, by design, go to the current 14 single-officer posts.
- C. The following fiscal year, increase the authorized strength by 20 new positions, to be deployed for “Off Road Vehicle Enforcement” primary duties.
- D. The following fiscal year, increase the authorized strength by 6 new positions to be deployed in high-risk areas (areas to be determined).

Budget Impacts:

Total increase of \$5.6 million over 3 years.

Each uniform officer costs \$140,000 per annum (salary and benefits).

Strategies:

1. Phased in budget lifts over 3 years
 - a) First year = \$1.96 million
 - b) Second year = \$2.8 million
 - c) Third year = \$840,000
2. Transfer existing FTE vacant positions at N21 budget level to COS from other divisions and ministries, plus training and overhead funding.
3. Combination of budget lifts and vacant FTE re-assignments.

Capacity for Sustained Growth:

The COS recruiting, screening, selection and basic training process requires 6-10 months.

The recruit training academy, “Western Conservation Law Enforcement Academy” has capacity to only conduct one recruit training class per year. The number of instructors is proportionate to the number of recruits from all the western provinces. Consequently, the three-year staged growth is viable and feasible.

It should be noted that normal attrition rates must be factored in as well, at approximately 6 positions per year, in addition to these new positions, thus increasing COS deployable strength.

Conclusions:

The COS’ enforcement resourcing model addresses the need to provide the minimum number of officers that are required for deployment and to meet current government and public expectations. The primary goal is to respond to public safety concerns, while keeping officer safety at the forefront.

By re-deploying 40 existing vacant FTE positions to the COS, the impact to government is mitigated by virtue of re-aligning existing staff from one ministry to another. Training and equipment costs will initially be required; however, ongoing salary costs should remain relatively constant.

The net increase to COS authorized uniformed officer strength will allow for increased public safety, officer safety, meet public expectations and reduce vicarious liability to government.

Reference List

- Canada Labour Code, Part II, human Resources and Skills Development Canada (November 30, 2010).
- COS “Controlled Alien Species” Incident Command Policy and Procedure (2010).
- COS Environmental Scan (undated).
- COS Senior Management Team, Minutes of Meeting (November 2, 2010).
- COS statistical overview by officer per year (September 20, 2010).
- COS statistics (April 1 – November 17, 2010).
- Guidebook from the Amalgamation of Police Services in Canada, Solicitor General of Canada (March 1999).
- Intelligence Led Compliance and Enforcement Report and Presentation (COS, MFLM March 31, 2009).
- Minimum Deployable Strength Recommendations, Coast Region (October 21, 2010).
- Minimum Deployable Strength Recommendations, Interior Region (November 2, 2010).
- Minimum Deployable Strength Recommendations, North Region (November 2, 2010).
- MFLM Compliance and Enforcement Branch Field Staff Risk Assessment Review (Canpro Global May 31, 2010).
- Northern Region Staffing Strategy Report (2008).
- Natural Resources Ministries Organizational Charts (October 26, 2010).
- Organizational Re-Alignment (email from D.M. Doug Konkin dated September 13, 2010).
- Provincial COS Continuous Improvement Team meeting Minutes (September 28, 2010).
- Report on Diminishing Monitoring and Enforcement Capacity (West Coast Environmental Law, 2004).
- Summary of Ministry Responsibilities Before and After October 2010 Re-Organization (October 2010)
- Superintendent J. Faulkner, Royal Canadian Mounted Police. Personal Communication (October 5, 2010).
- Workers Compensation Act (1996) RSBC Chapter 492.

**A Review of Legal Education and Training for
Conservation Officers in British Columbia
Pertaining to Expanded Authorities under Part
III of the Criminal Code of Canada**

**Prepared by the Justice Institute of BC for the
Conservation Officer Service**

September 2006



**JUSTICE INSTITUTE
of BRITISH COLUMBIA**

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Introduction

This review was requested by the Conservation Officer Service (COS) to determine what additional knowledge, skills and training BC's Conservation Officers require in order to carry out the expanded authority under Part III of the Criminal Code of Canada and s. 129 of the Code pertaining to the obstruction of peace officers.

Scope of the Review

The scope of this review was limited to an examination of the legal education and training conservation officers receive in the areas of detention, arrest, interviewing, Charter of Rights and Freedoms and search and seizure, as these directly pertain to the expanded responsibilities that are being sought.

To conduct this review, the following sources of information were examined:

- Course descriptions from Malaspina University College (MUC) and Lethbridge University College (LUC)
- Course outlines and training materials from the in-house training offered by the Conservation Officer Service (COS)
- COS policies and procedures relevant to these duties
- Legislation relevant to these duties
- Report on the "Use of Force by BC Conservation Officers"
- Interviews with the Chief Conservation Officer, the chief training officer and field training officers.

An analysis was done of the required knowledge and skills to carry out these expanded duties and compared with both the pre-employment training conservation officers complete and the in house training they receive. The recommendations contained in this report focus specifically on what training needs to be provided to prepare Conservation officers for this expanded authority.

The review also looked at a draft policy prepared by COS entitled *Duties Conducted Outside the Mandate of the COS*, to determine whether officers were sufficiently trained to undertake the actions described in the draft policy.

Background

British Columbia's Conservation Officer Service is one of the oldest and largest law enforcement programs in the Province. Conservation officers (CO's) are, in essence, stewards of British Columbia's wildlife, natural resources and environment. The COS wishes to expand its law enforcement role to include violations under Part III of the Criminal Code of Canada and "obstruct peace officer" (s. 129), *only when violations are encountered incidental to their mandated law enforcement role*. Part III offences considered in this review include:

- Pointing a firearm
- Possession of weapon for dangerous purpose
- Carrying a concealed weapon
- Unauthorized possession of firearm
- Possession of firearm knowing its possession is unauthorized
- Possession at unauthorized place
- Unauthorized possession in motor vehicle
- Possession of prohibited or restricted firearm with ammunition
- Possession of weapon obtained by commission of offence
- Weapons trafficking
- Possession for purposes of weapons trafficking

The Criminal Code section that deals with obstruction (s. 129) states:

s. 129 Everyone who

- a. Resists or willfully obstructs a public officer or peace officer in the execution of his duty or any person lawfully acting in aid of such an officer,*
- b. Omits, without reasonable excuse, to assist a public officer or peace officer in the execution of his duty in arresting a person or in preserving the peace, after having reasonable notice that he is required to do so, or*
- c. Resists or willfully obstructs any person in the lawful execution of a process against lands or goods or in making a lawful distress or seizure*

Legal Authorities

Conservation officers receive their legal authorities from three sources:

- i. Section 9 of the *Police Act*
- ii. Specific Letters of Appointment
- iii. Sections 106 and 107 of the *Environmental Management Act*

Conservation officers are appointed *Special Provincial Constables* under section 9 the *Police Act*. Each officer has a Letter of Appointment from the Minister of Public Safety and Solicitor General (Police Services Division) approximating the following:

" ... [T] he powers and duties conferred are restricted to the performance of duties in respect to the law and enforcement mandate of the Ministry of Water, Land and Air Protection. For this purpose only the appointee is empowered to enforce the following enactments to the extent necessary:

- a. Criminal Code of Canada*
- b. Provincial Statutes"*

The *Environment Management Act* (EMA), Sections 106 and 107 sets out their powers and duties as follows:

(5) Members of the Conservation Officer Service (a) may exercise the powers and perform the duties of a conservation officer under this Act or any other enactment,

(b) Are peace officers for the purposes of?

(i) exercising the powers and performing the duties of a conservation officer under this Act or another enactment,

(ii) exercising the powers and performing the duties of a prescribed official under an enactment prescribed for the purposes of section 107 (1) (a), and

(iii) enforcing an enactment prescribed for the purposes of section 107 (1) (b), and

(c) have the immunities, and are authorized to exercise the powers and perform the duties, of a peace officer exclusively for the purpose of

(i) exercising the powers and performing the duties of a conservation officer under this Act or another enactment,

(ii) exercising the powers and performing the duties of a prescribed official under an enactment prescribed for the purposes of section 107 (1) (a), and

(iii) enforcing an enactment prescribed for the purposes of section 107 (1) (b).

Enforcement powers of the Conservation Officer Service

107 (1) A member of the Conservation Officer Service may

(a) exercise the powers and perform the duties of

(i) an officer under this Act, and

(ii) a prescribed official under a prescribed enactment, and

(b) enforce the prohibitions or requirements of prescribed enactments.

(2) On information on oath that there are reasonable grounds to believe that an offence under an enactment referred to in section 106 (5) (b) has occurred or is occurring, a justice, on being satisfied that an entry and a search are likely to provide evidence of such an offence, may issue a warrant authorizing a conservation officer

(a) to enter and search the real or personal property specified in the warrant,

(b) to seize and remove anything that the conservation officer has reasonable grounds for believing is evidence of an offence, and

(c) to take other actions as the justice considers appropriate in the circumstances and authorizes

(3) A person required by an enactment in respect of which a conservation officer has enforcement authority to keep records must submit the records to a conservation officer for inspection on request.

(4) If a person refuses to submit records for inspection as required under this section, a justice, on being satisfied that an inspection of the records is necessary for the administration of the enactment that requires them to be kept, may issue a warrant authorizing a conservation officer to enter property specified in the warrant and to seize the records.

(5) A conservation officer who enters on property in accordance with a warrant issued under subsection (2) or (4) may take with him or her persons and equipment that may be necessary for the purpose of the entry.

Conservation officers are responsible for enforcing approximately 23 statutes. They can enter private land, make arrests, search people, premises and vehicles, seize property, conduct inspections, levy fines and begin legal processes, which can result in incarceration and/or fines of \$3,000,000.

Education and Training

At the present time, applicants wishing to become Conservation officers in British Columbia require the following academic qualifications:

- Grade 12 plus post-secondary courses in natural resources law enforcement plus a
- Technical diploma in natural resource law enforcement or related discipline and 3 years related experience

Conservation officers receive their post-secondary education at either Malaspina University College in BC or Lethbridge University College in Alberta. Both of these institutions have advisory boards comprised of potential employers in Western Canada (including BC's COS) who provide guidance as to what they are looking for in graduates.

The programs offered at Malaspina and Lethbridge are resource management disciplines designed to provide students with knowledge, skills and abilities to seek employment in a variety of resource management fields including the COS.

MUC and LUC provide similar but not identical fields of study. For example, the Bachelor of Applied Science --- Conservation Enforcement at Lethbridge University College states:

"Graduates of the Bachelor of Applied Science in Conservation Enforcement program have the necessary academic knowledge and applied skills in natural resource law enforcement for successful careers in federal, provincial or municipal agencies, as well as the private sector".¹

It should be noted that while LUC indicates that some of their graduates have found employment in police agencies like the RCMP, it does not claim that the education and training received through the program is identical or equivalent to standard police training programs such as the one offered by the RCMP.

Malaspina University College states its Resource Management Officer Technology Program is designed to:

"Prepare students for careers related to the protection and management of Canada's fisheries, wildlife, and parks resources".²

Attempts were made early in the review to assess how similar these programs were to each other and how closely they resembled standard police training. Unfortunately, this assessment was difficult to undertake because both

¹ Excerpt from Lethbridge University College
<http://www.lethbridgecollege.ab.ca/programs/conservation.shtml> (June 2006)

² Excerpt from website program descriptions for Malaspina College:
<http://www.mala.ca/calendar/Technology/rmot.asp> (June 2006)

programs use different terminology to describe the learning outcomes, they are of different lengths, the number of hours allocated to each topic differs between the two programs and detailed information on each course was difficult to obtain. As a result it was not possible to determine if Conservation officers have the requisite legal training to conduct the expanded duties in Part III of the Code and s. 129 (obstruction).

However, a cross-comparison of these programs indicates that there is a high degree of overlap in the following legal areas:

- Arrest, search and seizure
- Charter of Rights and Freedoms
- Interviewing and interrogation

Graduates of these programs may then apply for positions within BC COS and new hires are provided with in-house training. Since this review was initially conducted, the in-house training program has been expanded from 31 to 37 days with an increase in the number of days set aside for legislation, policies and procedures. The current program covers the following areas:

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• Violation ticket/work plans	1	• Principal of administrative law	1
• Human/wildlife conflicts	1	• Firearms	7
• Report writing	1	• Hazmat	0.5
• Interviewing/interrogation	4	• Intelligence gathering	0.5
• Forensics	1	• Personal Safety Skills	6
• Investigative skills	2	• File Case management/search warrants	5

The expanded training program will provide approximately 6 days of legal instruction relevant to arrest, detention, interviewing, search and seizure. At the present time, the new 37-day program does not cover issues relating to the expanded authorities.

After completing the in-housing training, new hires are matched with field trainers who are responsible for linking classroom-based education and training to the actual work in the field. As expected, a majority of this training component focuses on environmental and wildlife protection issues. The field training officers describe the process they follow with new hires (recruits) as consistent with accepted standards of other law enforcement agencies. For example, trainers will introduce a new type of 'call' to a new hire by first asking a series of theoretical questions about the law pertaining to the call as well as resource management theory and organizational policies and procedures. The trainer will demonstrate the appropriate response to the call and then discuss the response protocols and any emerging issues with the recruit afterwards. It is expected that the recruit will proficiently handle all subsequent similar calls, with assistance from the field trainer where required.

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Assessment of Conservation Officer Training

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Before Conservation officers assume these expanded powers under Part III of the Criminal Code of Canada, additional training is required. The proposed content is described on pages 10 - 11 of this report.

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The benchmarks in British Columbia for assuring adequate knowledge and skills to conduct *policing* duties are the Municipal Police Officer Training program at the Justice Institute and the RCMP Cadet Training Program in Regina. While BC Conservation officers are not police officers, some of their duties require the same level of knowledge and skills. This review acknowledges the difference in mandate between the two and maintains that those activities involving arrest, detention, use of force, search and seizure, require education and training commensurate with police. The proposed expanded authorities for Conservation officers, even exercised incidental to other duties, requires that they be adequately trained for these new duties.

In May 2006, the COS asked the consultant to review the draft policy entitled, *Duties Conducted Outside the Mandate of the COS*, to determine whether any additional training is required as a result of the policy. This draft policy focuses on defining "exigent circumstances" as well as the following issues:

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- i) Non-law enforcement duties carried out by the COS
- j) Arrest - outstanding warrants
- k) Dissemination of information

There are three issues that arise from the draft policy, most of which have already been dealt with by the COS. The main issue relates to transporting prisoners. In the policy, subsection (J) refers to arresting individuals on outstanding warrants and says, in part,

2. Release of an arrested individual will be dictated by the conditions set out in the warrant, such as:
 - a. endorsed which may include release of the person at the location by way of a Promise to Appear, or
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The intent of the draft policy is to have jurisdictional police attend the scene of the arrest to transport people that Conservation officers have arrested for outstanding warrants. There may be occasions where jurisdictional police are not available and the individual will need to be transported by COS to the jurisdictional police. At issue is whether Conservation officers are adequately trained to transport prisoners. It is recommended that if COS envision officers transporting prisoners under any circumstances that the COS develop policies and procedures that are consistent with those of the jurisdictional police regarding the transporting of prisoners and that COS officers be trained in

transporting prisoners (i.e. using vehicles with cages or other similar type barriers and transporting prisoners using the 2-person method).

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The impact of Bill C-45 is that organizations or individuals associated with organizations such as those named above can be held criminally liable for the actions of others within the organization or body. This requirement is relevant to COS because there will be a need to ensure that its employees are adequately trained in the use of emergency vehicles.

The final issue concerns the release of people arrested on *endorsed warrants* using a Promise to Appear (PTA). Section 499 of the Code empowers the *officer in charge* to release people arrested on warrants using a Promise to Appear. The term *officer in charge* is defined under Section 493 to mean:

*“Officer in charge” means the officer for the time being in command of the police force responsible for the lock-up or other place to which an accused is taken after arrest or a peace officer designated by him for the purposes of this Part who is in charge of that place at the time an accused is taken to that place to be detained in custody;*⁴

This means that the officer in charge is a member of a police force who is responsible for a lock-up or other place to which a person who has been arrested on a warrant has been transported. The officer in charge may designate a peace officer with authority to release a person arrested on a warrant on a PTA, presumably, the officer in charge can only designate a peace officer of the same police force.

A reasonable interpretation of the above definition is that Conservation officers may not be in a position to release individuals on a PTA because the COS is not a police force and officers in charge in police forces (presumably) could not designate peace officers in the COS with the authority to release on a PTA.⁵ As a result, the policy entitled *Duties Conducted Outside the Mandate of the COS* should clarify its intent concerning the release of individuals arrested on warrants.

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⁵ Another argument could be made that in some parts of the Province, the COS operate as the *de facto* police force because jurisdictional police services may be too thinly resourced.

Proposed Additions to Current Training

To prepare new hires for the expanded duties, a new unit needs to be developed and offered that specifically addresses the Part III sections and s.129 of the Criminal Code of Canada. This unit should include relevant case law and be delivered in a method that encourages case study analyses, discussion and practical applications. The most appropriate place for this component to be taught would be during the 37-day in-house training program. A reasonable time allocation for discussion of this material might be 0.5 to 1.0 day. The proposed content for this unit would include Part III of the Criminal Code of Canada, transporting prisoners and resisting or obstructing a peace officer (Section 129 of the Criminal Code of Canada). Suggested learning outcomes for Part III of the Criminal Code:

By the end of this unit learners will be able to:

1. *Identify and define the following:*
 - *weapon*
 - *firearm*
 - *antique firearm*
 - *prohibited firearm*
 - *restricted firearm*
 - *prohibited device*
 - *prohibited weapon*
2. *Compare and discuss the offences relating to:*
 - *prohibited firearms*
 - *prohibited weapons*
 - *prohibited devices*
 - *restricted firearms*
 - *firearms*
 - *weapons*
3. *Explain the requirements for obtaining:*
 - a. *firearms' licenses*
 - b. *restricted/prohibited firearm registration certificates*
4. *Describe the process to follow when applying for an order of prohibition under section 111 of the Criminal Code*

Suggested learning outcomes for the safe transportation of prisoners:

By the end of this unit, learners will be able to:

- *Explain who is responsible for searching prisoners and who is responsible for searching prisoners who are about to be transported.*
- *State the 3 steps of the prisoner handling sequence.*
- *Describe the 3 types of items a peace officer may search a lawfully arrested person for.*

- *State the 3 common law considerations that make a search reasonable and justified.*
- *State the 3 types of prisoner searches.*
- *State the 3 occasions when a peace officer should search his/her patrol vehicle.*
- *Describe the 5 informational items needed prior to a prisoner transport.*
- *State the additional dispatcher information for transporting prisoners of the opposite gender (to the officer).*
- *Demonstrate the procedures for transporting prisoners in patrol vehicles.*
- *State the 4 considerations for officers during the transportation of prisoners.*
- *Describe the steps typically involved in the police detention facility when receiving a recently transported prisoner.*

Suggested learning objectives for Section 129 of the Criminal Code:

By the end of this unit, learners will be able to:

- *Define who might be obstructed under section 129 of the Criminal Code*
- *Describe the essential elements required to prove a charge under section 129.*

The existing field training components would also need to be revised and updated so that the field training officers can adequately review and test new hires on their ability to carry out these expanded authorities. Existing staff would also need to be trained in the content proposed in the new unit. It is recommended that this content be delivered in a face-to-face learning environment (rather than through distance learning or written policies) since face-to-face learning promotes a deeper understanding of the issues and broader discussion of extraordinary circumstances that may arise in the field. The unit for existing staff should include relevant case law and be delivered using a more applied method of learning to facilitate analysis, discussion and practical applications. A reasonable time frame for this legal update might be 0.5 days.

Conclusion

This review was undertaken for the COS to answer the question of whether Conservation officers have sufficient training to carry out expanded duties under Part III of the Criminal Code and obstruct peace officer offences.

Conservation officers have a difficult job. Their primary focus is the stewardship of British Columbia's environment and to accomplish this they seek voluntary compliance from users. Unfortunately, their duties occasionally see them relying on their *special provincial constable* powers to enforce

compliance. It is in this latter area where their duties are most under public review. As a result, it is imperative that Conservation officers are well prepared to deal with the myriad of legal exigencies that arise when conducting law enforcement duties. To accomplish this, Conservation officers need to ensure that they continue to access or develop legal training and education that meets the highest standards.

The recommendations which follow will address the gaps between the knowledge and skills provided by the existing pre-and post-hire training and the necessary training required to conduct the expanded duties as requested by the Conservation Officer Service.

Recommendations

It is recommended that the COS strengthen and standardize the educational and training requirements for Conservation officers relating to the expanded authorities by:

- i. Developing and delivering a .5 to one day unit for *new hires* that provides them with the relevant knowledge and skills related to Part III of the Criminal Code of Canada, Section 129 of the Criminal Code of Canada and transporting prisoners as described in the proposed learning outcomes.
- ii. Supplementing the existing recruit field-training components so field trainers adequately review and test new hires on the content described above.
- iii. Developing and delivering standardized legal updates for *existing staff* related to Part III and s. 129 of the Criminal Code on an as needed basis. A reasonable time frame for these legal updates might be 0.5 days.
- iv. Developing policies to enhance compliance within the COS on when and how these expanded authorities are to be exercised and ensure that all Conservation officers, supervisors and managers understand these policies.
- v. Developing more comprehensive policies and procedures for Conservation officers to follow should an individual be arrested.
- vi. Developing and delivering training modules for all COS officers related to prisoner detention.
- vii. Ensuring that Conservation officers are compliant with all requirements for the safe operation of emergency vehicles.

- viii. Ensuring that the draft policy entitled *Duties Conducted Outside the Mandate of the COS*, and the terms used within, are legally interpreted.

**A Review of Legal Education and Training for
Conservation Officers in British Columbia
Pertaining to Expanded Authorities under Part
III of the Criminal Code of Canada**

**Prepared by the Justice Institute of BC for the
Conservation Officer Service**

September 2006



**JUSTICE INSTITUTE
of BRITISH COLUMBIA**

**CLCL | CENTRE FOR LEADERSHIP
& COMMUNITY LEARNING**

Introduction

This review was requested by the Conservation Officer Service (COS) to determine what additional knowledge, skills and training BC's Conservation Officers require in order to carry out the expanded authority under Part III of the Criminal Code of Canada and s. 129 of the Code pertaining to the obstruction of peace officers.

Scope of the Review

The scope of this review was limited to an examination of the legal education and training conservation officers receive in the areas of detention, arrest, interviewing, Charter of Rights and Freedoms and search and seizure, as these directly pertain to the expanded responsibilities that are being sought.

To conduct this review, the following sources of information were examined:

- Course descriptions from Malaspina University College (MUC) and Lethbridge University College (LUC)
- Course outlines and training materials from the in-house training offered by the Conservation Officer Service (COS)
- COS policies and procedures relevant to these duties
- Legislation relevant to these duties
- Report on the "Use of Force by BC Conservation Officers"
- Interviews with the Chief Conservation Officer, the chief training officer and field training officers.

An analysis was done of the required knowledge and skills to carry out these expanded duties and compared with both the pre-employment training conservation officers complete and the in house training they receive. The recommendations contained in this report focus specifically on what training needs to be provided to prepare Conservation officers for this expanded authority.

The review also looked at a draft policy prepared by COS entitled *Duties Conducted Outside the Mandate of the COS*, to determine whether officers were sufficiently trained to undertake the actions described in the draft policy.

Background

British Columbia's Conservation Officer Service is one of the oldest and largest law enforcement programs in the Province. Conservation officers (CO's) are, in essence, stewards of British Columbia's wildlife, natural resources and environment. The COS wishes to expand its law enforcement role to include violations under Part III of the Criminal Code of Canada and "obstruct peace officer" (s. 129), *only when violations are encountered incidental to their mandated law enforcement role*. Part III offences considered in this review include:

- Pointing a firearm
- Possession of weapon for dangerous purpose
- Carrying a concealed weapon
- Unauthorized possession of firearm
- Possession of firearm knowing its possession is unauthorized
- Possession at unauthorized place
- Unauthorized possession in motor vehicle
- Possession of prohibited or restricted firearm with ammunition
- Possession of weapon obtained by commission of offence
- Weapons trafficking
- Possession for purposes of weapons trafficking

The Criminal Code section that deals with obstruction (s. 129) states:

s. 129 Everyone who

- a. Resists or willfully obstructs a public officer or peace officer in the execution of his duty or any person lawfully acting in aid of such an officer,*
- b. Omits, without reasonable excuse, to assist a public officer or peace officer in the execution of his duty in arresting a person or in preserving the peace, after having reasonable notice that he is required to do so, or*
- c. Resists or willfully obstructs any person in the lawful execution of a process against lands or goods or in making a lawful distress or seizure*

Legal Authorities

Conservation officers receive their legal authorities from three sources:

- i. Section 9 of the *Police Act*
- ii. Specific Letters of Appointment
- iii. Sections 106 and 107 of the *Environmental Management Act*

Conservation officers are appointed *Special Provincial Constables* under section 9 the *Police Act*. Each officer has a Letter of Appointment from the Minister of Public Safety and Solicitor General (Police Services Division) approximating the following:

" ... [T] he powers and duties conferred are restricted to the performance of duties in respect to the law and enforcement mandate of the Ministry of Water, Land and Air Protection. For this purpose only the appointee is empowered to enforce the following enactments to the extent necessary:

- a. Criminal Code of Canada*
- b. Provincial Statutes"*

The *Environment Management Act* (EMA), Sections 106 and 107 sets out their powers and duties as follows:

(5) Members of the Conservation Officer Service (a) may exercise the powers and perform the duties of a conservation officer under this Act or any other enactment,

(b) Are peace officers for the purposes of?

(i) exercising the powers and performing the duties of a conservation officer under this Act or another enactment,

(ii) exercising the powers and performing the duties of a prescribed official under an enactment prescribed for the purposes of section 107 (1) (a), and

(iii) enforcing an enactment prescribed for the purposes of section 107 (1) (b), and

(c) have the immunities, and are authorized to exercise the powers and perform the duties, of a peace officer exclusively for the purpose of

(i) exercising the powers and performing the duties of a conservation officer under this Act or another enactment,

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(iii) enforcing an enactment prescribed for the purposes of section 107 (1) (b).

Enforcement powers of the Conservation Officer Service

107 (1) A member of the Conservation Officer Service may

(a) exercise the powers and perform the duties of

(i) an officer under this Act, and

(ii) a prescribed official under a prescribed enactment, and

(b) enforce the prohibitions or requirements of prescribed enactments.

(2) On information on oath that there are reasonable grounds to believe that an offence under an enactment referred to in section 106 (5) (b) has occurred or is occurring, a justice, on being satisfied that an entry and a search are likely to provide evidence of such an offence, may issue a warrant authorizing a conservation officer

(a) to enter and search the real or personal property specified in the warrant,

(b) to seize and remove anything that the conservation officer has reasonable grounds for believing is evidence of an offence, and

(c) to take other actions as the justice considers appropriate in the circumstances and authorizes

(3) A person required by an enactment in respect of which a conservation officer has enforcement authority to keep records must submit the records to a conservation officer for inspection on request.

(4) If a person refuses to submit records for inspection as required under this section, a justice, on being satisfied that an inspection of the records is necessary for the administration of the enactment that requires them to be kept, may issue a warrant authorizing a conservation officer to enter property specified in the warrant and to seize the records.

(5) A conservation officer who enters on property in accordance with a warrant issued under subsection (2) or (4) may take with him or her persons and equipment that may be necessary for the purpose of the entry.

Conservation officers are responsible for enforcing approximately 23 statutes. They can enter private land, make arrests, search people, premises and vehicles, seize property, conduct inspections, levy fines and begin legal processes, which can result in incarceration and/or fines of \$3,000,000.

Education and Training

At the present time, applicants wishing to become Conservation officers in British Columbia require the following academic qualifications:

- Grade 12 plus post-secondary courses in natural resources law enforcement plus a
- Technical diploma in natural resource law enforcement or related discipline and 3 years related experience

Conservation officers receive their post-secondary education at either Malaspina University College in BC or Lethbridge University College in Alberta. Both of these institutions have advisory boards comprised of potential employers in Western Canada (including BC's COS) who provide guidance as to what they are looking for in graduates.

The programs offered at Malaspina and Lethbridge are resource management disciplines designed to provide students with knowledge, skills and abilities to seek employment in a variety of resource management fields including the COS.

MUC and LUC provide similar but not identical fields of study. For example, the Bachelor of Applied Science --- Conservation Enforcement at Lethbridge University College states:

"Graduates of the Bachelor of Applied Science in Conservation Enforcement program have the necessary academic knowledge and applied skills in natural resource law enforcement for successful careers in federal, provincial or municipal agencies, as well as the private sector".¹

It should be noted that while LUC indicates that some of their graduates have found employment in police agencies like the RCMP, it does not claim that the education and training received through the program is identical or equivalent to standard police training programs such as the one offered by the RCMP.

Malaspina University College states its Resource Management Officer Technology Program is designed to:

"Prepare students for careers related to the protection and management of Canada's fisheries, wildlife, and parks resources".²

Attempts were made early in the review to assess how similar these programs were to each other and how closely they resembled standard police training. Unfortunately, this assessment was difficult to undertake because both

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⁵ Another argument could be made that in some parts of the Province, the COS operate as the *de facto* police force because jurisdictional police services may be too thinly resourced.

Proposed Additions to Current Training

To prepare new hires for the expanded duties, a new unit needs to be developed and offered that specifically addresses the Part III sections and s.129 of the Criminal Code of Canada. This unit should include relevant case law and be delivered in a method that encourages case study analyses, discussion and practical applications. The most appropriate place for this component to be taught would be during the 37-day in-house training program. A reasonable time allocation for discussion of this material might be 0.5 to 1.0 day. The proposed content for this unit would include Part III of the Criminal Code of Canada, transporting prisoners and resisting or obstructing a peace officer (Section 129 of the Criminal Code of Canada). Suggested learning outcomes for Part III of the Criminal Code:

By the end of this unit learners will be able to:

1. *Identify and define the following:*
 - *weapon*
 - *firearm*
 - *antique firearm*
 - *prohibited firearm*
 - *restricted firearm*
 - *prohibited device*
 - *prohibited weapon*
2. *Compare and discuss the offences relating to:*
 - *prohibited firearms*
 - *prohibited weapons*
 - *prohibited devices*
 - *restricted firearms*
 - *firearms*
 - *weapons*
3. *Explain the requirements for obtaining:*
 - a. *firearms' licenses*
 - b. *restricted/prohibited firearm registration certificates*
4. *Describe the process to follow when applying for an order of prohibition under section 111 of the Criminal Code*

Suggested learning outcomes for the safe transportation of prisoners:

By the end of this unit, learners will be able to:

- *Explain who is responsible for searching prisoners and who is responsible for searching prisoners who are about to be transported.*
- *State the 3 steps of the prisoner handling sequence.*
- *Describe the 3 types of items a peace officer may search a lawfully arrested person for.*

- *State the 3 common law considerations that make a search reasonable and justified.*
- *State the 3 types of prisoner searches.*
- *State the 3 occasions when a peace officer should search his/her patrol vehicle.*
- *Describe the 5 informational items needed prior to a prisoner transport.*
- *State the additional dispatcher information for transporting prisoners of the opposite gender (to the officer).*
- *Demonstrate the procedures for transporting prisoners in patrol vehicles.*
- *State the 4 considerations for officers during the transportation of prisoners.*
- *Describe the steps typically involved in the police detention facility when receiving a recently transported prisoner.*

Suggested learning objectives for Section 129 of the Criminal Code:

By the end of this unit, learners will be able to:

- *Define who might be obstructed under section 129 of the Criminal Code*
- *Describe the essential elements required to prove a charge under section 129.*

The existing field training components would also need to be revised and updated so that the field training officers can adequately review and test new hires on their ability to carry out these expanded authorities. Existing staff would also need to be trained in the content proposed in the new unit. It is recommended that this content be delivered in a face-to-face learning environment (rather than through distance learning or written policies) since face-to-face learning promotes a deeper understanding of the issues and broader discussion of extraordinary circumstances that may arise in the field. The unit for existing staff should include relevant case law and be delivered using a more applied method of learning to facilitate analysis, discussion and practical applications. A reasonable time frame for this legal update might be 0.5 days.

Conclusion

This review was undertaken for the COS to answer the question of whether Conservation officers have sufficient training to carry out expanded duties under Part III of the Criminal Code and obstruct peace officer offences.

Conservation officers have a difficult job. Their primary focus is the stewardship of British Columbia's environment and to accomplish this they seek voluntary compliance from users. Unfortunately, their duties occasionally see them relying on their *special provincial constable* powers to enforce

compliance. It is in this latter area where their duties are most under public review. As a result, it is imperative that Conservation officers are well prepared to deal with the myriad of legal exigencies that arise when conducting law enforcement duties. To accomplish this, Conservation officers need to ensure that they continue to access or develop legal training and education that meets the highest standards.

The recommendations which follow will address the gaps between the knowledge and skills provided by the existing pre-and post-hire training and the necessary training required to conduct the expanded duties as requested by the Conservation Officer Service.

Recommendations

It is recommended that the COS strengthen and standardize the educational and training requirements for Conservation officers relating to the expanded authorities by:

- i. Developing and delivering a .5 to one day unit for *new hires* that provides them with the relevant knowledge and skills related to Part III of the Criminal Code of Canada, Section 129 of the Criminal Code of Canada and transporting prisoners as described in the proposed learning outcomes.
- ii. Supplementing the existing recruit field-training components so field trainers adequately review and test new hires on the content described above.
- iii. Developing and delivering standardized legal updates for *existing staff* related to Part III and s. 129 of the Criminal Code on an as needed basis. A reasonable time frame for these legal updates might be 0.5 days.
- iv. Developing policies to enhance compliance within the COS on when and how these expanded authorities are to be exercised and ensure that all Conservation officers, supervisors and managers understand these policies.
- v. Developing more comprehensive policies and procedures for Conservation officers to follow should an individual be arrested.
- vi. Developing and delivering training modules for all COS officers related to prisoner detention.
- vii. Ensuring that Conservation officers are compliant with all requirements for the safe operation of emergency vehicles.

- viii. Ensuring that the draft policy entitled *Duties Conducted Outside the Mandate of the COS*, and the terms used within, are legally interpreted.